

MdHR P 1592-2 "Notes of Arguments in Convention" 26 April, [1788] (2 sheets).

The following notes refer to page 1 of the original manuscript.

Saturday - 26 April

Mr. Paca - begs leave to correct mistake yesterday in saying that Ambassadors in England are subject to trial by Jury-

/ Col. Mercer - Society ought not to be relinquishment of any natural rights - where Government preserves equal rights, men will dye for their country-

/ Swiss - State legislatures should be curbed in their oppressions, by a National Government-

/ has been accused of inflammatory publications-

/ Form of Governmt not the result of Mature deliberation in the Convention - positive intention to destroy State Governmt. Capital alterations made in a short time towards the close - this accounts for my letters approving it before I knew the change-

But 2 kinds of Governmt - one federal, operating on States, the other national operating on persons-

1. Alterations - the first plan named the particular states instead of We the people-
2. Power only to lay taxes, duties, imports, & Excises-
3. Power of making treaties supreme law of land-
4. Judicial Powers - inferior federal courts erected to protect revenue officers from trial by Jury at first, they were only to be erected when necessary - The appeal was to have lain from the State Courts-
5. The Militia were only to be called forth, which amounted to a

requisition - the Congress have now power, to provide for calling them forth etc.

The following notes refer to page 2 of the original manuscript.

/ Many other alterations to which I had consented-

/ Convention not orderly when I was there-

At first, Congress had power to alter the mode of Election of representatives etc.- they have now power to make & alter-

/ Impeachmt before senate, another alteration-

Letters of Federalist - national Government-

/ No Governmt now in Europe, which is not the best its circumstances admit of -- America the most ignorant country in the world in Politics-

/ What check is over the representatives in this Governmt? - frequency of Elections, cannot be exercised-

/ Difficulty of proving representes acted wrong - he may say he was obliged to submit to other States-

/ Legislative power in large countries must be in one man (Montesquieu).

/ representative Governmt will not last long here-

/ Holland, Sweden, Denmark, lost their liberty in little more than 20 years, by corruption of represente-

-Various interests of different States - The Eastern threaten the southern States, about their negroes, - & will always hold up that article to carry other points-

/ Eastern States will sacrifice southern in Commercial Treaties-

/ Small states ought not to have any share in the produce of the commercial revenues of large

The following notes refer to page 3 of the original manuscript.

ones - everyone for himself - there should be a restriction to 5%-

/ A Friend of an established religion supported by a general assessment -  
a friend to rights of conscience-

/ Fed'l Gov't not explicit enough with respect to rights of conscience-

/ Trial by Jury-

Congress have power to make laws regulating real & personal property-  
Courts can't proceed without Laws - The laws of the United States, cannot  
be the same as the laws of an individual State-

/ No provision for inferior federal courts in every state -- impossible  
to appeal from 13 different codes of laws-

/ The Common law of England cannot be grafted on this constitution -  
because no trial by Jury - Civil law will be introduced-

/ Excise law - entry of houses without oath or warrant-

/ Poll tax - Congress must have recourse to it - impossible to raise a  
tax on general estimate of the value of lands of different States.

/ Poll tax will affect southern States, because their lands are worked by  
their negroes - to the northward they are rented to whites who pay the  
tax-

/ Standing Army unlimited in time of Peace.

/ Laws of England averse to Martial law (Black. Com.)

[Sir William Blackstone (1723-1780) Commentaries]

The following notes refer to page 4 of the original manuscript.

Army disbanded in England at the end of every year, unless kept up by  
Parliament-

/ Easy for president to keep up the Army, by influencing the legislature.

-whipping Militia - Congress proposed a Prussian Discipline in the year 1781-

/ Black: Comm: on military & maritime state-

/ Even in France the Militia are on a freer footing than here - after 6 yrs service they are discharged for life - in England after 3 yrs service, & there too, they may find substitutes-

/ Convention made improper alterations, because too much fatigued to consider the matter.

-Objects to direct taxation without previous requisition, but would give that up if judged necessary-

/ Jer. Chase -

/ 1. General power of taxation -

/ no mode can be devised to make election so as to represent the whole people - the rich & powerful will prevail-

/ what injury could arise from a previous requisition from State Legislature-

2. Trial by Jury -

The trial by Jury is expressly saved in criminal cases-

**The following notes refer to page 5 of the original manuscript.**

if meant so in Civil, why not say so?

/ the appeal given on points of fact, shews that it was meant to take away trial by Jury-

/ rule of construction - "if Jurisdiction is given to a new Court, all other Jurisdictions are excluded"-

- / If the State courts have concurrent jurisdiction - even then their trial by Jury is destroyed, because of the appeal on fact-
- / Power to provide for General defence & welfare includes all powers of Legislation. Congress will avail themselves of these General expressions- Assembly of Maryland took advantage of words less proper, to lay a partial poll tax.
- / 3: Rights of Conscience not Secured--
- / 4: Power of taxing by Excise - (Proceedings of 1. congress 1774 - address to inhabitants of Britain - "Excise, the honor of a free Governments.")
- / 5-- Poll Tax--
- / 6. Standing Army - power should be circumscribed by limiting number of men, requiring assent of more than a majority of States--
- / 7-- Power over Militia - felt for people who might suffer by this, tho I did not apprehend any thing for myself. The rich will get a substitute - but the poor must turn out-- Will a freeman consent to be whipped?

