

MONDAY, JULY 2, 1787.

JOURNAL

Monday July 2. 1787.

It was moved and seconded to agree to the following resolution. namely.

Resolved that in the second Branch of the Legislature of the United States each State shall have an equal vote.

which passed in the negative [Ayes — 5; noes — 5;  
divided — 1.]

It was moved and seconded to appoint a Committee consisting of a Deputy from each State to whom the eighth resolution, and so much of the seventh resolution, reported from the Committee of the whole House, as has not been decided upon should be referred

On the question to agree to this motion  
it passed in the affirmative<sup>1</sup>

and a Committee by ballot was appointed of  
Mr Gerry, Mr Ellsworth, Mr Yates, Mr Paterson, Mr Franklin,  
Mr Bedford, Mr L Martin, Mr Mason, Mr Davie, Mr Rutledge and Mr Baldwin.

And then the House adjourned till Thursday next at 11 o'Clock A. M

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<sup>1</sup>This question was divided:—

“To appoint a Committee”, Ayes— 9; noes—2; (Vote 111, Detail of Ayes and Noes.)

“The Committee to consist of a member from each State”, Ayes— 10; noes—1; (Vote 112, Detail of Ayes and Noes.)

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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
[110]	no	aye	aye	aye	aye	no	aye	aye	no	no	no	no	dd	That each State shall have an equal vote in ye second branch of the Legislature of the U. S.	5	5	1
[111]	aye	aye	aye	no	aye	no	aye	aye	aye	aye	aye	aye	aye	To appoint a Committee on the seventh and eighth resolutions	9	2	
[112]	aye	aye	aye	aye	no	aye	aye	aye	aye	aye	aye	aye	aye	The Committee to consist of a Member from each State	10	1	

## MADISON

Monday July 2d. in Convention

On the question for allowing each State one vote in the Second branch as moved by Mr. Elseworth,

Massts. no. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Mr. Jenifer being not present Mr. Martin alone voted Va. no. N. C. no. S. C. no. Geo. divid. Mr. Houston no Mr Baldwin ay [Ayes — 5; noes — 5; divided — 1.]<sup>2</sup>

Mr. Pinkney thought an equality of votes in the 2d. branch inadmissable. At the same time candor obliged him to admit that the large States would feel a partiality for their own Citizens & give them a preference, in appointments: that they might also find some common points in their commercial interests, and promote treaties favorable to them. (There is a real distinction the Northern & Southn. interests.)<sup>3</sup> N. Carola. S. Carol: & Geo. in their Rice & Indigo had a peculiar interest which might be sacrificed. How then shall the larger States be prevented from administering the Genl. Govt. as

<sup>2</sup> Upon this vote, especially the votes of Maryland and Georgia, see Appendix A, CLVIII (24).

<sup>3</sup> Taken from Yates.

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they please, without being themselves unduly subjected to the will of the smaller? By allowing them some but not a full proportion. He was extremely anxious that something should be done, considering this as the last appeal to a regular experiment. Congs. have failed in almost every effort for an amendment of the federal System. Nothing has prevented a dissolution of it, but the appointmt. of this Convention; & he could not express his alarms for the consequences of such an event. He read his motion (to form the States into classes, with an apportionment of Senators among them, (see art. 4 of his plan.))<sup>4</sup>

General Pinkney. (was willing the motion)<sup>5</sup> might be considered. He did not entirely approve it. He liked better the motion of Dr. Franklin (which see Saturday June 30). Some compromise seemed to be necessary: the States being exactly divided on the question for an equality of votes in the 2d. branch. He proposed that a Committee consisting of a member from each State should be appointed to devise & report some compromise.

Mr: L. Martin had no objection to a Commitment, but no modifications whatever could reconcile the Smaller States to the least diminution of their equal Sovereignty.

Mr. Sharman. We are now at a full stop, and nobody he supposed meant that we shd. break up without doing something. A Committee he thought most likely to hit on some expedient.

