

WEDNESDAY, JUNE 20, 1787.

JOURNAL

Wednesday June 20. 1787.

The honorable William Blount Esquire a Deputy from the State of North Carolina attended and took his seat.

The following credentials were then produced and read.

(here insert Mr Blount's credentials) ¹

It was moved by Mr Ellsworth seconded by Mr Gorham to amend the first resolution reported from the Committee of the whole House so as to read as follows — namely,

Resolved that the government of the United States ought to consist of

a Supreme Legislative, Judiciary, and Executive.

On the question to agree to the amendment

it passed unanimously in the affirmative

It was then moved by Mr Lansing, seconded by Mr Sherman to postpone the consideration of the second resolution reported from the Committee, in order to take up the following, namely.

Resolved that the powers of legislation be vested in the United States in Congress.

and on the question to postpone

it passed in the negative. [Ayes — 4; noes — 6; divided — 1.]

It was then moved and seconded to adjourn

which passed in the negative [Ayes — 4; noes — 7.]

On motion of the Deputies of the State of Delaware the determination of the House on the second resolution reported from the Committee was postponed until to-morrow.

and then the House adjourned till to-morrow at 11 o'clock A. M.

¹ See Appendix B.

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DETAIL OF AYES AND NOES

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	Ayes	Noes	Divided
[68]	no	aye	aye	aye	no	aye	dd	no	no	no	no	no	no	to postpone the 2 resolution reported to take up the one offered by Mr Lansing	4	6	1
[69]	no	no	aye	aye	no	aye	aye	no	no	no	no	no	no	to adjourn	4	7	

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Wednesday June 20. (1787. In Convention)

(Mr. William Blount from N. Carolina took his seat.³

1st. propos: of the Report of Come. of the whole before the House)

Mr. Elseworth (2ded. by Mr. Gorham)² moves to alter it so as to run "that the Government of the United States ought to consist of a supreme legislative, Executive and Judiciary". This alteration he said would drop the word *national*, and retain the proper title "the United States."³ He could not admit the doctrine that a breach of (any of)⁴ the federal articles could dissolve the whole. It would be highly dangerous not to consider the Confederation as still subsisting. He wished also the plan of the Convention to go forth as an amendment to the articles of Confederation, since under this idea the authority of the Legislatures could ratify it. If they are unwilling, the people will be so too. If the plan goes forth to the people for ratification several succeeding Conventions within the States would be unavoidable. He did not like these conventions. They were better fitted to pull down than to build up Constitutions.

² Taken from *Journal*.³ On dropping the term "national," see Appendix A, CLVIII (35), CCCLVII, CCCLXXXVIII, also CCCLVI, and CCCXCII.⁴ Probably but not certainly a later insertion.

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Mr. Randolph did not object to the change of expression, but apprised the gentleman who wished for it that he did not admit it for the reasons assigned; particularly that of getting rid of a reference to the people for ratification. The motion of Mr. Elsewth was acquiesed in. *nem: con:*

The 2d. Resoln. "that the national Legislature ought to consist of two branches". taken up.⁵ the word "national" struck out as of course.

Mr. Lansing, observed that the true question here was, whether the Convention would adhere to or depart from the foundation of the present Confederacy; and moved instead of (the 2d) Resolution "that the powers of Legislation be vested (in the U. States) in Congress".⁶ He had already assigned two reasons agst. such an innovation as was proposed. 1. the want of competent powers (in the Convention) — 2. the (state)⁷ of the public mind. It had been observed by (Mr. M(adison)) in discussing the first point, that in two States the Delegates to Congs. were chosen by the people. Notwithstanding the first appearance of this remark, it had in fact no weight, as the Delegates however chosen, did not represent the people merely as so many individuals; but as forming a sovereign State. (Mr Randolph) put it, he said, on its true footing namely that the public safety superseded the scruple arising from the review of our powers. But in order to feel the force of this consideration, the same impression must be had of the public danger. He had not himself the same impression, and could not therefore dismiss his scruple. (Mr Wilson) contended that as the Convention were only to recommend, they might recommend what they pleased. He differed much from him. any act whatever of so respectable a body must have a great effect, and if it does not succeed, will be a source of great dissensions. He admitted that there was no certain criterion of the public mind on the subject. He therefore recurred to the evidence of it given by the opposition in the States to the scheme of an Impost. It could

⁵ On the debate over this resolution, see Appendix A, XXXIV, CLVIII (29-34), CXCVII, CCXXV, CCXLIX.