The following notes refer to page 6 of the original manuscript.

The consent of Assembly should be had for Militia Laws - because they would be afraid to oppress the people--

If Government established, I shall acquiesce but cannot give it an active support--

/ Mr. S. Chase - no other Gentleman in opposition to Speak--

The president will not be chosen by Electors chosen by the people--91. Electors in 13. States are to make the Election - after the 1. Election (Genl W.) no one man

will have the votes of a Majority of the Electors - in that case the house of represente are to elect (by States) one of the 5 highest--

- / The Judges must determine according to the national laws--
- / Convention have established a partial bill of rights-- The liberty of America has been traded away for the liberty of importing Slaves
- / Congress had an appeal in Admiralty cases, & under that power they heard facts, admitted new Evidence, & reversed verdicts of Juries--
- / Government once established cannot be changed but by the Affirmative voice of a Majority of the people--

The following notes refer to page 7 of the original manuscript.

Mercer -

our treaties are such that we are under more advantages with nations with whom we have no treaty, than those with whom we have--

- / The States in arrears can't pay up, if there was power to call on them - because their revenues are taken away--
- / Senate, have too much of the Executive power--
- / No responsibility in represente.
- / President should have a Council--
- / President & Senate have power to make treaties, to bind the Legislatures of the several States-- Poland destroyed by a power like this--

/ Affirm-- 63--

Neg-- 11--

The following notes refer to page 1 of the original manuscript.

MdHR P 1592-3 "Committee of whole" no date (2 sheets)

Committee of whole

Pinkney

2 propositions in committee of 20

6. Districts &--2. Shores

// representation shd be as diffused as possible

// people will always elect those of their own county - whom they know

// people influenced by little habits & tricks of electioneering

// Baltimore has influence in every county of Maryland

// Influence of Baltimore cannot operate in districts

// No combination can be made so as to prevent influence of  
Baltimore. . .

// Bad System which forces people into intrigues--

// whispered that Senate will reject Districts.

// Secret arguments, that anti-federal members will get in

// Wrong to adopt system which will disfranchise part of community

//

Mercer--

Too narrow representation, great fault of Constitution--

// People in counties will have no opportunity of getting rid of local  
prejudices--

// No representation, unless the minority have a representation--

// Suppose majority should wish to make laws, which might ruin minority.

// They will vote for persons they know, or they will not - if they vote

for those they know, the largest county gives the whole represent<sup>n</sup> -  
suppose they take their knowledge from report, or the information of  
others they must be in the dark--

// How shall people have recourse to rep.<sup>e</sup> whom they may not know by  
sight

// People will not take trouble to vote for one they don't know, unless  
they are bribed--

// None but men of wealth will be elected --dissipated, corrupted, &  
forgetful of the Interests of the people.

The following notes refer to page 2 of the original manuscript.

// Hasty propositions by member of Queen Ann's

/ Federal Government to be carryed into Execution according to its just  
meanings

/ History of proceedings of general Convention

/ Senate were to vote by States, house of rep.<sup>e</sup> on different  
principles.

/ Why more than one represent.<sup>e</sup>, if only the voice of State to be  
given--

/// Arg<sup>t</sup>. that part of people are disfranchised by Districts ---Ans. the  
people have their rights but divided & ascertained

/// Minds of the people of each district not represented by Seney's  
plan-- Baltimore may control (?) Worcester--

/// Will a district be content, if a disagreeable man is imposed on  
them--

/// Why does not every man in Maryland vote for 76 rep<sup>s</sup>.



// Should prefer voting by counties  
// Too great restriction in confining men to districts--  
// Conduct of other States -  
    Virginia-- Maryland-- Penns<sup>a</sup>-- Massachu<sup>s</sup>  
// Care sh<sup>d</sup> be taken not to disfranchise Part of Community--

Pinkney

Ground of diffusive representation, that the wishes of each part of the State sh<sup>d</sup> be consulted

// people in Frederick & Washington can't know any thing of persons on Western Shore

// All responsibility destroyed - (to the people of Maryland)

// Objection, that the mercantile Interest will govern the State - they will send agents thro' the State, to intrigue

// A smaller number secured in each District will govern the Elections of the whole

//// J: Chase--

Mode contrary to constitution & therefore not admissible  
// People ought not to be confined but search rep<sup>s</sup> thro' the State  
// Committee have determined 6 Districts but these districts ought not be restrained

The following notes refer to page 3 of the original manuscript.

