

WEDNESDAY, JUNE 6, 1787.

JOURNAL

Wednesday June 6. 1787.

The Order of the day being read.

The House resolved itself into a Committee of the whole House to consider of the State of the American Union

Mr President left the Chair.

Mr. Gorham took the Chair of the Committee

Mr President resumed the Chair

Mr Gorham reported from the Committee that the Committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved that this House will to-morrow again resolve itself into a Committee of the whole House to consider of the State of the american union.

And then the House adjourned till to-morrow at 11 o'Clock A. M.

In a Committee of the whole House

Wednesday June 6. 1787.

Mr Gorham in the Chair

It was moved by Mr C. Pinckney seconded by Mr Rutledge to strike the word "people" out of the 4th resolution submitted by Mr Randolph, and to insert in it's place the word

"Legislatures" so as to read "resolved that the Members of the first branch of the national legislature ought to be elected by the Legislatures of the several states"

and On the question to strike out

it passed in the negative [Ayes — 3; noes — 8.]<sup>1</sup>

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<sup>1</sup> Vote 29, Detail of Ayes and Noes.

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On motion of Mr Wilson seconded by Mr Madison to amend the resolution, which respects the negative to be vested in the national executive by adding after the words "national executive" the words

"with a convenient number of the national Judiciary"

On the question to agree to the addition of these words it passed in the negative. [Ayes — 3; noes — 8.]<sup>2</sup>

Mr C. Pinckney gave notice that to-morrow he should move for the reconsideration of that clause in the resolution, adopted by the Committee, which vests a negative in the national legislature on the laws of the several States. Friday assigned to reconsider

It was then moved and seconded that the Committee do now rise, report a further progress, and request leave to sit again.

The Committee then rose.

DETAIL OF AYES AND NOES

[Beginning of second loose sheet]

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	Ayes	Noes	Divided
[29]	no	aye	no	aye	no	no	no	no	no	no	aye	no	for striking out the words "people" in the first clause of the 4th resolution and inserting the words "Legislatures"	3	8		
[30]	no	aye	aye	no	no	no	no	aye	no	no	no	no	for adding a convenient number of the national Judiciary to the Executive in the exercise of the negative	3	8		

<sup>2</sup> Vote 30, Detail of Ayes and Noes.

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## MADISON

Wednesday June 6th. In Committee of the whole

Mr. Pinkney according to previous notice & rule obtained, moved "that the first branch of the national Legislature be elected by the State Legislatures, and not by the people". contending that the people were less fit Judges (in such a case,) and that the Legislatures would be less likely to promote the adoption of the new Government, if they were to be excluded from all share in it.<sup>3</sup>

Mr. Rutledge 2ded. the motion.

Mr. Gerry. Much depends on the mode of election. In England, the people will probably lose their liberty from the smallness of the proportion having a right of suffrage. Our danger arises from the opposite extreme: hence in Massts. the worst men get into the Legislature. Several members of that Body had lately been convicted of infamous crimes. Men of indigence, ignorance & baseness, spare no pains however dirty to carry their point agst. men who are superior to the artifices practiced. He was not disposed to run into extremes. He was as much principled as ever agst. aristocracy and monarchy. It was necessary on the one hand that the people should appoint one branch of the Govt. in order to inspire them with the necessary confidence. But he wished the election on the other to be so modified as to secure more effectually a just preference of merit. His idea was that the people should nominate certain persons in certain districts, out of whom the State Legislatures shd. make the appointment.

Mr. Wilson. He wished for vigor in the Govt. but he wished that vigorous authority to flow immediately from the legitimate source of all authority. The Govt. ought to possess not only 1st. the *force* but 2ndly. the *mind or sense* of the people at large. The Legislature ought to be the most exact transcript of the whole Society. Representation is made neces-

<sup>3</sup> See Appendix A, CCXXXVII, CCXXXVIII.

