be made witht previous notice to the members, & a reasonable time for their attending."

On the Question

All the States no, except N— C— S. C. & Geo. ay.

On a question on clause of the Report of the Come. of Eleven relating to Treaties by ⅔ of the Senate. All the States ⟨were⟩ ay — except Pa N. J. & Geo. no.

Mr. Gerry movd. that no officer shall be appd but to offices created by the Constitution or by law." — This was rejected as unnecessary by six no's and five ays;

⟨The Ayes. Mas. Ct. N. J. N. C. Geo. — Noes— N. H. Pa.: Del. Md Va. S. C.⟩[5] [Ayes — 5; noes — 6.]

The clause referring to the Senate, the trial of impeachments agst. the President, for Treason & bribery, was taken up.[6]

Col. Mason. Why is the provision restrained to Treason & bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences. Hastings is not guilty of Treason. Attempts to subvert the Constitution may not be Treason as above defined— As bills of attainder which have saved the British Constitution are forbidden, it is the more necessary to extend: the power of impeachments. He movd. to add after "bribery" "or maladministration". Mr. Gerry seconded him—

Mr Madison So vague a term will be equivalent to a tenure during pleasure of the Senate.

Mr Govr Morris, it will not be put in force & can do no harm— An election of every four years will prevent maladministration.

Col. Mason withdrew "maladministration" & substitutes "other high crimes & misdemeanors" ⟨agst. the State"⟩[7]

On the question thus altered

N. H— ay. Mas. ay— Ct. ay. ⟨N. J. no⟩ Pa no. Del. no. Md ay. Va. ay. N. C. ay. S. C. ay.* Geo. ay. [Ayes — 8; noes — 3.]

* ⟨In the printed Journal. S. Carolina — no.⟩

[5] Taken from *Journal.*

[6] See Appendix A, CXLIX, CLVIII (81–82), CLXX, CCCVI, CCCXCII.

[7] Revised from *Journal.*

Mr. Madison, objected to a trial of the President by the Senate, especially as he was to be impeached by the other branch of the Legislature, and for any act which might be called a misdemesnor. The President under these circumstances was made improperly dependent. He would prefer the supreme Court for the trial of impeachments, or rather a tribunal of which that should form a part.

Mr Govr Morris thought no other tribunal than the Senate could be trusted. The Supreme Court were too few in number and might be warped or corrupted. He was agst. a dependence of the Executive on the Legislature, considering the Legislative tyranny the great danger to be apprehended; but there could be no danger that the Senate would say untruly on their oaths that the President was guilty of crimes or facts, especially as in four years he can be turned out. —

Mr Pinkney disapproved of making the Senate the Court of Impeachments, as rendering the President too dependent on the Legislature. If he opposes a favorite law, the two Houses will combine agst him, and under the influence of heat and faction throw him out of office.

Mr. Williamson thought there was more danger of too much lenity than of too much rigour towards the President, considering the number of cases in which the Senate was associated with the President —

Mr Sherman regarded the Supreme Court as improper to try the President, because the Judges would be appointed by him.

On motion by Mr. Madison to strike out the words — "by the Senate" after the word "Conviction"

N— H. no. Mas— no. Ct. no. N. J. no— Pa. ay— Del— no. Md. no. Va. ay— N. C. no. S— C— no. Geo. no. [Ayes — 2; noes — 9.]

In the amendment of Col: Mason just agreed to, the word "State" after the words misdemeanors against" was struck out, and the words "United States" inserted, ⟨unanimously⟩[8] in order to remove ambiguity—

On the question to agree to clause as amended,

[8] Taken from *Journal*.

N. H. ay. Mas. ay. ⟨Cont ay⟩[8a] N. J. ay. Pa. no. ⟨Del. ay⟩[8a] Md. ay— Va. ay. N— C. ay. S. C. ay. Geo. ay [Ayes — 10; noes — 1.]

On motion "The vice-President and other Civil officers of the U. S. shall be removed from office on impeachment and conviction as aforesaid" was added to the clause on the subject of impeachments.

The clause of the report made on the 5th. Sepr. & postponed was taken up, to wit — "All bills for raising revenue shall originate in the House of Representatives; and shall be subject to alterations and amendments by the Senate. No money shall be drawn from the Treasury but in consequence of appropriations made by law."

It was moved to strike out the words "and shall be subject to alterations and amendments by the Senate" and insert the words used in the Constitution of Massachusetts on the same subject — "but the Senate may propose or concur with amendments as in other bills" — which was agreed too nem: con:[9]

On the question On the first part of the clause — "All bills for raising revenue shall originate in the house of Representatives" *

N. H. ay. Mas. ay. Ct. ay. N. J. ay Pa. ay. Del. no. Md. no. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 9; noes — 2.]

Mr. Govr Morris moved to add to clause (3) of the report made on Sept. 4. the words "and every member shall be on oath" which being agreed to, and a question taken on the clause ⟨so amended⟩ viz — "The Senate of the U. S. shall have power to try all impeachments: but no person shall be convicted without the concurrence of two thirds of the members present: and every member shall be on oath"

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

* This was a conciliatory vote, the effect of the compromise formerly alluded to. See Note Wednesday Sepr. 5.

[8a] Taken from *Journal*.

[9] Upon this subject, see June 13 (references under note 13), and Appendix A, CXLVI*a*, CLXXXI, CCX.