Potts

Seney's mode not the best possible but the best which the house will adopt

// Rep<sup>s</sup> sh.<sup>d</sup> be responsible to State

// Diffusive rep<sup>n</sup> gives knowledge of all parts of State, without making rep<sup>s</sup> accountable to any but State

// Wrong to guard agt chance to having a disagreeable person impos'd on a District by opening Door for imposing disagreeable person on State--

// Election of Senators in Maryland liable to same inconvenience

// Nothing to do with views of Convention who framed the Government

// Better to follow Example of federal States than those who are not federal

// Has Maryland declared in favor of Amendments?

// If Maryland agt amendm.<sup>ts</sup>, so shd be her represent<sup>s</sup>

// Would as soon vote to annihilate constitution, as to send men who advocated some of amendm<sup>ts</sup> proposed in Convention==

// Mercer

Urged in committee, that people of Western shore shd choose 4, & Eastern Shore 2--

// Minority shd have opportunity of bringing forward their wants & wishes--

// 19/20% Maryland never stir from home & can't judge of conduct of their rep<sup>s</sup>

// Pennsylv<sup>a</sup> sent 6 men of mercantile Interest into Convention--

// Every manufacture takes so much from Merchants pocket--

// Mercantile different from landed interest--

// Are Virginia & Massachusetts, to be called Enemies to America?

// People have given no opinion as to amendm<sup>ts</sup> - 60 & upwards voted for committee of amendm<sup>ts</sup>. 25 to 45 = voted to stay & consider them

// Gentleman from Kent said that Minority shd have no voice--

// was Content with the 13 Amendm<sup>ts</sup> agreed to in committee of convention

// Intention of Constitution that every 30,000 inhab<sup>ts</sup> shd have a representat<sup>e</sup> & so make a national Government--

The following notes refer to page 1 of the original manuscript.

MdHR P 1592-4 "Mr. Chase" no date (1 sheet)

Front of paper - Nicholas Hammond Esq

Cambridge

Dorchester County

Maryland

(East: Sho: POST:)

free

D (?) Kearny

Dype Dejpe?

Inside

Mr. Chase-

Convention exceeded their powers-- State Governmt annihilated - power of taxing unlimited-- States prohibited from laying duties or imposts, & consequently will be unable to lay any but direct taxes - impossible to discharge their debts-- Hales opinion on change of laws, his cautions & remarks on the various passions producing them-- Judicial power of states destroyed-- Confessed by Maddison, Jay, & Hamilton that they meant to abolish States--

Fi. Fa [fieri facias] law - Farmers letters proving that the power of taxation exercised by Britain, would destroy Colonial Legislatures-- Rhode Island & Georgia have paid nothing & there is no power of compelling them-- Expences of 2 governments will induce the people after sometime to surrender their State Governments entirely-- Tender laws cause of this change-- Bill of rights & constitution of Maryld destroyed

- excellent mode for making alteration prescribed by Constitution of Maryland-- Trial by Jury taken away-- Power of taxing, 'raising' troops, etc should have been at least restrained by requiring more than a majority of congress to join in exercising those powers--

The following notes refer to page 2 of the original manuscript.

Recommendation of Assy to submit it to Convention of Delegates--

/ Document of instruction: to be brot forward--

/ Necessary for late Convention to go beyond instructions--

/ Convention agitated by heat of passion - Col. Mason--

/ Freedom of America not to hear or read--

/ Part of Constitution mistaken--

// Have other parties Let up--

// The Convention acted as private men--

//

There is only one page in the original manuscript.

MdHR P 1592-5 "Mem. of Amendm<sup>ts</sup>" no date (1 sheet)

Mem. of Amendm<sup>ts</sup> proposed at a private meeting previous to meeting in  
Committee

Limit the Construction

Jurisdct<sup>n</sup> of a G Jury & no Appeal in Criminal Cases

Gen<sup>l</sup> Warr<sup>ts</sup>

Limit<sup>n</sup> of the Judiciary power by Laws

preserve the Jurisd<sup>n</sup> of the State Courts on Torts actually committed  
within the same State

Limit the Time of Continu<sup>e</sup> of the Mutiny Act on this continent

regulate the power of Quartering Soldiers if the Constit<sup>n</sup> gives it

Causes which must according to the Laws of the State in which they arise,  
be tried by a Jury shall under the new Constitution be tried by a Jury  
and there shall be no reversal of the Verdt<sup>t</sup> of a Jury but by a new Jury

MdHR P 1592-6 "Proposed Amendments by Wm. Paca Esq" no date (1 sheet)

The following notes refer to page 1 of the original manuscript.