⁶ Revised from *Journal*.

⁷ Crossed out "immaturity".

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not be expected that those possessing Sovereignty could ever voluntarily part with it. It was not to be expected from any one State, much less from thirteen. He proceeded to make some observations on the plan itself and the argumts. urged in support of it. The point of Representation could receive no elucidation from the case of England. The corruption of the boroughs did not proceed from their comparative smallness: but from the actual fewness of the inhabitants, some of them not having more than one or two. a great inequality existed in the Counties of England. Yet the like complaint of peculiar corruption in the small ones had not been made. It had been said that Congress represent the State Prejudices: will not any other body whether chosen by the Legislatures or people of the States, also represent their prejudices? It had been asserted by his Colleague (Col. Hamilton)⁸ that there was no coincidence of interests among the large States that ought to excite fears of oppression in the smaller. If it were true that such a uniformity of interests existed among the States, there was equal safety for all of them, whether the representation remained as heretofore, or were proportioned as now proposed. It is proposed that the genl. Legislature shall have a negative on the laws of the States. Is it conceivable that there will be leisure for such a task? there will on the most moderate calculation, be as many Acts sent up from the States as there are days in the year. Will the members of the general Legislature be competent Judges? Will a gentleman from Georgia be a Judge of the expediency of a law which is to operate in N. Hamshire. Such a Negative would be more injurious than that of Great Britain heretofore was. It is said that the National Govt. must have the influence arising from the grant of offices and honors. In order to render (such a Government) effectual he believed such an influence to be necessary. But if the States will not agree to it, it is in vain, worse than in vain to make the proposition. If this influence is to be attained, the States must be entirely abolished. Will any one

⁸ Crossed out: "the greatest objection agst. whose ideas in general was perhaps the repugnance of the people to them."

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say this would ever be agreed to? He doubted whether any Genl Government equally beneficial to all can be attained. That now under consideration he is sure, must be utterly unattainable. He had another objection. The system was too novel & complex. No man could foresee what its operation will be either with respect to the Genl. Govt. or the State Govts. One or other it has been surmised must absorb the whole.

Col. Mason. did not expect this point would have been reagitated. The essential differences between the two plans, had been clearly stated. The principal objections agst. that of Mr. R. were the *want of power* & the *want of practicability*. There can be no weight in the first as the fiat is not to be *here*, but in the people. He thought with his colleague Mr. R. that there were besides certain crises, in which all the ordinary cautions yielded to public necessity. He gave as an example, the eventual Treaty with G. B. in forming which the Commsrs of the U. S. had boldly disregarded the improvident shackles of Congs. had given to their Country an honorable & happy peace, and instead of being censured for the transgression of their powers, had raised to themselves a monument more durable than brass. The *impracticability* of gaining the public concurrence he thought was still more groundless. (Mr. Lansing) had cited the attempts of Congress to gain an enlargement of their powers, and had inferred from the miscarriage of these attempts, the hopelessness of the plan which he (Mr. L) opposed. He thought a very different inference ought to have been drawn; viz. that the plan which (Mr. L.) espoused, and which proposed to augment the powers of Congress, never could be expected to succeed. He meant not to throw any reflections on Congs. as a body, much less on any particular members of it. He meant however to speak his sentiments without reserve on this subject; it was a privilege of Age, and perhaps the only compensation which nature had given for, the privation of so many other enjoyments; and he should not scruple to exercise it freely. Is it to be thought that the people of America, so watchful over their interests; so jealous of their liberties, will give up their all, will