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sary only because it is impossible for the people to act collectively. The opposition was to be expected he said from the *Governments*, not from the Citizens of the States. The latter had parted as was observed (by Mr. King) with all the necessary powers; and it was immaterial to them, by whom they were exercised, if well exercised. The State officers were to be losers of power. The people he supposed would be rather more attached to the national Govt. than to the State Govts. as being more important in itself, and more flattering to their pride. There is no danger of improper elections if made by *large* districts. Bad elections proceed from the smallness of the districts which give an opportunity to bad men to intrigue themselves into office.

Mr. Sherman. If it were in view to abolish the State Govts. the elections ought to be by the people. If the State Govts. are to be continued, it is necessary in order to preserve harmony between the national & State Govts. that the elections to the former shd. be made by the latter. The right of participating in the National Govt. would be sufficiently secured to the people by their election of the State Legislatures. The objects of the Union, he thought were few. 1. defence agst. foreign danger. 2. agst. internal disputes & a resort to force. 3. Treaties with foreign nations 4 regulating foreign commerce, & drawing revenue from it. These & perhaps a few lesser objects alone rendered a Confederation of the States necessary. All other matters civil & criminal would be much better in the hands of the States. The people are more happy in small than large States. States may indeed be too small as Rhode Island, & thereby be too subject to faction. Some others were perhaps too large, the powers of Govt not being able to pervade them. He was for giving the General Govt. power to legislate and execute within a defined province.

Col. Mason. Under the existing Confederacy, Congs. represent the *States* not the *people* of the States: their acts operate on the *States* not on the individuals. The case will be changed in the new plan of Govt. The people will be represented; they ought therefore to choose the Representatives. The requisites in actual representation are that the

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Reps. should sympathize with their constituents; shd. think as they think, & feel as they feel; and that for these purposes shd. even be residents among them. Much he sd. had been alledged agst. democratic elections. He admitted that much might be said; but it was to be considered that no Govt. was free from imperfections & evils; and that improper elections in many instances, were inseparable from Republican Govts. But compare these with the advantage of this Form in favor of the rights of the people, in favor of human nature. He was persuaded there was a better chance for proper elections by the people, if divided into large districts, than by the State Legislatures. Paper money had been issued by the latter when the former were against it. Was it to be supposed that the State Legislatures then wd. not send to the Natl. legislature patrons of such projects. if the choice depended on them.

Mr. Madison considered an election of one branch at least of the Legislature by the people immediately, as a clear principle of free Govt. and that this mode under proper regulations had the additional advantage of securing better representatives, as well as of avoiding too great an agency of the State Governments in the General one. — He differed from the member from Connecticut (Mr. Sherman) in thinking the objects mentioned to be all the principal ones that required a National Govt. Those were certainly important and necessary objects; but he combined with them the necessity, of providing more effectually for the security of private rights, and the steady dispensation of Justice. Interferences with these were evils which had more perhaps than any thing else, produced this convention. Was it to be supposed that republican liberty could long exist under the abuses of it practiced in (some of) the States. The gentleman (Mr. Sherman) had admitted that in a very small State, faction & oppression wd. prevail. It was to be inferred then that wherever these prevailed the State was too small. Had they not prevailed in the largest as well as the smallest tho' less than in the smallest; and were we not thence admonished to enlarge the sphere as far as the nature of the Govt. would admit. This was the