\* Mr. Govr. Morris.<sup>6</sup> thought a Come. advisable as the Convention had been equally divided. He had a stronger reason also. The mode of appointing the 2d. branch tended

\* He had just returned from N. Y. havg. left ye. Convention a few days after it commenced business.<sup>7</sup>

<sup>4</sup> Madison originally wrote "see it Monday June 25", but substituted "see art. 4 of his plan", referring to the spurious plan in the *Journal*.

<sup>5</sup> Madison originally wrote that Gen. Pinckney "seconded the motion in order that it might be considered", but changed it for the phrasing in the text.

<sup>6</sup> That Madison's report of this speech was approved by Morris, see Appendix A, CCCXCV, CCCC1, also CCCXIII, CCCXVII.

<sup>7</sup> See Appendix A, CCCLXXVIII and CCCLXXXIX.

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he was sure to defeat the object of it. What is this object? to check the precipitation, changeableness, and excesses of the first branch. Every man of observation had seen in the democratic branches of the State Legislatures, precipitation — in Congress changeableness. in every department excesses agst. personal liberty private property & personal safety. What qualities are necessary to constitute a check in this case? *Abilities* and *virtue*, are equally necessary in both branches. Something more then is wanted. 1. the Checking branch must have a personal interest in checking the other branch. one interest must be opposed to another interest. Vices as they exist, must be turned agst. each other. 2. It must have great personal property, it must have the aristocratic spirit; it must love to lord it thro' pride, pride is indeed the great principle that actuates both the poor & the rich. It is this principle which in the former resists, in the latter abuses authority. 3. It should be independent. In Religion the Creature is apt to forget its Creator. That it is otherwise in political affairs. The late debates here are an unhappy proof. The aristocratic body, should be as independent & as firm as the democratic. If the members of it are to revert to a dependence on the democratic choice. The democratic scale will preponderate. All the guards contrived by America have not restrained the Senatorial branches of the Legislatures from a servile complaisance to the democratic. If the 2d. branch is to be dependent we are better without it. To make it independent, it should be for life.<sup>8</sup> It will then do wrong, it will be said. He believed so: He hoped so. The Rich will strive to establish their dominion & enslave the rest. They always did. They always will. The proper security agst them is to form them into a separate interest. The two forces will then controul each other. Let the rich mix with the poor and in a Commercial Country, they will establish an Oligarchy. Take away commerce, and the democracy will triumph. Thus it has been all the world over. So it will be among us. Reason tells us we are but men: and we are not

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<sup>8</sup> See Appendix A, CCCLXXIX.

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to expect any particular interference of Heaven in our favor. By thus combining & setting apart, the aristocratic interest, the popular interest will be combined agst. it. There will be a mutual check and mutual security. 4. An independence for life, involves the necessary permanency. If we change our measures no body will trust us: and how avoid a change of measures, but by avoiding a change of men. Ask any man if he confides in Congs. if he confides in (the State of)<sup>9</sup> Pena. if he will lend his money or enter into contract? He will tell you no. He sees no stability. He can repose no confidence. If G. B. were to explain her refusal to treat with us, the same reasoning would be employed.—He disliked the exclusion of the 2d. branch from holding offices. It is dangerous. It is like the imprudent exclusion of the military officers during the war, from civil appointments. It deprives the Executive of the principal source of influence. If danger be apprehended from the Executive what a lift-handed way is this of obviating it? If the son, the brother or the friend can be appointed, the danger may be even increased, as the disqualified father &c. can then boast of a disinterestedness which he does not possess. Besides shall the best, the most able, the most virtuous citizens not be permitted to hold offices? Who then are to hold them? He was also agst. paying the Senators. They will pay themselves if they can. If they can not they will be rich and can do without it. of such the 2d. branch ought to consist; and none but such can compose it if they are not to be paid — He contended that the Executive should appoint the Senate & fill up vacancies. Thi gets rid of the difficulty in the present question. You may begin with any ratio you please; it will come to the same thing. The members being independt. & for life, may be taken as well from one place as from another.—It should be considered too how the scheme could be carried through the States. He hoped there was strength of mind eno' in this House to look truth in the face. He did not hesitate therefore to say that loaves & fishes must bribe the Demagogues. They must be made to expect higher

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<sup>9</sup> Taken from Yates.