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surrender both the sword and the purse, to the same body, and that too not chosen immediately by themselves? They never will. They never ought. Will they trust such a body, with the regulation of their trade, with the regulation of their taxes; with all the other great powers, which are in contemplation? Will they give unbounded confidence to a secret Journal — to the intrigues — to the factions which in the nature of things appertain to such an Assembly? If any man doubts the existence of these characters of Congress, let him consult their Journals for the years, 78, 79, & 80 — It will be said, that if the people are averse to parting with power, why is it hoped that they will part with it to a National Legislature. The proper answer is that in this case they do not part with power: they only transfer it from one sett of immediate Representatives to another sett. Much has been said of the unsettled state of the mind of the people. he believed the mind of the people of America, as elsewhere, was unsettled as to some points; but settled as to others. In two points he was sure it was well settled. 1. in an attachment to Republican Government. 2. in an attachment to more than one branch in the Legislature. Their constitutions accord so generally in both these circumstances, that they seem almost to have been preconcerted. This must either have been a miracle, or have resulted from the genius of the people. The only exceptions to the establishmt. of two branches in the Legislatures are the State of Pa. & Congs. and the latter the only single one not chosen by the people themselves. What has been the consequence? The people have been constantly averse to giving that Body further powers — It was acknowledged by (Mr. Patterson) that his plan could not be enforced without military coercion. Does he consider the force of this concession. The most jarring elements of nature; fire & water themselves are not more incompatible that such a mixture of civil liberty and military execution. Will the militia march from one State to another, in order to collect the arrears of taxes from the delinquent members of the Republic? Will they maintain an army for this purpose? Will not the citizens of the invaded State assist one another till they rise as one

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Man, and shake off the Union altogether. Rebellion is the only case in which (the military force of the State can be properly)⁹ exerted agst. its Citizens. In one point of view he was struck with horror at the prospect of recurring to this expedient. To punish the non-payment of taxes with death, was a severity not yet adopted by depotism itself: yet this unexampled cruelty would be mercy compared to a military collection of revenue, in which the bayonet could make no discrimination between the innocent and the guilty. He took this occasion to repeat. that notwithstanding his solicitude to establish a national Government, he never would agree to abolish the State Govts. or render them absolutely insignificant. They were as necessary as the Genl. Govt. and he would be equally careful to preserve them. He was aware of the difficulty of drawing the line between them, but hoped it was not insurmountable. The Convention, tho' comprising so many distinguished characters, could not be expected to make a faultless Govt. And he would prefer trusting to posterity the amendment of its defects, rather than push the experiment too far.

Mr. Luther Martin agreed with (Col Mason) as to the importance of the State Govts. he would support them at the expense of the Genl. Govt. which was instituted for the purpose of that support. He saw no necessity for two branches, and if it existed Congress might be organized into two. He considered Congs as representing the people, being chosen by the Legislatures who were chosen by the people. At any rate, Congress represented the Legislatures; and it was the Legislatures not the people who refused to enlarge their powers. Nor could the rule of voting have been the ground of objection, otherwise ten of the States must always have been ready, to place further confidence in Congs. The causes of repugnance must therefore be looked for elsewhere. — At the separation from the British Empire, the people of America preferred the Establishment of themselves into thirteen separate sovereignties instead of incorporating themselves into one: to these

⁹ Probably but not certainly a later correction. Madison first wrote "the public force can be". Yates uses the term "military force".

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they look up for the security of their lives, liberties & properties: to these they must look up — The federal Govt. they formed, to defend the whole agst. foreign nations, in case of war, and to defend the lesser States agst. the ambition of the larger: they are afraid of granting powers unnecessarily, lest they should defeat the original end of the Union; lest the powers should prove dangerous to the sovereignties of the particular States which the Union was meant to support; and expose the lesser to being swallowed up by the larger. He conceived also that the people of the States having already vested their powers in their respective Legislatures, could not resume them without a dissolution of their Governments. He was agst. Conventions in the States: was not agst. assisting States agst. rebellious subjects; thought the *federal* plan of Mr. Patterson did not require coercion more than the *national one*, as the latter must depend for the deficiency of its revenues on requisitions & quotas, and that a national Judiciary extended into the States would be ineffectual, and would be viewed with a jealousy inconsistent with its usefulness.¹⁰

Mr. Sherman 2ded & supported Mr. Lansing's motion. He admitted two branches to be necessary in the State Legislatures, but saw no necessity for them in a Confederacy of States. The Examples were all, of a single Council. Congs. carried us thro' the war, and perhaps as well as any Govt. could have done. The complaints at present are not that the views of Congs. are unwise or unfaithful, but that that their powers are insufficient for the execution of their views. The national debt & the want of power somewhere to draw forth the National resources, are the great matters that press. All the States were sensible of the defect of power in Congs. He thought much might be said in apology for the failure of the State Legislatures to comply with the confederation. They were afraid of bearing too hard on the people, by accumulating taxes; no *constitutional* rule had been or could be observed in the quotas, — the accounts also were unsettled &

¹⁰ Madison ended his report of this speech, but later crossed out: — "This was the substance of a very long speech".