Proposed Amendments by Wm Paca Esquire

1. That it be declared, That all Persons intrusted with the Legislative or Executive powers of Government are the Trustees and servants of the public, and as such accountable for their Conduct. Wherefore whenever the Ends of Government are perverted and public Liberty manifestly endangered and all other means of Redress are ineffectual the people may, and of right ought object to reform the old or establish a new Government, the Doctrine of Non Resistance against arbitrary power and Oppression is absurd Slavish, and destructive of the Good and Happiness of Mankind.--
2. That every Man hath a Right to Petition the Legislature for Redress of Grievances in a peaceable and orderly manner.--
3. That in all Criminal Prosecutions every Man hath a Right to be informed of the Accusation against him, to have a Copy of the Indictment or charge in due time (if required / to-prepare for his Defence, to be allowed Council to be Confronted with the Witnesses against him, to have process - for his Witnesses to examine the Witnesses for and against him on Oath and to a speedy Tryal by an Impartial Jury.
4. That no Freeman ought to be taken or imprisoned or deprived of his Freehold Liberties or privileges or outlawed or exiled or in any manner destroyed or deprived of his Life Liberty or property but by

the lawful Judgment of his Peers or by the Law of the Land.

5. That no power of Suspending Laws or the Execution of Laws unless derived from the Legislature ought to be exercised or allowed.--

The following notes refer to page 2 of the original manuscript.

6. That all Warrants without Oath or Affirmation of a Person conscientiously scrupulous of taking an Oath to search - suspected places or to seize any Person or his property are Greivous and Oppressive: and all general Warrants to search suspected places or to Apprehend any Person suspected without naming or describing the place or person in special are dangerous and ought not to be granted.
7. That there be no Appeal to the Supreme Court of Congress in a Criminal Case.
8. Congress shall have no power to alter or change the Regulations respecting the Times places or Manner of holding Elections for Senators or Representatives.
9. All Imposts and Duties laid by Congress shall be placed to the Credit of the State in which the same be collected and shall be deducted out of such States Quota of the common or general Expences of Government.
10. No Member of Congress shall be eligible to any Office of Trust or profit under Congress during the time for which he shall be chosen.
11. That there be no National Religion established by Law but that all



Persons be equally entitled to protection in their religious Liberty.—

12. That Congress shall not lay direct Taxes on Lands or other property without a previous Requisition of the-Respective Quotas of the States and a failing within-a limited time to comply therewith.
13. In all Cases of Trespasses, Torts, abuses of power-Personal Wrongs and Injuries done on Land or within the Body of a County, the party injured shall be entitled

**The following notes refer to page 3 of the original manuscript.**

to Tryal by Jury, in the State where the Offence shall be committed; And the State Courts in such Cases shall have concurrent Jurisdiction with the Federal Courts; And there shall be no Appeal except on Matter of Law.

14. That the Supreme Federal Courts shall not admit of fictions to extend its Jurisdiction: nor shall Citizens of the same State having Controversies with each other be-suffered to make collusive Assignments of their Rights to Citizens of another State for the purpose of defeating the Jurisdiction of the State Courts; nor shall any Matter or Question already determined in the State Courts be revived or agitated in the Federal Courts.
15. That there be no Appeal from Law or Fact to the Supreme Court where the Claim or Demand does not exceed three hundred pounds Sterling.
16. That no standing Army shall be kept up in the time of Peace unless with the Consent of three fourths of the Members of each Branch of

Congress; nor shall Soldiers in time of peace be quartered upon private Houses without the Consent of the Owners.

17. No Law of Congress or Treaties shall be effectual to repeal or abrogate the Constitutions or Bill of Rights of the States or any of them or of any part of the said Constitutions or Bills of Rights.
18. Militia not to be subject to the Rules of Congress nor Marched out of the State without the Consent of the Legislature of such State.

**The following notes refer to page 4 of the original manuscript.**

19. That Congress have no power to lay a Poll Tax.
20. That the People have a Right to Freedom of Speech of Writing and Publishing their Sentiments and therefore that the Freedom of the Press ought not to be-restrained and the printing presses ought to be Free to examine the Proceedings of Government and the-Conduct of its Officers.
21. That Congress shall exercise no power but what is expressly delegated by this Constitution.
22. That the President shall not command the Army in person without the Consent of Congress.

**There is only one page in the original manuscript.**

MdHR P 1592-7 "Resolves of Committee of whole" no date (1 sheet)

Resolved, That it is the Opinion of this Committee for the Purpose of choosing Representatives, that the State be equally divided into six Districts. --

Resolved that the People in each County entitled to Vote for Members of the House of Delegates of this State shall by an Election to be held in each County in this State Vote for six Representatives to Congress one whereof to be a Resident of each of the said Districts and that the Person in a District having the greatest Number of Votes of all the Candidates residing in that District shall be the Representative of that District; And that the said Elections be free, and made viva voce

Resolved that the People of the State of Maryland entitled to Vote for Delegates to the House of Delegates elect viva voce on the first Wednesday in January next Eight Electors of the President and Vice President, five of whom shall be residents of the Western Shore and three of the Eastern Shore which said Electors shall meet at the City of Annapolis on the first Wednesday in February next and Vote for a President and Vice President in the Manner directed by the New Federal Government. Committee to bring in the Bill, Mr Dorsey, Mr. J. Tilghman Mr. Potts Mr. Murray & Mr. Duvall.