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only defence agst. the inconveniences of democracy consistent with the democratic form of Govt. All civilized Societies would be divided into different Sects, Factions, & interests, as they happened to consist of rich & poor, debtors & creditors, the landed the manufacturing, the commercial interests, the inhabitants of this district, or that district, the followers of this political leader or that political leader, the disciples of this religious sect or that religious sect. In all cases where a majority are united by a common interest or passion, the rights of the minority are in danger. What motives are to restrain them? A prudent regard to the maxim that honesty is the best policy is found by experience to be as little regarded by bodies of men as by individuals. Respect for character is always diminished in proportion to the number among whom the blame or praise is to be divided. Conscience, the only remaining tie is known to be inadequate in individuals: In large numbers, little is to be expected from it. Besides, Religion itself may become a motive to persecution & oppression.—These observations are verified by the Histories of every Country antient & modern. In Greece & Rome the rich & poor, the creditors & debtors, as well as the patricians & plebeians alternately oppressed each other with equal unmercifulness. What a source of oppression was the relation between the parent Cities of Rome, Athens & Carthage, & their respective provinces: the former possessing the power & the latter being sufficiently distinguished to be separate objects of it? Why was America so justly apprehensive of Parliamentary injustice? Because G. Britain had a separate interest real or supposed, & if her authority had been admitted, could have pursued that interest at our expense. We have seen the mere distinction of colour made in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man. What has been the source of those unjust laws complained of among ourselves? Has it not been the real or supposed interest of the major number? Debtors have defrauded their creditors. The landed interest has borne hard on the mercantile interest. The Holders of one species of property have thrown a disproportion of taxes

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on the holders of another species. The lesson we are to draw from the whole is that where a majority are united by a common sentiment and have an opportunity, the rights of the minor party become insecure. In a Republican Govt. the Majority if united have always an opportunity. The only remedy is to enlarge the sphere, & thereby divide the community into so great a number of interests & parties, that in the 1st. place a majority will not be likely at the same moment to have a common interest separate from that of the whole or of the minority; and in the 2d. place, that in case they shd. have such an interest, they may not be apt to unite in the pursuit of it. It was incumbent on us then to try this remedy, and with that view to frame a republican system on such a scale & in such a form as will controul all the evils wch. have been experienced.<sup>4</sup>

Mr. Dickinson considered it as essential that one branch of the Legislature shd. be drawn immediately from the people; and as expedient that the other shd. be chosen by the Legislatures of the States. This combination of the State Govts. with the National Govt. was as politic as it was unavoidable. In the formation of the Senate we ought to carry it through such a refining process as will assimilate it as near as may be to the House of Lords in England. He repeated his warm eulogiums on the British Constitution. He was for a strong National Govt. but for leaving the States a considerable agency in the System. The objection agst. making the former dependent on the latter might be obviated by giving to the Senate an authority permanent & irrevocable for three, five or seven years. Being thus independent they will speak & decide with becoming freedom.

Mr. Read. Too much attachment is betrayed to the State Governmts. We must look beyond their continuance. A national Govt. must soon of necessity swallow all of them up. They will soon be reduced to the mere office of electing the national Senate. He was agst. patching up the old federal System: he hoped the idea wd. be dismissed. It would be

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<sup>4</sup> See June 4, note 25.

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like putting new cloth on an old garment. The confederation was founded on temporary principles. It cannot last: it cannot be amended. If we do not establish a good Govt. on new principles, we must either go to ruin, or have the work to do over again. The people at large are wrongly suspected of being averse to a Genl. Govt. The aversion lies among interested men who possess their confidence.

Mr. Pierce was for an election by the people as to the 1st. branch & by the States as to the 2d. branch; by which means the Citizens of the States wd. be represented both *individually* & *collectively*.

General Pinkney wished to have a good national Govt. & at the same time to leave a considerable share of power in the States. An election of either branch by the people scattered as they are in many States, particularly in S. Carolina was totally impracticable. He differed from gentlemen who thought that a choice by the people wd. be a better guard agst. bad measures, than by the Legislatures. A majority of the people in S. Carolina were notoriously for paper money as a legal tender; the Legislature had refused to make it a legal tender. The reason was that the latter had some sense of character and were restrained by that consideration. The State Legislatures also he said would be more jealous, & more ready to thwart the National Govt. if excluded from a participation in it. The Idea of abolishing these Legislatures wd. never go down.

Mr. Wilson, would not have spoken again, but for what had fallen from Mr. Read; namely, that the idea of preserving the State Govts. ought to be abandoned. He saw no incompatibility between the national & State Govts. provided the latter were restrained to certain local purposes; nor any probability of their being devoured by the former. In all confederated systems antient & modern the reverse had happened; the Generality being destroyed gradually by the usurpations of the parts composing it.