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offices under the general than the State Govts. A Senate for life will be a noble bait. Without such captivating prospects, the popular leaders will oppose & defeat the plan. He perceived that the 1st. branch was to be chosen by the people of the States: the 2d. by those chosen by the people. Is not here a Govt. by the States. A Governmt. by Compact between Virga. in the 1st. & 2d. branch; Massts. in the 1st & 2d. branch &c. This is going back to mere treaty. It is no Govt. at all. It is altogether dependent—on the States, and will act over again the part which Congs. has acted. A firm Governmt. alone can protect our liberties. He fears the influence of the rich. They will have the same effect here as elsewhere if we do not by such a Govt. keep them within their proper sphere. We should remember that the people never act from reason alone. The rich will take advantage of their passions and make these the instruments for oppressing them. The Result of the Contest will be a violent aristocracy, or a more violent despotism. The schemes of the Rich will be favored by the extent of the Country. The people in such distant parts can not communicate & act in concert. They will be the dupes of those who have more Knowledge & intercourse. The only security agst. encroachments will be a select & sagacious body of men, instituted to watch agst. them on all sides. He meant only to hint these observations, without grounding any motion on them

Mr. Randolph favored the commitment though he did not expect much benefit from the expedient. He animadverted on the warm & rash language of Mr. Bedford on Saturday; reminded the small States that if the large States should combine some danger of which he did not deny there would be a check in the revisionary power of the Executive, and intimated that in order to render this still more effectual, he would agree that in the choice of the Executive each State should have an equal vote. He was persuaded that two such opposite bodies as Mr. Morris had planned could never long co-exist. Dissensions would arise as has been seen even between the Senate and H. of Delegates in Maryland, appeals would be made to the people; and in a little time commotions would be the

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result— He was far from thinking the large States could subsist of themselves any more than the small; an avulsion would involve the whole in ruin, and he was determined to pursue such a scheme of Government as would secure us agst. such a calamity.

Mr. Strong was for the Commitment; and hoped the mode of constituting both branches would be referred. If they should be established on different principles, contentions would prevail and there would never be a concurrence in necessary measures.

Docr. Williamson. If we do not concede on both sides, our business must soon be at an end. He approved of the commitment, supposing that as the Come. wd. be a smaller body, a compromise would be pursued with more coolness

Mr. Wilson objected to the Committee, because it would decide according to that very rule of voting which was opposed on one side. Experience in Congs. had also proved the inutility of Committees consisting of members from each State

(Mr. Lansing wd. not oppose the Commitment, though expecting little advantage from it.)<sup>10</sup>

Mr. M(adison) opposed the commitment. He had rarely seen any other effect than delay from *such* Committees in Congs. Any scheme of compromise that could be proposed in the Committee might as easily be proposed in the House; and the report of the Committee when it contained merely the *opinion* of the Come. would neither shorten the discussion, nor influence the decision of the House.

Mr. Gerry was for the commitmt. Something must be done, or we shall disappoint not only America, but the whole world. He suggested a consideration of the State we should be thrown into by the failure of the Union. We should be without an Umpire to decide controversies and must be at the mercy of events. What too is to become of our treaties— what of our foreign debts, what of our domestic? We must make concessions on both sides. Without these the constitutions of the several States would never have been formed.

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<sup>10</sup> Taken from Yates.

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On the question "for committing" (generally)<sup>11</sup>

Massts. ay. Cont. ay. N. Y. ay. N. J. no. P. ay. Del. no.  
Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 9;  
noes — 2.]

On the question for committing "to a member from each State"

Massts. ay. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay.  
Md. ay. Va. ay. N. C. ay. S. C. ay. Geo — ay. [Ayes —  
10; noes — 1.]

The Committee elected by ballot, were Mr. Gerry, Mr. Elseworth, Mr. Yates, Mr. Patterson. Dr. Franklin, Mr. Bedford, Mr. Martin,<sup>12</sup> Mr. Mason, Mr. Davy. Mr. Rutledge, Mr. Baldwin.