MdHR P 1592-8 "Committee had decided the facts and refused to make any report..." no date (2 sheets)

The following notes refer to page 1 of the original manuscript.

Committee had decided the facts & refused to make any report----

/ J: Chase -

Decided on proportions separately--

/ House shd not be precluded from Judging on seperate amendmts.

// Mr. Johnson.....

Influence on Virginia...

/ Mutual Concessions of Service

// Potts-

At Liberty to vote agt it

/ Mr. Chase-

Return of thanks, no dissolution

/ Opinion of people not taken with respect to amendm<sup>t</sup>

/ Committee appointed to consider & report amendm<sup>t</sup>--

/ resolution agreed to Nom. (?) Con. almost all-

/ Conduct shall go forth to the World

/ resolutions not agreed to

/ 1. Militia not to be marched beyond their State.

/ 2. Power of Congress about Elections

/ 3. Collection of direct taxes

The following notes refer to page 3? of the original manuscript.

/ An address to be prepared - censorring minority

- / Minority agreed to give up many points--
- / 1. Proposal overruled to apply imposts to credit of particular State--
- / 2. Proposal not to abrogate by Treaty the Constitution---
- / 3: Proposal, for President not to command Army
- / 4. Proposed that standing army should have assent of 2/3. of  
Legislature.

Gentlemen for giving all power to Congress - but none to Assembly---

- / 5. Proposal for responsible Council
- 6. Proposal - persons scrupulous not to be obliged to bear arms.
- / 7. Proposal - Poll tax..
- 8. Proposal - 2/3. of legislature to agree to Navigation Act

/ 23. in the whole--

/ Will Convention suffer themselves to be dictated to--

/ Massachusetts amendm<sup>ts</sup> did not influence this Convention to reject  
it--

/ It will go forth that Committee thought there were great Defects--/

**The following notes refer to page 27 of the original manuscript.**

Committee declared they wd support report if agreed to

/ Information shut out from people

/ Why should it not go out to people?

/ If no amendments proposed, it will be supposed there are no defects--

/ High & mighty people have no feeling for poor--

/ Can any such instance be shown us no report to be made--

/ World will judge

/ refusing report declares to the world that the Convention will shut  
out light

/ Why were not the minority deprived of the right of speaking, least Virginia shd be influenced.

/ The Minority do agree in the points of opposition--

/ All agree that Trial by Jury shd be preserved/

numbers in the different States according to the most accurate account which could be obtained by the late federal convention-

In New Hampshire.....	102,000
Massachusetts.....	360,000
Rhode Island.....	58,000
Connecticut.....	202,000
New York.....	238,000
New Jersey.....	138,000
Pennsylvania.....	360,000
Delaware.....	37,000
Maryland (including 3/5 of 80,000 Negroes).....	218,000
Virginia (including 3/5 of 280,000 Negroes).....	420,000
North Carolina (including 3/5 of 60,000 Negroes).....	200,000
South Carolina (including 3/5 of 80,000 Negroes).....	150,000
Georgia (including 3/5 of 20,000 Negroes).....	<u>90,000</u>
.....	2,573,000
remaining 2/5. of Negroes.....	<u>208,000</u>
Total Populations of United States--	2,781,000

Of these there are Negroes--- 520,000

----- Whites--- 2,261,000

2,781,000

The following notes refer to page 2 of the original manuscript.

- / There shd be a requisition before tax laid
- / poll tax unjust
- / Census bad, including 3/5 of slaves - better to have had a smaller number & lost some of our representation
- / poll tax agt bill of rights - poor pay as much as rich
- / If congress pay their Exp.s & interest of debt, they must have recourse to direct taxes
- / Annual Exp.s of congress in Peace 400,000 dolls - 80 delegates 80,000 more
- / 167:800 - to pay Int. of forn Dt  
600:000 - Int. of Domest. Dt?
- // 750,000 the suppos'd amt of 7/6 land tax - Excise 1/8 Doll per Gall. for spirits & 5 per C+ import. Letter from Finances (1781 - 3 Feb.) rec<sup>d</sup>

	Dollr
5 p C+ Impost.....	5,000,000
Land tax.....	5,000,000
Excise.....	5,--
	<u>5,000--</u>
750,000 =	2,000000 [sic]

- / Land tax at 7/6 per 100 acrs particularly injurious to Maryld because land in Eastern States of more value
- / 3. art. Doct. rights repealed - Comm. Law of Engld Strictly by Jury - it may be taken in all - in some it is expressly
- / remedy for every freeman for injury according to law of land (bill of

MdHR P 1592-9 "Notes of Mr. Chase's Arguments in Convention." no date  
(2 sheets)

The following notes refer to page 1 of the original manuscript.