On the question for electing the 1st. branch by the State Legislatures as moved by Mr. Pinkney; (it was negatived:)

Mass no. Ct. ay. N. Y. no. N. J. ay. Pa. no. Del. no. Md.

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

Mr. Wilson moved to reconsider the vote excluding the Judiciary from a share in the revision of the laws, and to add after "National Executive" the words "with a convenient number of the national Judiciary"; remarking the expediency of reinforcing the Executive with the influence of that Department.

Mr. Madison 2ded. the motion. He observed that the great difficulty in rendering the Executive competent to its own defence arose from the nature of Republican Govt. which could not give to an individual citizen that settled pre-eminence in the eyes of the rest, that weight of property, that personal interest agst. betraying the National interest, which appertain to an hereditary magistrate. In a Republic personal merit alone could be the ground of political exaltation, but it would rarely happen that this merit would be so pre-eminent as to produce universal acquiescence. The Executive Magistrate would be envied & assailed by disappointed competitors: His firmness therefore wd. need support. He would not possess those great emoluments from his station, nor that permanent stake in the public interest which wd. place him out of the reach of foreign corruption: He would stand in need therefore of being controuled as well as supported. An association of the Judges in his revisionary function wd. both double the advantage and diminish the danger. It wd. also enable the Judiciary Department the better to defend itself agst. Legislative encroachments. Two objections had been made 1st. that the Judges ought not to be subject to the bias which a participation in the making of laws might give in the exposition of them. 2dly. that the Judiciary Departmt. ought to be separate & distinct from the other great Departments. The 1st. objection had some weight; but it was much diminished by reflecting that a small proportion of the laws coming in question before a Judge wd. be such wherein he had been consulted; that a small part of this proportion wd. be so ambiguous as to leave room for his prepossessions; and that but a few cases wd. probably arise in the life of a Judge under

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such ambiguous passages. How much good on the other hand wd. proceed from the perspicuity, the conciseness, and the systematic character wch. the Code of laws wd. receive from the Judiciary talents. As to the 2d. objection, it either had no weight, or it applied with equal weight to the Executive & to the Judiciary revision of the laws. The maxim on which the objection was founded required a separation of the Executive as well as of the Judiciary from the Legislature & from each other. There wd. in truth however be no improper mixture of these distinct powers in the present case. In England, whence the maxim itself had been drawn, the Executive had an absolute negative on the laws; and the supreme tribunal of Justice (the House of Lords) formed one of the other branches of the Legislature. In short, whether the object of the revisionary power was to restrain the Legislature from encroaching on the other co-ordinate Departments, or on the rights of the people at large; or from passing laws unwise in their principle, or incorrect in their form, the utility of annexing the wisdom and weight of the Judiciary to the Executive seemed incontestable.<sup>5</sup>

Mr. Gerry thought the Executive, whilst standing alone wd. be more impartial than when he cd. be covered by the sanction & seduced by the sophistry of the Judges

Mr. King. If the Unity of the Executive was preferred for the sake of responsibility, the policy of it is as applicable to the revisionary as to the Executive power.

Mr. Pinkney had been at first in favor of joining the heads of the principal departmts. the Secretary at War, of foreign affairs & — in the council of revision. He had however relinquished the idea from a consideration that these could be called on by the Executive Magistrate whenever he pleased to consult them. He was opposed to an introduction of the Judges into the business.

Col Mason was for giving all possible weight to the revisionary institution. The Executive power ought to be well secured agst. Legislative usurpations on it. The purse & the

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<sup>5</sup> See June 4 note 25.

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sword ought never to get into the same hands (whether Legislative or Executive.)

Mr. Dickinson. Secrecy, vigor & despatch are not the principal properties reqd. in the Executive. Important as these are, that of responsibility is more so, which can only be preserved; by leaving it singly to discharge its functions. He thought too a junction of the Judiciary to it, involved an improper mixture of powers.