That time might be given to the Committee, and to such as chose to attend to the celebration on the anniversary of Independence, the Convention adjourned till Thursday.<sup>13</sup>

## YATES

MONDAY, JULY 2d, 1787.

Met pursuant to adjournment. Present 11 states.

The question was then put on Mr. Elsworth's motion. 5 ayes — 5 noes — one state divided. So the question, as to the amendment, was lost.

Mr. Pinkney. As a professional man, I might say, that there is no weight in the argument adduced in favor of the motion on which we were divided; but candor obliges me to own, that equality of suffrage in the states is wrong. Prejudices will prevail, and they have an equal weight in the larger as in the smaller states. There is a solid distinction as to interest between the southern and northern states — To destroy the ill effects thereof, I renew the motion which I

<sup>11</sup> On the situation in the Convention that led to the referring of this question to a committee, see Appendix A, CLVIII(24), CLXXXI, CCXVIII, CCC, CCCXXXVI, CCCLV, also the references on the conclusion of the compromise in *Records*, July 16, note 4.

<sup>12</sup> See Appendix A, CLXXXIX.

<sup>13</sup> See further, Appendix A, LIII-LV.

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made in the early stage of this business. (*See the plan of it before mentioned.*)

Gen. Pinkney moved for a select committee, to take into consideration both branches of the legislature.

Mr. Martin. It is again attempted to compromise. — You must give each state an equal suffrage, or our business is at an end.

Mr. Sherman. It seems we have got to a point, that we cannot move one way or the other. Such a committee is necessary to set us right.

Mr. Morris. The two branches, so equally poised, cannot have their due weight. It is confessed, on all hands, that the second branch ought to be a check on the first — for without its having this effect it is perfectly useless. — The first branch, originating from the people, will ever be subject to *precipitancy*, *changeability*, and *excess*. Experience evinces the truth of this remark without having recourse to reading. This can only be checked by *ability* and *virtue* in the second branch. On your present system, can you suppose that one branch will possess it more than the others? The second branch ought to be composed of men of great and established property — *an aristocracy*. Men, who from pride will support consistency and permanency; and to make them completely independent they must be chosen *for life*, or they will be a useless body. Such an aristocratic body will keep down the turbulency of democracy. But if you elect them for a shorter period, they will be only a name, and we had better be without them. Thus constituted, I hope they will shew us the weight of aristocracy.

History proves, I admit, that the men of large property will uniformly endeavor to establish tyranny. How then shall we ward off this evil? Give them the second branch, and you secure their weight for the *public good*. They become responsible for their conduct, and this lust of power will ever be checked by the democratic branch, and thus form a stability in your government. But if we continue changing our measures by the breath of democracy, who will confide in our engagements? Who will trust us? Ask any person whether

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he reposes any confidence in the government of congress, or that of the state of Pennsylvania — he will readily answer you, no. Ask him the reason, and he will tell you, it is because he has no confidence in their stability.

You intend also that the second branch shall be incapable of holding any office in the general government. — It is a dangerous expedient. They ought to have every inducement to be interested in your government. Deprive them of this right, and they will become inattentive to your welfare. The wealthy will ever exist; and you never can be safe unless you gratify them as a body, in the pursuit of honor and profit. Prevent them by positive institutions, and they will proceed in some left-handed way. A son may want a place—you mean to prevent him from promotion — They are not to be paid for their services — they will in some way pay themselves; nor is it in your power to prevent it. It is good policy that men of property be collected in one body, to give them one common influence in your government. Let vacancies be filled up as they happen, by the executive. Besides it is of little consequence, on this plan, whether the states are equally represented or not. If the state governments have the division of many of the loaves and fishes, and the general government few, it cannot exist. This senate would be one of the *baubles* of the general government. If you choose them for *seven* years, whether chosen by the people or the states; whether by equal suffrage or in any other proportion, how will they be a check? They will still have local and state prejudices. — A government by compact is no government at all. You may as well go back to your congressional federal government, where, in the character of ambassadors, they may form treaties for each state.