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every State supposed itself in advance, rather than in arrears. For want of a general system taxes to a due amount had not been drawn from trade which was the most convenient resource. As almost all the States had agreed to the recommendation of Congs. on the subject of an impost, it appeared clearly that they were willing to trust Congs. with (power to draw a revenue from Trade.)¹¹ There is no weight therefore in the argument drawn from a distrust of Congs. for money matters being the most important of all, if the people will trust them with power as to them, they will trust them with any other necessary powers. Congs. indeed by the confederation have in fact the right of saying how much the people shall pay, and to what purpose it shall be applied: and this right was granted to them in the expectation that it would in all cases have its effect. If another branch were to be added to Congs. to be chosen by the people, it would serve to embarrass. The people would not much interest themselves in the elections, a few designing men in the large districts would carry their points, and the people would have no more confidence in their new representatives than in Congs. He saw no reason why the State Legislatures should be unfriendly as had been suggested, to Congs. If they appoint Congs. and approve of their measures, they would be rather favorable and partial to them. The disparity of the States in point of size he perceived was the main difficulty. But the large States had not yet suffered from the equality of votes enjoyed by the small ones. In all great and general points, the interests of all the States were the same. The State of Virga. notwithstanding the equality of votes, ratified the Confederation without, or even proposing, any alteration. Massts. also ratified without any material difficulty &c. In none of the ratifications is the want of two branches noticed or complained of. To consolidate the States as some had proposed would dissolve our Treaties with foreign nations, which had been formed with us, as *Confederated* States. He did not however suppose that the creation of two branches in the Legislature would have such

¹¹ Probably but not certainly a later revision. Madison first wrote "more power".

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an effect. If the difficulty on the subject of representation can not be otherwise got over, he would agree to have two branches, and a proportional representation in one of them, provided each State had an equal voice in the other. This was necessary to secure the rights of the lesser States; otherwise three or four of the large States would rule the others as they please. Each State like each individual had its peculiar habits usages and manners, which constituted its happiness.¹² It would not therefore give to others a power over this happiness, any more than an individual would do, when he could avoid it.

Mr. Wilson, urged the necessity of two branches; observed that if a proper model was not to be found in other Confederacies it was not to be wondered at. The number of them was (small) & the duration of some at least short. The Amphyc-tionic & Achæan were formed in the infancy of political Science; and appear by their History & fate, to have contained radical defects, The Swiss & Belgic Confederacies were held together not by any vital principle of energy but by the incumbent pressure of formidable neighbouring nations: The German owed its continuance to the influence of the H. of Austria. He appealed to our own experience for the defects of our Confederacy. He had been 6 years in the 12 since the commencement of the Revolution, a member of Congress and had felt all its weaknesses. He appealed to the recollection of others whether on many important occasions, the public interest had not been obstructed by the small members of the Union. The success of the Revolution was owing to other causes, than the Constitution of Congress. In many instances it went on even agst. the difficulties arising from Congs. themselves — He admitted that the large States did accede as had been stated, to the Confederation in its present form. But it was the effect of necessity not of choice. There are other instances of their yielding from the same motive to the unreasonable measures of the small States. The situation of things is now a little altered. He insisted that a jealousy

¹² Crossed out: "of the people. As the individual who enters into Society retains the right of seeking his own happiness".

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would exist between the State Legislatures & the General Legislature: observing that the members of the former would have views & feelings very distinct in this respect from their constituents. A private citizen of a State is indifferent whether power be exercised by the Genl. or State Legislatures, provided it be exercised most for his happiness. His representative has an interest in its being exercised by the body to which he belongs. He will therefore view the National Legisl: with the eye of a jealous rival. He observed that the addresses of Congs. to the people at large, had always been better received & produced greater effect, than those made to the Legislatures.