Mr. Chase-

Convention exceeded their powers-- State Governm.ts annihilated -  
States prohibited from laying imposts or duties - can lay none but direct  
taxes - impossible to pay State debts--

Ld? Hales opinion on new laws - his cautions, & remarks on various  
passions producing them-- Judicial powers of State destroyed-- Avowed  
by Jay, Maddison & Hamilton, that they meant to destroy State Governments  
- Fi. Fa. law - Farmers letters proving that power of taxation exercised  
by Britain wd destroy State legislatures - Rhode Island & Georgia have p<sup>d</sup>  
nothing & can't be compelled by this constitutn-- Expences of 2  
Governm.ts will induce people to surrender State governm.ts entirely--  
Tender laws cause of this change - Bill of rights & constitution of  
Maryland destroyed - excellent mode of making alterations prescribed by  
constitution of Maryld-- Trial by Jury taken away - power of taxing,  
raising troops etc. should have been at least restrain'd by requiring  
more than a majority of congress to join in exercising those powers--

-Friday - M<sup>r</sup> C.

Convention guilty of treason if they attempted to make a new Governm.t  
without authority--

/ I speak the sense of my constituents - amendments proposed must appear  
if only one member moves it

/ Chains rivetted if no amendmt proposed by man of such influence/



rights) repealed

/ 28 sec. do art. Soldiers quartered etc. - repealed

// 26 sec. do art. standing armies - rep.d consent of 3/4. (& could?) be  
in time of Peace--

/ National Legislature will not be ours--

Militia marched out without consent of legislature - agst laws of Engd?

/ Liberty of press - (bill of rights-) Congress may infringe it.

/ Last article of do - rights of Conscience - I believe a national  
religion will be made to strengthen a bad Governmt & that which is  
most numerous

[page sequence does not follow, sense is lost]

**The following notes refer to page 3 of the original manuscript.**

represent.s will not be chosen by people-

Either the whole people must chuse, or they must chuse by districts - If  
the whole chose, they must either chose those they don't know, or confine  
themselves to their county - & this may be taken away (4 sec. 1 art.)

(Senate were for Elections 1.st week JanY - & convention 3rd. week)

/ number of represent.s too few - confin'd to 200. but not provided that  
the rule shall be observed as far as that number--

/ number of Senate too few - 25. too few to trust with dearest rights -  
may be bribed. Britain & France will influence them-

#### Holland

/ America may turn the bal.e of France & England.

/ The President will bribe Legislat.e

/ Nomination of officers = to appointmt

/ Britain has one Delegate for 15,000

/ Number should be too great for corruption & too few for Mob.

7. Northern States - 35

6. Southern - 30

/ Local influence will follow represent<sup>s</sup>

/ Approve of unequal represent.<sup>n</sup> in house of represent<sup>s</sup> - these rights do not affect individuals

/ -A few men can't know the interest of America - rich man, nobles, poor, plebeians

/ Merchants & Farmers will have no representation - mechanics the same - rich & well born will have everything - they have neither knowledge of the poor, nor feeling for them--

/ Senate perpetual body, - always 2/3. of the body in Existence--

/ they will class, so as to turn out the obnoxious men-

/ Mr King - average of senators time 4. years - mistake/

**The following notes refer to page 4 of the original manuscript.**

shall not reason on all object.<sup>es</sup>

/ President sh<sup>d</sup> not be eligible for life - nominate to office - pardon before conviction--

#### Judicial Power--

All cases arising under laws of United States. - Suppose Excise Officer abuses an individual - can he be tryed in State Court?--no--

/ Officer may enter without oath - Assembly refused Excise to Congress

/ Husbands, fathers, & brothers take care of officers - rich may find remedy, poor none--

/ Trial by Jury taken away between citizens, (expressly) - of different states - because an appeal lyes on fact-

- / Title of land in Maryland, may be tried by feigned lease made to foreigners
- / Grant Trial by Jury, on facts, & in suits agt officers, & I will agree to Judicial
- / Object to power of regulating trade
- / Treaties supreme law of Land
  - Provision for Amendments--
  - 2/3 must propose - 3/4 agree
- // The Governmt tho bad, will be strengthened by officers & dependts
- / State debt will remain, without means of payment
- / Holders of continental securities, deeply interested in adopting the Governm<sup>t</sup>
- / Massachusetts dissatisfied - small majority.- New Hamshire doubtful - New York doubtful-- Jersey has taken it - Virginia doubtful-.
- No Carolina has given no opinion
- / So. Carolina, no opinion, but doubtful--
- / Georgia, like Delaware, has taken it--

**The following notes refer to page 5 of the original manuscript.**

- / Would take it thro' necessity, if Virginia did -- but what if Virginia should refuse - & N. York-Commerce wd fly there - Merchants, as a body, unfavorable to liberty.
- / If the majority adopt the Governmt, I shall acquiesce--
- / Senate to be chosen by legislature - suppose congress should alter mode of chusing by joint ballot, & give each house an = vote--/

MdHR P 1592-10 "Copy of Sundry Proceedings in the Maryland Convention"  
May, 1788 (1 sheet)

The following notes refer to page 1 of the original manuscript.

