

FRIDAY, JULY 6, 1787.

JOURNAL

Friday July 6. 1787.

It was moved and seconded to refer the first clause of the first proposition reported from the grand Committee to a special Committee

which passed in the affirmative [Ayes — 7; noes — 3; divided — 1.]

It was moved and seconded that the Committee consist of five members.

which was unanimously agreed to — and a Committee was appointed by ballot of

Mr G. Morris, Mr Gorham Mr Randolph, Mr Rutledge, and Mr King.

It was moved and seconded to postpone the remainder of the first proposition in order to take up the second.

which passed in the affirmative [Ayes — 8; noes — 3.]

It was moved and seconded to postpone the consideration of the second proposition

which passed in the affirmative [Ayes — 6; noes — 3; divided — 2.]

It was moved and seconded to resume the consideration of the second clause of the first proposition, which had been postponed in order to take up the second proposition

which passed in the affirmative

On the question shall the following clause stand as part of the report, namely.

3 “That all Bills for raising or appropriating money, and
“for fixing the salaries of the Officers of the Government of
“the United States, shall originate in the first branch of the
“Legislature, and shall not be altered or amended by the second
“Branch — and that no money shall be drawn from the Public

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“Treasury but in pursuance of appropriations to be originated
“by the first Branch.”

it passed in the affirmative [Ayes — 5; noes — 3;
divided — 3.]¹

and then the House adjourned till to-morrow at 11 o’Clock

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
[115]	aye	aye	no	no	aye	no	dd	aye	aye	aye	aye	aye	aye	To commit the 1st clause of the propositions reported from the grand Committee.	7	3	1
[116]	no	no	aye	aye	aye	aye	aye	aye	aye	no	aye	aye	aye	To postpone the remainder of the first to take up the second proposn	8	3	
[117]	dd	aye	dd	aye	no	aye	aye	aye	no	no	aye	aye	aye	To postpone the consideration of the second Proposition reported from the grand Committee	6	3	2
[118]	dd	aye	dd	aye	no	aye	aye	no	aye	no	dd	dd	dd	To agree to the second clause of the first proposition reported from the grand Committee	5	3	
[119]	aye	aye	no	aye	aye	aye	aye	no	aye	aye	aye	aye	aye	Whether the last vote was determined in the affirmative	9	2	

¹ Vote 118, Detail of Ayes and Noes.

The printed *Journal* (p. 161) inserted after this a question and vote from Detail of Ayes and Noes (Vote 119), “whether the vote so standing was determined in the affirmative” — Ayes, 9; noes, 2. There is nothing in the Detail of Ayes and Noes to indicate that this vote belongs here rather than on July 7. Madison originally recorded it on the latter date and he was probably right. See below note 5, and July 7, note 4.

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Friday July 6th. in Convention

Mr. Govr. Morris moved to commit so much of the Report as relates to "1 member for every 40,000 inhabitants" His view was that they might absolutely fix the number for each State in the first instance; leaving the Legislature at liberty to provide for changes in the relative importance of the States, and for the case of new States.²

Mr. Wilson 2ded. the motion; but with a view of leaving the Committee under no implied shackles.

Mr. Ghorum apprehended great inconveniency from fixing directly the number of Representatives to be allowed to each State. He thought the number of Inhabitants the true guide; tho' perhaps some departure might be expedient from the full proportion. The States also would vary in their relative extent, by separations of parts of the largest States. A part of Virga. is now on the point of a separation. In the province of Mayne a Convention is at this time deliberating on a separation from Masts. In such events, the number of representatives ought certainly to be reduced. He hoped to see all the States made small by proper divisions, instead of their becoming formidable as was apprehended, to the Small States. He conceived that let the Genl. Government be modified as it might, there would be a constant tendency in the State Governmts. to encroach upon it: it was of importance therefore that the extent of the States shd. be reduced as much & as fast as possible. The stronger the Govt. shall be made in the first instance the more easily will these divisions be effected; as it will be of less consequence in the opinion of the States whether they be of great or small extent.

Mr. Gerry did not think with his Colleague that the large States ought to be cut up. This policy has been inculcated by the middling and smaller States, ungenerously & contrary to the spirit of the Confederation. Ambitious men will be

² See Appendix A, CLXXXI.

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apt to solicit needless divisions, till the States be reduced to the size of Counties. If this policy should still actuate the small States, the large ones cou'd not confederate safely with them; but would be obliged to consult their safety by confederating only with one another. He favored the Commitment and thought that Representation ought to be in the Combined ratio of numbers of Inhabitants and of wealth, and not of either singly.

Mr. King wished the clause to be committed chiefly in order to detach it from the Report with which it had no connection. He thought also that the Ratio of Representation proposed could not be safely fixed, since in a century & a half our computed increase of population would carry the number of representatives to an enormous excess; that ye. number of inhabitants was not the proper index of ability & wealth; that property was the primary object of Society; and that in fixing a ratio this ought not to be excluded from the estimate. With regard to New States, he observed that there was something peculiar in the business which had not been noticed. The U. S. were now admitted to be proprietors of the Country, N. West of the Ohio. Congs. by one of their ordinances have impolitically laid it out into ten States, and have made it a fundamental article of compact with those who may become settlers, that as soon as the number in any one State shall equal that of the smallest of the 13 original States, it may claim admission into the Union. Delaware does not contain it is computed more than 35,000 souls, and for obvious reasons will not increase much for a considerable time. It is possible then that if this plan be persisted in by Congs. 10 new votes may be added, without a greater addition of inhabitants than are represented by the single vote of Pena. The plan as it respects one of the new States is already irrevocable, the sale of the lands having commenced, and the purchasers & settlers will immediately become entitled to all the privileges of the compact.