On the question for postponing in order to take up Mr. Lansings proposition "to vest the powers of Legislation in Congs."

Masst. no. Cont. ay. N. Y. ay.¹³ N. J. ay. Pa. no. Del. ay Md. divd. Va. no. N. C. no. S. C. no. Geo. no [Ayes — 4; noes — 6; divided — 1.]

On motion of the Deputies from Delaware, the question on the 2d. Resolution in the Report from the Committee of the whole was postponed till tomorrow.

adjd.

YATES

WEDNESDAY, JUNE 20th, 1787.

Met pursuant to adjournment. Present 11 states.

Judge Elsworth. I propose, and therefore move, to expunge the word *national*, in the first resolve, and to place in the room of it, *government of the United States*—which was agreed to, *nem. con.*

Mr. Lansing then moved, that the first resolve be postponed, in order to take into consideration the following: *That the powers of legislation ought to be vested in the United States in congress.*

¹³"N. Y. ay" was written in the MS. after the rest of the vote was recorded and may be a later insertion. *Journal* and Yates both include New York in the affirmative.

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I am clearly of opinion that I am not authorized to accede to a system which will annihilate the state governments, and the Virginia plan is declarative of such extinction. It has been asserted that the public mind is not known. To some points it may be true, but we may collect from the fate of the requisition of the impost, what it may be on the principles of a national government. — When many of the states were so tenacious of their rights on this point, can we expect that *thirteen* states will surrender their governments up to a national plan? Rhode-Island pointedly refused granting it. Certainly she had a federal right so to do; and I hold it as an undoubted truth, as long as state distinctions remain, let the national government be modified as you please, both branches of your legislature will be impressed with local and state attachments. The Virginia plan proposes a negative on the state laws where, *in the opinion* of the national legislature, they contravene the national government: and no state laws can pass unless approved by them. — They will have more than a law in a day to revise; and are they competent to judge of the wants and necessities of remote states?

This national government will, from their power, have great influence in the state governments; and the existence of the latter are only saved in appearance. And has it not been asserted that they expect their extinction? If this be the object, let us say so, and extinguish them at once. But remember, if we devise a system of government which will not meet the approbation of our constituents, we are dissolving the union — but if we act within the limits of our power, it will be approved of; and should it upon experiment prove defective, the people will entrust a future convention again to amend it. Fond as many are of a general government, do any of you believe it can pervade the whole continent so effectually as to secure the peace, harmony and happiness of the whole? The excellence of the British model of government has been much insisted on; but we are endeavoring to complicate it with state governments, on principles which will gradually destroy the one or the other. You are sowing the seeds of rivalry, which must at last end in ruin.

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Mr. Mason. The material difference between the two plans has already been clearly pointed out. The objection to that of Virginia arises from the want of power to institute it, and the want of practicability to carry it into effect. Will the first objection apply to a power merely recommendatory? In certain seasons of public danger it is commendable to exceed power. The treaty of peace, under which we now enjoy the blessings of freedom, was made by persons who exceeded their powers. It met the approbation of the public, and thus deserved the praises of those who sent them. The impracticability of the plan is still less groundless. These measures are supported by one who, at his time of life, has little to hope or expect from any government. Let me ask, will the people entrust their dearest rights and liberties to the determination of one body of men, and those not chosen by them, and who are invested both with the *sword* and *purse*? They never will—they never can—to a conclave, transacting their business secret from the eye of the public. Do we not discover by their public journals of the years 1778–9, and 1780, that factions and party spirit had guided many of their acts? The people of America, like all other people, are unsettled in their minds, and their principles fixed to no object, except that a republican government is the best, and that the legislature ought to consist of two branches. The constitutions of the respective states, made and approved of by them, evince this principle. Congress, however, from other causes, received a different organization. What, would you use military force to compel the observance of a social compact? It is destructive to the rights of the people. Do you expect the militia will do it, or do you mean a standing army? The first will never, on such an occasion, exert any power; and the latter may turn its arms against the government which employs them. I never will consent to destroy state governments, and will ever be as careful to preserve the one as the other. If we should, in the formation of the latter, have omitted some necessary regulation, I will trust my posterity to amend it. That the one government will be productive of disputes and jealousies against the other, I believe; but it will produce

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mutual safety. I shall close with observing, that though some gentlemen have expressed much warmth on this and former occasions, I can excuse it, as the result of sudden passion; and hope that although we may differ in some particular points, if we mean the good of the whole, that our good sense upon reflection, will prevent us from spreading our discontent further.

