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The Political Club of Danville (Kentucky) Debates the Constitution

On 27 December 1786 Samuel McDowell, Harry Innes, John Brown, Thomas Todd, Robert Craddock, Christopher Greenup, and John Belli met at McDowell's home in Danville, Mercer County, Ky., and formed themselves into a society called "The Political Club." They invited others to join. "The Political Club" existed until 1790, and during that time thirty individuals, primarily from the Danville area, were members at one time or another. Many were lawyers, justices of the peace, and judges; most were young, well-to-do, and well-educated; nearly all were born in Virginia; and many were related through blood or marriage.

On 26 January 1788 the members scheduled consideration of the Constitution for the next meeting, but at the 9 February gathering they postponed the consideration of Article I. The club debated the Constitution from 23 February to 17 May. Except for 19 April, when only five members were present, eight to twelve members attended these meetings. (At this time, the club had about twenty members.) The club debated and amended Article I on 23 February, 8, 22 March, and 5 April; Articles II and III were considered on 3 and 17 May, when a committee was appointed to revise the resolutions the club had adopted concerning the Constitution. On 31 May the committee was given "farther time to make report," and on 14 June the "Business" of the evening, probably the committee's report, was postponed. The club did not meet again until 7 February 1789, when the minutes state: "Subject of the foederal Constitution postponed till the 1st. day Jany, next." The final committee report is probably the eighteen-page, hand-written document entitled "The Constitution of the United States of America as amended and approved by The Political Club."

The entries below illustrate how the club altered and expanded the proposed Constitution. The dates affixed to the headings for sections or clauses of the Danville constitution indicate when the club considered those sections or clauses—not when the final "Danville Constitution" was written.

Minutes, 26 January

Resolved that the Fœderal & [be debated at the next meeting].

Minutes, 9 February

Question viz. I Article postponed.

Minutes, 23 February

On Mot[ion] of Mr. Muter resolved

That it is the opinion of this Club.

That the Fœderal Constitution ought to be precced[ed] by a Declaration of Rights.

Mr. Muter Sec. 2. Clause 3, proposed to reduce the No. of Representatives to One for every 20,000 instead of 30,000. Objected to Resolved. &c B.

Question Postponed

Loose Papers, 23 February

[Resolution A] Resolved. That it is the opinion of this Club.

That the Federal Constitution ought to be preceded by a Declaration of Rights. In which, it should be clearly expressed, That, the Congress of the United States, shall not have power, by Law, to alter, repeal or change any part of the constitution; and, that, all laws, contrary to the true spirit, intent and meaning of the same, shall be void.

Debates, 23 February

Fœderal Constitution

Article I.

Section 1.

Mr. Greenup. Objected to two Branches in the Governmt. there being but one Interest in a Republican Governmt. & mov'd agt. it

Mr. Todd seconded the same

Mr. McDowell In favor of a senate

Mr. Muter.—Men since the Creation of the World have been prone to Domination & ever will be—hence a necessity for a Check

Mr. Innes 99 men out of 100 possessed of Power will abuse it.—Without a senate, one state will have a power of imposing on another, one having a greater No. of representatives—A senate in this Case would be a very proper Check—

Mr. Speed One set of Men having power have always abused it.—even God almighty's own Men viz. the Clergy abuse the power given them—a Check necessarily—

Mr. Greenup. Does the name *Senator* make a man virtuous? Why fear Corruption & thirst of power from the H. Representatives only. Find a senate of superior virtue, admitted

Art. 1st. adopted.—

Danville Constitution, 23 February

Sect. 3. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six *three* years; and each senator shall have one vote.

Immediately after they shall be assembled in Consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall *to* be vacated at the expiration of the second *end of one* year, of the second class at the expiration *end* of the fourth *second* year, and of the third class at the expiration *end* of the sixth *third* year, *and no Member of the senate to be again eligible for three years after the vacation of his Seat*; so that one-third may be chosen every second year, and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Minutes, 8 March

Resolved. D.

Resolved No. E.

Resolved. F.

Further consideration of the F. C: postponed.

Debates, 8 March

Mr. Muter objected agt. the Vice President of the United States being President of the Senate

Danville Constitution, 8 March

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate *of the United States* shall chuse their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States. *Speaker; and all their other Officers, and*

The Senate shall have the sole power to try all impeachments *under the Fœderal Constitution*. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence *consent* of two-thirds of the members present.