Mr Wilson remarked, that the responsibility required belonged to his Executive duties. The revisionary duty was an extraneous one, calculated for collateral purposes.

Mr. Williamson, was for substituting a clause requiring  $\frac{2}{3}$  for every effective act of the Legislature, in place of the revisionary provision

On the question for joining the Judges to the Executive in the revisionary business Mass. no. Cont. ay. N. Y. ay. N. J. no. Pa. no. Del. no. Md. no. Va. ay. N. C. no. S. C. no. Geo. no. [Ayes — 3; noes — 8.]

(Mr. Pinkney gave notice <sup>6</sup> that to morrow he should move for the reconsideration of that clause in the sixth Resolution adopted by the Comme. which vests a negative in the National Legislature on the laws of the several States.

The Come rose & the House adjd. to 11 OC.<sup>7</sup>

## YATES

WEDNESDAY, JUNE 6th, 1787.

Met pursuant to adjournment.

Mr. Pinkney moved (pursuant to a standing order for re-consideration) that in the 4th resolve, the words *by the people*, be expunged, and the words *by the legislature*, be inserted.

Mr. Gerry. — If the national legislature are appointed by the state legislatures, demagogues and corrupt members will creep in.

<sup>6</sup> Taken from *Journal*.

<sup>7</sup> See further Appendix A, XXXVI-XXXVIIIa.

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Mr. Wilson is of opinion that the national legislative powers ought to flow immediately from the people, so as to contain all their understanding, and to be an exact transcript of their minds. He observed that the people had already *parted* with as much of their power as was necessary, to form on its basis a perfect government; and the particular states must part with such a portion of it as to make the present national government, adequate to their peace and the security of their liberties. He admitted that the state governments would probably be rivals and opposers of the national government.

Mr. Mason observed that the national legislature, as to one branch, ought to be elected by the people; because the objects of their legislation will not be on states, but on individual persons.

Mr. Dickinson is for combining the state and national legislatures in the same views and measures, and that this object can only be effected by the national legislature flowing from the state legislatures.

Mr. Read is of opinion, that the state governments must sooner or later be at an end, and that therefore we must make the present national government as perfect as possible.

Mr. Madison is of opinion, that when we agreed to the first resolve of having a national government, consisting of a supreme executive, judicial and legislative power, it was then intended to operate to the exclusion of a federal government, and the more extensive we made the basis, the greater probability of duration, happiness and good order.<sup>8</sup>

The question for the amendment was negatived, by 8 states against 3. New-York in the majority.

On the 8th resolve, Mr. Wilson moved (in consequence of a vote to re-consider the question on the revisional powers vested in the executive) that there be added these words, *with a convenient number of the national judicial*.

Upon debate, carried in the negative — 3 states for and 8 against. New-York for the addition.

Adjourned to to-morrow morning.

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<sup>8</sup> Compare Genet's comment in Appendix A, CCCX.

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## KING

5 [6] June Com. wh.

*Pinckney Cs.* proposes that the Election of the members of the first Br. or Commons, shd. be by the State Legis: and not by the people —

Gerry — proposes that the people shd. choose double the Number required, & the Legislature shd. out of them elect the members to the first Br — he states yt. the people will be imposed on by corrupt & unworthy men &c

Wilson contra — they shd. be appointed by the people you will then come nearer to the will or sense of the majority — the protrait is excellent in proportion to its being a good likeness — if you leave the Election with the Legislature you leave it wt. the Rivals of the Genl. Govt. for the people have already parted with powers sufficient to form a vigorous Govt: it remains only to divide the granted powers between the Genl. & State Govts & the people will love and respect the Genl. Govt. if it is immediately founded in yr. consent — it will take rank over the State Governments —

Mason — at present the representation in congress are not representatives of the people, but of the States—now it is proposed to form a Govt for men & not for Societies of men or States, therefore you shd. draw the Representatives immediately from the people. it shd. be so much so, that even the Diseases of the people shd. be represented — if not, how are they to be cured —? but how will this be remedied by an appt. by the Legislature—suppose a majority of the Legislat. in favor of paper money or any other Bad measure, wd. they not consider the opinions of the candidates on these favorite measures?