Mr. Martin. I know that government must be supported; and if the one was incompatible with the other, I would support the state government at the expense of the union — for I consider the present system as a system of slavery. Impressed with this idea, I made use, on a former occasion, of expressions perhaps rather harsh. If gentlemen conceive that the legislative branch is dangerous, divide them into two. They are as much the representatives of the states, as the state assemblies are the representatives of the people. Are not the powers which we here exercise given by the legislatures? (After giving a detail of the revolution and of state governments, Mr. M. continued.) I confess when the confederation was made, congress ought to have been invested with more extensive powers; but when the states saw that congress indirectly aimed at sovereignty, they were jealous, and therefore refused any farther concessions. The time is now come that we can constitutionally grant them not only new powers, but to modify their government, so that the state governments are not endangered. But whatever we have now in our power to grant, the grant is a state grant, and therefore it must be so organized that the state governments are interested in supporting the union. Thus systematized, there can be no danger if a small force is maintained.

Mr. Sherman. We have found during the war that though congress consisted of but one branch, it was that body which carried us through the whole war, and we were crowned with success. We closed the war, performing all the functions of a good government, by making a beneficial peace. But the great difficulty now is, how we shall pay the public debt incurred during that war. The unwillingness of the states to comply with the requisitions of congress, has embarrassed us greatly. — But to amend these defects in government I am

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not fond of speculation. I would rather proceed on experimental ground. We can so modify the powers of congress, that we will all be mutual supporters of one another. The disparity of the states can be no difficulty. We know this by experience — Virginia and Massachusetts were the first who unanimously ratified the old confederation. They then had no claim to more votes in congress than one. Foreign states have made treaties with us as confederated states, not as a national government. Suppose we put an end to that government under which those treaties were made, will not these treaties be void?

Mr. Wilson. The question before us may admit of the three following considerations:

1. Whether the legislature shall consist of one or two branches.
2. Whether they are to be elected by the state governments or by the people.
3. Whether in proportion to state importance, or states individually.

Confederations are usually of a short date. The amphictyonic council was instituted in the infancy of the Grecian republics — as those grew in strength, the council lost its weight and power. The Achæan league met the same fate — Switzerland and Holland are supported in their confederation, not by its intrinsic merit, but the incumbent pressure of surrounding bodies. Germany is kept together by the house of Austria. True, congress carried us through the war even against its own weakness. That powers were wanting, you Mr. President, must have felt. To other causes, not to congress, must the success be ascribed. That the great states acceded to the confederation, and that they in the hour of danger, made a sacrifice of their interest to the lesser states is true. Like the wisdom of Solomon in adjudging the child to its true mother, from tenderness to it, the greater states well knew that the loss of a limb was fatal to the confederation — they too, through tenderness sacrificed their dearest rights to preserve the whole. But the time is come, when justice will be done to their claims — Situations are altered.

Congress have frequently made their appeal to the people.

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I wish they had always done it — the national government would have been sooner extricated.

Question then put on Mr. Lansing's motion and lost. — 6 states against 4 — one divided. New-York in the minority.

Adjourned till to-morrow morning.