Sect. 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of chusing senators.

[Section 7, Clause 2] Every bill which shall have passed the House of Representatives and the Senate (*money Bills excepted*) shall, before it becomes a law, *shall* be presented to the President of the United States; *and by him laid before the Executive Counsel and Judges of the supreme Court for their opinion on the same; to be by him with the advice and consent of the Counsel & Judges signed*

when it shall become a Law, or returned with his their objections to that house in which it shall have originated, And that every order, or Resolution (except in Cases of appropriation of money and on a Question of adjournment) shall be proceeded on in the same manner, which House are to who shall enter the their objections at large on their journals, and proceed to reconsider it them. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he *it had been signed it, as before directed* unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Minutes, 22 March

Art. 1. Sect 8th

1. 2. 3. 4. 5. 6. 7. 8 9 Clauses agreed to

10 Clause disagreed to in Toto

11. 12 Agreed to

13. Amended by adding the words "one Year" instead of "two year"

14. 15. Agreed to

16. Amended, after the Word "to" insert "enforce obedience to" and strike out the word "execute"

17 Agreed to in Toto

18 disagreed to in Toto

19 Agreed to

Debates, 22 March

10 Clause

Mr. Innes moved that the Clause be struck out seconded by Mr Muter, passed

16. Mr Innes The Militia of Kentucky to suppress insurrections in Massachusetts

Mr Muter That Militia may be called to enforce the execution of a Writ &c. and therefore wanted the sentence “executed the Laws &c.[”] be struck out

Seconded by Mr Speed

On Question Over ruled—

Mr Innes Moved an Amendmt. by inserting to enforce &c. instead of Execute

Seconded by Mr McDowell first Division equal—Secy P.T. gave casting Vote in favour of the amendment

In Debate Mr. Muter opposed the amendmt. observing his fears in calling in a Military force that the Civil power by Posse Com[itatus] is sufficient that Militia when embodied are under Military Govt: and therefore dangerous to Freedom, that the case is unprecedented etc seconded by Mr Speed

Mr Innes etc contended that the P. Com. is to all intents a Military Force & such force necessary to enforce the Collection of Taxes instanced Massachusetts Governmt.

Danville Constitution, 22 March

To constitute tribunals inferior to the supreme court;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; *one year*

To provide for calling forth the militia to execute *enforce obedience to* the laws of the Union, suppress insurrections and repel invasions;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—And

Minutes, 5 April

Art. 1. Sect. 9.

[Clause] 1. Expunged

2. 3. 4. agreed to

5. nothing done

6. 7. 8 agreed to—

Comtee ap̄td to revise the proceedings of the Club as far [as] relates of the Fœderal Constitution & make report Mr. Muter, Mr. Innes, Mr. Greenup, Mr. Dougherty, Mr. W. McDowell, Mr. Todd, Mr. Overton. Committee

Debates, 5 April

several parts of the first Article amended some disagreed to in toto

Danville Constitution, 5 April

Section. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Minutes, 19 April

[Club lacked a quorum; only five members attended.]

Minutes, 3 May

Art 2. Sect. 1. Cl. 1. amended G

Clause 6th. amended. H.

Further consideration of this Constitution postponed.

Debates, 3 May

Mr. Innes Wished that there might be a clause in the 2nd. Art. which should make the President of the United States ineligible for a certain Term of Years

Mr. Greenup seconded the Motion (carried)

Danville Constitution, 3 May

Sect. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows *after which period he shall be ineligible for the four succeeding years, and shall be elected as follows.*

[Clause 3] The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the

President of the Senate. The President *Speaker* of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner chuse the President. But in chusing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

[Clause 6] In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the *eldest Counselor present who shall act as* Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Minutes, 17 May

Art III Sect. 1st amended. I

Sect. 2nd.—8th. line strike out “between Citizens of different States”

Constitution finished

Comtee to revise the resolutions of the Club relating Fœderal Constitution to report at next Club Night which

Danville Constitution, 17 May

Sect. 1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. *at least one inferior Court in each State*. The Judges, both of the supreme and inferior

courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Sect. 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

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