I avow myself the advocate of a strong government, still I admit that the influence of the rich must be guarded; and a pure democracy is equally oppressive to the lower orders of the community. This remark is founded on the experience of history. We are a commercial people, and as such will be obliged to engage in European politics. Local government cannot apply to the general government. These latter

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remarks I throw out only for the consideration of the committee who are to be appointed.

Gov. Randolph. I am in favor of appointing a committee; but considering the warmth exhibited in debate on Saturday, I have, I confess, no great hopes that any good will arise from it. Cannot a remedy be devised? If there is danger to the lesser states, from an unequal representation in the second branch, may not a check be found in the appointment of one executive, by electing him, by an equality of state votes? He must have the right of interposing between the two branches, and this might give a reasonable security to the smaller states. — Not one of the lesser states can exist by itself; and a dissolution of the confederation, I confess, would produce conventions, as well in the larger as in the smaller states. The principle of self-preservation induces me to seek for a government that will be stable and secure.

Mr. Strong moved to refer the 7th resolve to the same committee.

Mr. Wilson. I do not approve of the motion for a committee. I also object to the mode of its appointment — a small committee is the best.

Mr. Lansing. I shall not oppose the appointment, but I expect no good from it.

Mr. Madison. I have observed that committees only delay business; and if you appoint one from each state, we shall have in it the whole force of state prejudices. The great difficulty is to conquer former opinions. The motion of the gentleman from South Carolina can be as well decided here as in committee.<sup>14</sup>

Mr. Gerry. The world at large expect something from us. If we do nothing, it appears to me we must have war and confusion—for the old confederation would be at an end. Let us see if no concession can be made. Accommodation is absolutely necessary, and defects may be amended by a future convention.

The motion was then put to appoint a committee on the

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<sup>14</sup> For Genet's interpretation of Madison's attitude, see Appendix A, CCCX.

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8th resolve, and so much of the 7th as was not agreed to. Carried — 9 states against 2.

And, by *ballot*, the following members were appointed:

Massachusetts,	Mr. Gerry.
Connecticut,	Mr. Elsworth.
New-York,	Mr. Yates.
New-Jersey,	Mr. Patterson.
Pennsylvania,	Mr. Franklin.
Delaware,	Mr. Bedford.
Maryland,	Mr. Martin.
Virginia,	Mr. Mason.
North Carolina,	Mr. Davie.
South Carolina,	Mr. Rutledge.
Georgia,	Mr. Baldwin.

The convention then adjourned to Thursday, the 5th of July.

WILSON <sup>15</sup>

## Resolved

That the second Branch of the national <sup>16</sup> Legislature shall be elected in the following manner — that the States be divided into <sup>17</sup> Districts; the first to comprehend the States of \_\_\_\_\_ the second to comprehend the States of \_\_\_\_\_ the third to comprehend the States of \_\_\_\_\_ the fourth to comprehend the States of \_\_\_\_\_ and &c. — that the Members shall be elected by the said Districts in the Proportion following, in the first District

## Resolved

That the Members of the second Branch be elected for \_\_\_\_\_ Years, and that immediately after the first Election they be divided by Lot into \_\_\_\_\_ Classes; that the Seats of the

<sup>15</sup> Found among the Wilson papers in the Library of the Historical Society of Pennsylvania. It is in Wilson's handwriting but would seem to be a copy of Pinckney's proposal renewed on this day.

<sup>16</sup> Crossed out "federal".

<sup>17</sup> Crossed out "four great".

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Members of the first Class shall be vacated at the Expiration of the first Year, that the second the second Year, and so on continually; to the End that the Part of the second Branch, as nearly as possible may be annually chosen

**Resolved**

That it shall be in the Power of the national<sup>18</sup> Legislature, for the Convenience and Advantage of the good People of the United States, to divide them into such further and other Districts for the Purposes aforesaid,<sup>19</sup> as to the said Legislature shall appear necessary

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<sup>18</sup> Crossed out "federal".

<sup>19</sup> Crossed out "of electing the Members of the said second Branch".