KING

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Mason

The powers are ample; if they were not we shd. imitate the commissrs of the US who formed the Treaty of peace, who proceeded without power —

The System proposed is not impracticable — the public Mind is not agt. it — the reason why the Impost was opposed was because congress was a single Br. with Extive. Jud. & Legislative authority — they ought not to be trusted. the people ought not to rest satisfied with the secret Journals of a Conclave —

The people are unanimous in these points — 1st Republicanism —
— 2d Two Br. of the Legislature

The two Brs. being so unanimously adopted must have been the Effect of miracle or a proof of a fixed character or opinion among America —

The Genl. from N. Jersey proposed a military force to carry Requisitions into Execution — This never can be accomplished — you can no more execute civil Regulations by Military Force than you can unite opposite Elements, than you can mingle Fire with Water — military coercion wd. punish the innocent with the Guilty — therefore unjust —

But I never will consent to the Abolition of the State Govts. there never can be a Genl. Govt. that will perform their Offices — I will go a proper length in favor of the Genl. Government but I will take equal care of the State Govts — we cannot form a perfect System — there will be faults — we can trust our successors with farther amendments —

Martin. Maryld. I think the Confederation was formed for

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the protection & safety of the particular States & not for those of the US. I will not support the Genl. Govt. at the Expense of the particular States, but I will contend for the safety & happiness of the particular States at the Expense of the US —

One Br. or two Br — *Sherman* one is sufficient for confederated States — No precedent can be given of two Br. in the Govt. of confederated States — I am for an increase of the powers of Congress, & wish to preserve the State Governments, and am agt. a consolidation or Union — I think our Treaties wd. be void if we change the nature of our Confederacy — they are all formed with the US of NH. M. &c —

Wilson The question is whether the Legislat. shall consist of one or two Brs —

1 whether the Legis. of a single body

2 Whether it shall be elected by States or individuals —

3 & whether the states shall stand equal or the representation be proportionate to the Importance of the States —

The antient confedes. were formed in the infancy of politics — they soon fell victims to the inefficacy of yr. organization — because they had but one Br. there is no reason to adopt their Example —

The Dutch & Swiss confederacys are preserved by external balances — the Germanic Confed: is preserved by the power & Dominion of the House of Austria — our equality of votes was an occasional Compact — the Great States conducted like the true mother in the controversy of the Harlots, they like her in the claim of her child gave their sovereignty to the small States rather than it shd. be destroyed by the British King —

HAMILTON

Mr. Lansing—Resolved that the powers of legislation ought to be vested in the United States in Congress —

— If our plan be not adopted it will produce those mischiefs which we are sent to obviate —

Principles of System —

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- Equality of Representation —
- Dependence of members of Congress on States —
- So long as state distinctions exist state prejudices will operate whether election be by *states* or *people* —
- If no interest to *oppress* no need of *apportionment* —
- Virginia 16 — Delaware 1 —
- Will General Government have liesure to examine state laws —?
- Will G Government have the necessary information?
- Will states agree to surrender?
- Let us meet public opinion & hope the progress of sentiment will make future arrangements —
- Would like my system if it could be established —
- System without example —

Mr. Mason — Objection to granting power to Congress arose from their constitution.

Sword and purse in one body —

Two principles in which *America* are unanimous
1 attachment to Republican government

2 ————— to two branches of legislature—

— *Military force & liberty* incompatible —

— Will people maintain a standing army?

— Will endeavour to preserve state governments & draw lines — trusting to posterity to amend —

Mr Martin — General Government originally formed for the preservation of state governments —

Objection to giving power to Congress has originated with the legislatures — — —

10 of the states interested in an equal voice —

Real motive was an opinion that there ought to be distinct governments & not a general government —

Wednesday

HAMILTON

June 20

If we should form a general government twould
break to pieces — — —

— For common safety instituted a General gov-
ernment —

Jealousy of power the motive —

People have delegated all their authority to
state government —

Coertion necessary to both systems —

Requisitions necessary upon one system as
upon another —

In their *system* made requisitions necessary in
the first instance but left Congress in the
second instance — to assess themselves —

Judicial tribunals in the different states would
become odious — — —

If we always to make a change shall be always
in a state of infancy —

~~Mr~~ States will not be disposed hereafter to
strengthen the general government.

Mr. Sherman — Confederacy carried us through the war —
Non compliances of States owing to various
embarrassment

Why should state legislatures be unfriendly?

State governments will always have the con-
fidence & government of the people: if they
cannot be conciliated no efficacious govern-
ment can be established.

Sense of all states that one *branch is suffi-*
cient.

If consolidated all treaties will be void.

State governments more fit for local legis-
lation customs habits etc