MADISON

Friday Sepr. 14th. 1787 In Convention

The Report of the Committee of stile & arrangement being resumed,

Mr. Williamson moved to reconsider in order to increase the number of Representatives fixed for the first Legislature. His purpose was to make an addition of one half generally to the number allotted to the respective States; and to allow two to the smallest States.

On this motion

N. H. no— Mas. no. Ct no. N. J— no. Pa ay— Del. ay. Md ay. Va. ay. N C. ay. S— C. no. Geo. no [Ayes — 5; noes — 6.]

Art. 1. sect. 3.—the words *"by lot" were struck out nem: con: on motion of Mr. Madison, that some rule might prevail in the rotation that would prevent both the members from the same State from going out at the same time —

"Ex officio" struck out of the same section as superfluous; nem: con: ⟨and "or affirmation" after "oath" inserted also unanimously —⟩

Mr Rutlidge and Mr. Govr. Morris moved "that persons impeached be suspended from their office until they be tried and acquitted"

Mr. Madison — The President is made too dependent already on the Legislature, by the power of one branch to try him in consequence of an impeachment by the other. This intermediate suspension, will put him in the power of one branch only — They can at any moment, in order to make way for the functions of another who will be more favorable to their views, vote a temporary removal of the existing magistrate —

Mr. King ⟨concurred⟩ in the opposition to the amendment

On the question to agree to it

N— H. no. Mas. no— Ct. ay— N— J. no. Pa. no. Del—

*⟨"By lot" had been reinstated from the Report of five made Aug. 6. as a correction of the printed report by the Come of stile & arrangement.⟩

no. Md no. Va. no. N— C. no. S. C. ay, Geo. ay, [Ayes — 3; noes — 8.]

Art. 1. sect. 4. "except as to the places of choosing Senators" added nem: con: to the end of the first clause, in order to exempt the seats of Govt in the States from the power of Congress —[4]

Art. 1. Sect. 5.[5] "Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy."

Col: Mason & Mr. Gerry moved to insert after the word "parts" the words "of the proceedings of the Senate"[6] so as to require publication of all the proceedings of the House of Representatives.

It was intimated on the other side that cases might arise where secrecy might be necessary in both Houses — Measures preparatory to a declaration of war in which the House of Reps. was to concur, were instanced.

On the question, ⟨it passed in the negative⟩

⟨N. H. no. (Rh. Isd:) Mas. no. Con: no. (N. Y. abs) N. J. no. Pen. ay. Del— no. Mary. ay. Virg. no. N. C. ay. S. C. divd. Geor. no⟩ [Ayes — 3; noes — 7; divided — 1.][7]

Mr Baldwin observed that the clause. art. 1. sect 6. declaring that no member of Congs, "during the time for which he was elected; shall be appointed to any Civil office under the authority of the U. S. which shall have been created, or the emoluments whereof shall have been increased during such time", would not extend to offices *created by the Constitution ;* and the salaries of which would be created, *not increased* by Congs. at their first session — The members of the first

[4] See Appendix A, CCX.

[5] Detail of Ayes and Noes, Vote 526, records a question to reconsider the 1st clause of this section, which was defeated.

[6] In the margin of his copy of the draft of September 12, Mason has worded this proposed change: "of the journals of the senate," and has written opposite it — "refused".

[7] Crossed out: "Seven States were in the Negative: three in the affirmative: one divided." Madison evidently inserted the vote in the text from the list sent to him by John Quincy Adams (see above September 12, note 2). This is Vote 521, Detail of Ayes and Noes.