For W<sup>m</sup> Tilghman, Esquire. 22/6

The Committee appointed to consider and report a Draught of such Amendments as they might think necessary in the proposed Constitution for the United States, to be referred to the Consideration of the people of the State. beg leave to report, That they have considered the Subject Matter to them referred and are of Opinion that the following Amendments be referred to the Consideration of the people that they may put all or any of the said Amendments that meet their Approbation in a proper Mode to become part of the Constitution-----

1<sup>st</sup> --That it be declared, That Congress shall exercise no power, but what is expressly delegated by this Constitution-----

2<sup>nd</sup> --That there shall be a Trial by Jury in all Criminal Cases according to the Course of Proceeding in the state where the Offence is committed: And that there be no appeal from Matter of Fact or second Trial after acquittal. But this provision shall not extend to such Cases as may arise in the Government of the Land & Naval Forces

3<sup>rd</sup> --That in all Actions or Debt or Contracts and in all other Controversies respecting property of which the inferior Federal Courts have Jurisdiction the Trial of Facts shall be by Jury if

required, by either party; And that it be expressly declared that the state Courts in such Cases have a concurrent Jurisdiction with the Federal Courts with an Appeal from either, only as to Matter of Law to the Supreme Federal Courts if the Matter in Dispute be of the Value of [Blank] Dollars-----

4 --That the inferior Federal Courts shall not have Jurisdiction of less than [Blank] Dollars; And that there may

**The following notes refer to page 2 of the original manuscript.**

be an appeal in all Cases of Revenue as well as to matter of Fact as Law; And Congress may give the state Courts Jurisdiction of Revenue Cases for such sums and in such Manner as they may think proper

5 --That in all Cases of Trespasses done within the Body of a County and within the inferior Federal Jurisdiction the party injured shall be entitled to Trial by Jury in the State where the Injury shall be committed; And that it be expressly declared, that the State Courts in such Cases shall have concurrent Jurisdiction with the Federal Courts: And there shall be no Appeal from either, except on Matter of Law; And that no person be exempt from such Jurisdiction and Trial, but Ambassadors and Ministers priviledged by the Law of Nation-----

6<sup>th</sup> --That the Federal Courts shall not be entitled to Jurisdiction by Fictions or Collusion-----

7 That the Federal Judges do not hold any other Office of profit

or receive the profits of any other Office under Congress during the Time they hold their Commissions-----

- 8 That all Warrants without Oath or Affirmation of a person conscientiously scrupulous of taking an Oath to search suspected places, or to seize any person or his property, are Grievous and Oppressive; And all general Warrants to search suspected places, or to apprehend any person suspected without naming or describing the place or person in special are dangerous and ought not be granted-----

The following notes refer to page 3 of the original manuscript.

- 9th --That no Soldier be enlisted for a longer Time than four Years except in Time of War and then only during the War-----
- 10th --That Soldiers be not quartered in Time of peace upon private Houses without the Consent of the Owners.
- 11th --That no Mutiny Bill continue in force longer than two Years-----
- 12th --That the Freedom of the press be inviolably preserved-----
- 13 --That the Militia shall not be subject to martial Law except in Time of War, Invasion or Rebellion----- (agreed to in Conv<sup>tn</sup>.)

// Amendments intended to be proposed to Conv<sup>tn</sup> by Mr. S. Chase-----

1. That the Militia unless selected by Lot or voluntary Inlistment shall not be marched beyond the Limits of an adjoining State without the Consent of their Legislature or Executive.-----
  
- 2.d\* That Congress shall have no power to alter or change subsisting Regulations respecting the Time, place or Manner of holding Elections for Senators or Representatives-- (\*this paragraph has a slash through it and is replaced by paragraph 2 on last page of original)
  
- 3.d That in every Act of Congress imposing direct Taxes the Collection thereof shall be suspended for a certain reasonable time therein limited and that on payment of the Sum by any State by the Time appointed such Taxes shall not be collected--

The following notes refer to page 4 of the original manuscript.

- 2.d Congress shall have no power to alter or change the time place or manner of holding election for Senators or representatives, unless a State shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion in which case only Congress may interfere untill the cause be removed-----

(MdHR P 1592-12) "Mem. of conversation with Col. Mercer" by W.T.

28 April (1 sheet)

Monday 28. April in the morning, M<sup>r</sup> Gale desired Mr. Potts & myself to walk out the committee room to have some conversation with Col. Mercer-- We went with Col. Mercer to the room adjoining the Committee room. The conversation turned upon an accommodation on the subject of amendments to the federal government to be reported by the Committee-- We expressed an earnest desire that we should all join in such amendments as might satisfy both parties, & that if this could be effected, the majority of the committee would support them with their influence both in Convention & all other places-- Col. Mercer expressed the same wish & on our asking him to declare what would satisfy him, he answered that if to the amendments at that time agreed to in Committee, we would add a Security to the Militia from being liable to martial law in time of Peace, he would for his part make no farther opposition. M<sup>r</sup> Gale, M<sup>r</sup> Potts & myself promised to agree to the provision respecting the Militia, & I understood that Col. Mercer agreed to make no farther opposition-- The provision respecting the Militia, was introduced into the Committee some time in the same day, & Col. Mercer remarked that he had reason to think it would not be objected to-- It was agreed to, and Col. Mercer afterward proposed an alteration, to vest the Executive Powers given to the Senate, in a responsible Council; & advocated several new amendments proposed by M<sup>r</sup> S. Chase--

/ The above memorandum taken Tuesday Evening 29 April=by W.T.