Sherman — If the State Govts. are to remain it will be best to appoint by their Legislatures; if they are to be totally abolished then the people must elect — but the State Governments must continue — Few objects then will be before the Genl. Government — foreign War, Treaties of commerce &c — in short let the Genl. Government be a sort of collateral

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Government which shall secure the States in particular difficulties such as foreign war, or a war between two or more States — I am agt. a Genl. Govt. and in favor of the independence and confederation of the States, with powers to regulate comerce & draw therefrom a revenue—

Dickson. We cannot form a national Govt. as is proposed unless we draw a Br. from the people, & a Br. from the legislature — it is necessary in theory — And essential to the success of the project — The objections to an election by the people arise from the nature of a Free Government and are slight when compared with the excellence of the Government — The 2d Br. must come from the State sovereignties or Legislature, they will be more respectable and they must for yr respectability & duration be something like the British House of peers —

But can one Br. be drawn from the Legislatures who are and have been opposed to ye Genl. Govt. It can— the appointment of the Legisture. of the States, to be in office 3-5 or 7. yrs; not subject to a recall and to depend on the Genl. Govt. for yr. support —

Read — We must come to a consolidation — The State Govts must be swept away — We had better speak out — the Idea that the people will not approve perhaps is a mistake — The State Magistrates may disagree but the people are with us —

Gnl. Pinckney — I think that an election by the people is impracticable in So. Car. the Inhabitants are so sparse that four or five thousand men can not be brought together to vote — I am in favor of the appointment by the Legis: in S. Car. they are agt. an issue of paper with a Tender; but I think the majority of the people are in favor of yt. measure —

Wilson — I am in favor of a preservation of the State Govts there is no apprehension of the State Govts being swallowed up by the Genl. Govt. in every instance of a Confedn. of States; the contrary has been the Case — the Amphictrionic Council — the & Achaian Leagues were dissolved by the encroachments of the constituent members —

Madison — The election may safely be made by the People if you enlarge the Sphere of Election — Experience proves it

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— if bad elections have taken place from the people, it will generally be found to have happened in small Distracts —

Butler— I am agt: determining the mode of election until the ratio of Representation is fixed — if that proceeds on a principle favorable to wealth as well as numbers of Free Inhabitants, I am content to unite wh. Delaware (Mr Read) in abolishing the State Legislatures, and becoming one Nation instead of a confedn. of Republics —

On the Question to agree to the amendmt. Cont. N Jersey & S Car Ay the eight other states No.

Motion by Mr. Wilson secd. by Madison to reconsider the vote vesting the Executive with a partial negative, and vesting that power in him jointly wh a part of the Judicial —  
Madison

A check is devised for three purposes — to prevent encroachments by the Legislature on the Executive, the Judicial, or on private Rights. If on the executive, his negative will be corroborated by an union with the Judicial; and so in every other case — The Difficulty is this; the check will be too weak if in the Executive only — perhaps the British King wd not interpose his negative agt. the unanimous voice of both houses of Parliament —

Gerry — The motion unites orders wh. ought to be separate — it connects with the Executive numbers to divide the infamy of bad conduct.

Pinckney Cs. agt. the motion because the responsibility —

Mason. The purse and sword must not be in the same hands, if this is true, and the Legislature are able to raise revenues and make & direct a war; I shall agree to a restraining power of the Legislature either in the Executive or a council of Revision —

Dickerson — Secresy, vigour & Dispatch, are not the properties of Repubs — we cannot have them in that Form — but Responsibility is the great point — if you unite the Judicial the Executive will no longer be responsible — it is bad because it mingles separate Orders — and the Object may be acquired by the acquisition of the voluntary Opinions of wise and discreet men —