MdHR P 1592-13 "Draft of Bill respect of Elections" no date (2 sheets)

**The following notes refer to page 1 of the original manuscript.**

An act directing the time places and manner of holding elections for representatives of this State in the Congress of the United States, [for the regulation of elections], (crossed out) and for appointing electors on the part of this State, for choosing a president and vice president of the .U.S. (and for the regulation of the said elections).

Whereas it is declared by the constitution of the U.S. that "the house of representatives in the Congress of the U.S. shall be composed of members chosen every second year by the people of the several States; that the electors in each State, shall have the requisite qualifications of electors of the most numerous branch of the State legislature; that until the enumeration therein pointed out of the citizens of the U.S. shall be made, the number of representatives for this State shall be six:" and that "the times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof." And whereas it is further declared, that for the purpose of choosing a President and vice President of the U.S. "each state shall appoint in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be intitled in the Congress."

And whereas the convention which framed the said constitution, resolved, that as soon as the conventions of nine states should have ratified the said constitution, the U.S. in congress assembled should fix a day on which electors should be appointed by the States which should

have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under the said constitution, and that after such publication the electors shall be appointed,

**The following notes refer to page 2 of the original manuscript.**

and the senators and representatives elected.

And whereas the U.S. in congress assembled, by their act of the 13 day of Sept.<sup>r</sup>, in the present year, reciting that the said constitution had been ratified in the manner therein declared to be sufficient for the establishment of the same, did resolve, that the first Wednesday in January next be the day for appointing electors in the several states ratifying the said constitution before the said day, and that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President and vice President.

And whereas a convention duly appointed by the people of this state did by their act of the [blank] in the year of your Lord 1788 in the name of the said people, assent to and ratify the said constitution: in order therefore to carry the said constitution into effect;

Be it enacted by the General Assembly of Maryland, and it is hereby enacted, That the election of representatives, agreeably to the said constitution and the directions of this act, to serve in the congress of the said U.S. shall be held by the citizens thereof, qualified to vote for members of Assembly on the last Wednesday in Nov. next, and of electors, agreeably to the said constitution of the U. States on the first Wednesday of January next at the places in the City of Annapolis

and Baltimore town and in the several counties of this State prescribed by the constitution of this state for the election of delegates to the general assembly of which elections due notice shall be given by the sheriffs of the respective counties and the judges of the election for the city of Annapolis and Baltimore Town, in like manner as for the election of delegates for the General Assembly; and all and every officer and person whose duty it is or may be to attend, conduct and regulate according to the constitution of this State, the general election to be held on the first Monday of October next, for delegates to the Assembly are hereby authorized, enjoined, and required to attend, conduct and regulate the elections herein (?) directed to be held for the purpose aforesaid, in like manner and for and during the same space of time as is by the constitution of this State directed for holding the said general election of delegates; and the several powers and authorities to them given by the said constitution relating to the election of delegates to the general Assembly are

**The following notes refer to page 3 of the original manuscript.**

~~as~~ <sup>and</sup> therefore elected ~~and~~ <sup>as</sup> electors agreeably to the constitution aforesaid. And the said Governor & council, shall so soon as conveniently may be after such examination and declaration, transmit the same, together with the documents on which it is founded to the Secretary of the U.S. in Congress assembled to be by him delivered to the house of representatives in the Congress of the United States, when they shall be assembled at the time and place by the present Congress of the United States directed and fixed on: provided always that the four persons highest in votes residents of the western shore, for representatives from

the returns of the western/shore shall be four of the aforesaid six representatives; and the two persons highest in votes residents of the Eastern shore for representatives from the returns of the Eastern/shore shall be two of the aforesaid six representatives.x.

And be it enacted, that the electors, so as aforesaid to be chosen, shall assemble on the first Wednesday in February next, at the [City of Annapolis/town of Baltimore] (underlined or crossed out) and shall perform the duties enjoined upon them by the said constitution for the U.S. agreeably to the directions thereof, and the same allowance of mileage and daily wages, when travelling to remaining at, and returning from the place aforesaid as is by law allowed and paid to members of Assembly of this State; the same to be paid by the Treasurer of the [blank].

On warrants signed by the President of the meeting of such electors, if any they shall choose, or by the majority of such electors, exclusive of the person in whose favor such warrants may or shall be respectively drawn.