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It will require as great Talents, Firmness, & Abilities, to discharge the proper Duties of the Executive, as to interpose their veto, or negative which shall require  $\frac{2}{3}$  of both Branches to remove —

but the Comee have not thought proper to introduce a plurality in the Executive in the former instance, why then in this — On the Question to agree to the reconsideration Con. NYk. Virg. Ay — 8 States No — <sup>9</sup>

HAMILTON<sup>10</sup>

Sent:

A free government to be preferred to an absolute monarchy not because of the occasional violations of *liberty* or *property* but because of the tendency of the Free Government to interest the passions of the community in its favour beget public spirit and public confidence —

Re:<sup>11</sup> When public mind is prepared to adopt the present plan they will outgo our proposition — They will never part with Sovereignty of the state till they are tired of the state governments —

Mr. Pinkney. If Legislatures do not partake in the appointment of they will be more jealous

Pinckney— Elections by the state legislatures will be better than those by the people —

Principle — Danger that the Executive by too frequent communication with the judicial may corrupt it — They may learn to enter into his passions —

Note — At the period which terminates the duration of the Executive there will be always an awful crisis — in the National situation.

<sup>9</sup> [Endorsed:] 5 June | Rep. to be chosen by State Legs. | Con Jers So Car  
Aye | Other 8 States no | Negative. of Extive.

<sup>10</sup> Hamilton's notes being without date, it is impossible to assign them satisfactorily. The notes here given seem to refer to the debates of this day.

<sup>11</sup> "Re" may refer to Read.

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Note — The arguments to prove that a negative would not be used would go so far as to prove that the revisionary power would not be exercised.

Mr. Mason — The purse & sword will be in the hands of the — legislature.<sup>12</sup>

I One great defect of our Governments are that they do not present objects sufficiently interesting to the human mind.

I — A reason for leaving little or nothing to the state legislatures will be that as their objects are diminished they will be worse composed — Proper men will be less inclined to participate in them

#### Principles<sup>13</sup>

I — Human mind fond of Compromise —

Maddisons Theory —

Two principles upon which republics ought to be constructed —

I that they have such extent as to render combinations on the ground of interest difficult —

II By a process of election calculated to refine the representation of the People —

Answer — There is truth in both these principles but they do not conclude so strongly as he supposes —

— The Assembly when chosen will meet in one room if they are drawn from half the globe — & will be liable to all the passions of popular assemblies.

If more *minute links* are wanting others will supply then — Distinctions of Eastern middle and Southern states will come into view; between commercial and non commercial states — Imaginary lines will influence &c — Human mind prone to limit its view by near and local objects —

Paper money is capable of giving a general impulse. It

<sup>12</sup> "Executive" struck out and "legislature" substituted. Cf. Madison and King.

<sup>13</sup> These notes of Hamilton's are on a separate sheet from those preceding. They are included here because they seem to refer to Madison's speeches of this day.

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PIERCE

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is easy to conceive a popular sentiment pervading the E states —

Observe: { large districts less liable to be influenced by fac-  
tious demagogues than small—

Note — This is in some degree true but not so generally as may be supposed — Frequently small portions of [mutilated] large districts carry elections — An influential demagogue will give an impulse to the whole — Demagogues are not always *inconsiderable* persons — Patricians were frequently demagogues — Characters are less known & a less active interest taken in them —

## PIERCE

Mr. Charles Pinckney said he was for appointing the first branch of the Legislature by the State Legislatures, and that the rule for appointing it ought to be by the contributions made by the different States.

Mr. Wilson was of opinion that the Judicial, Legislative and Executive departments ought to be commensurate.

Mr. Cotesworth Pinckney was of opinion that the State Legislatures ought to appoint the 1st branch of the national Legislature; — that the election cannot be made from the People in South Carolina. If the people choose it will have a tendency to destroy the foundation of the State Governments.

Mr. Maddison observed that Gentlemen reasoned very clear on most points under discussion, but they drew different conclusions. What is the reason? Because they reason from different principles. The primary objects of civil society are the security of property and public safety.