Mr. Butler agreed to the Commitment if the Committee were to be left at liberty. He was persuaded that the more the subject was examined, the less it would appear that the

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number of inhabitants would be a proper rule of proportion. If there were no other objection the changeableness of the standard would be sufficient. He concurred with those who thought some balance was necessary between the old & New States. He contended strenuously that property was the only just measure of representation. This was the great object of Govern^t: the great cause of war, the great means of carrying it on.

Mr. Pinkney saw no good reason for committing. The value of land had been found on full investigation to be an impracticable rule. The contributions of revenue including imports & exports, must be too changeable in their amount; too difficult to be adjusted; and too injurious to the non-commercial States. The number of inhabitants appeared to him the only just & practicable rule. He thought the blacks ought to stand on an equality with whites: But wd. — agree to the ratio settled by Cong^s. He contended that Cong^s. had no right under the articles of Confederation to authorize the admission of new States; no such case having been provided for.

Mr. Davy, was for committing the clause in order to get at the merits of the question arising on the Report. He seemed to think that wealth or property ought to be represented in the 2d. branch; and numbers in the 1st. branch.

On the motion for committing as made by Mr. Govr. Morris.

Masts. ay — Cont. ay. N. Y. no. N. J. no. Pa ay. Del. no. Md. divd. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 7; noes — 3; divided — 1.]

The members appd. by Ballot were Mr. Govr. Morris, (Mr. Gorham.)* Mr. Randolph. Mr. Rutledge. Mr. King.

Mr. Wilson signified that his view in agreeing to the Commitmt. was that the Come might consider the propriety of adopting a scale similar to that established by the Constitution of Masts. which wd give an advantage to ye. small States without substantially departing from a rule of proportion.

Mr. Wilson & Mr. Mason moved to postpone the clause

*Madison originally recorded "Mr. Ghorum" before Morris, but later revised it as given here, *i. e.*, in accordance with *Journal*.

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relating to money bills in order to take up the clause relating to an equality of votes in the second branch.

On the question Masts. no. Cont. no. N. Y. ay. N. J. ay. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. no. S. C. ay. Geo. ay. [Ayes — 8; noes — 3.]

The clause relating to equality of votes being under consideration,

Docr. Franklin observed that this question could not be properly put by itself, the Committee having reported several propositions as mutual conditions of each other. He could not vote for it if separately taken, but should vote for the whole together.

Col. Mason perceived the difficulty & suggested a reference of the rest of the Report to ye Committee just appointed, that the whole might be brought into one view.

Mr. Randolph disliked ye. reference to that Committee, as it consisted of members from States opposed to the wishes of the smaller States, and could not therefore be acceptable to the latter.

Mr. Martin & Mr. Jenifer moved to postpone the clause till the Come. last appointed should report.

Mr. M(adison) observed that if the uncommitted part of the Report was connected with the part just committed, it ought also, to be committed; if not connected, it need not be postponed till report should be made.

On the question (for postponing moved by Mr. Martin & Mr. Jennifer

Cont. N. J. Del. Md. Va. Geo., ay.

Pa. N. C. S. C. no

Mas. N. Y. divided)⁴

The 1st. clause relating to the originating of money bills was then resumed.

Mr. Governr. Morris was opposed to a restriction of this right in either branch, considered merely in itself and as unconnected with the point of representation in the 2d. branch. It will disable the 2d. branch from proposing its own money

⁴ Taken from *Journal*.

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plans, and giving the people an opportunity of judging by comparison of the merits of those proposed by the 1st. branch.

Mr. Wilson could see nothing like a concession here on the part of the smaller States. If both branches were to say yes or no, it was of little consequence which should say yes or no first, which last. If either was indiscriminately to have the right of originating, the reverse of the Report. would he thought be most proper; since it was a maxim that the least numerous body was the fittest for deliberation; the most numerous for decision. He observed that this discrimination had been transcribed from the British into several American constitutions. But he was persuaded that on examination of the American experiment, it would be found to be a trifle light as air. Nor could he ever discover the advantage of it in the parliamentary history of G. Britain. He hoped if there was any advantage in the privilege, that it would be pointed out.

Mr. Williamson thought that if the privilege were not common to both branches it ought rather to be confined to the 2d. as the bills in that case would be more narrowly watched, than if they originated with the branch having most of the popular confidence.

Mr. Mason. The consideration which weighed with the Committee was that the 1st. branch would be the immediate representatives of the people, the 2d. would not. Should the latter have the power of giving away the peoples money, they might soon forget the Source from whence they received it. We might soon have an aristocracy. He had been much concerned at the principles which had been advanced by some gentlemen, but had the satisfaction to find they did not generally prevail. He was a friend to proportional representation in both branches; but supposed that some points must be yielded for the sake of accomodation.

Mr. Wilson. If he had proposed that the 2d. branch should have an independent disposal of public money, the observations of (Col. Mason) would have been a satisfactory answer. But nothing could be farther from what he had said. His question was how is the power of the 1st. branch increased or that of the 2d. diminished by giving the proposed privilege

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to the former? Where is the difference, in which branch it begins if both must concur, in the end?

Mr. Gerry would not say that the concession was a sufficient one on the part of the small States. But he could not but regard it in the light of a concession. It wd. make it a constitutional principle that the 2d. branch were not possessed of the Confidence of the people in money matters, which wd. lessen their weight & influence. In the next place if the 2d. branch were dispossessed of the privilege, they wd. be deprived of the opportunity which their continuance in office 3 times as long as the 1st. branch would give them of make'g three successive essays in favor of a particular point.

Mr. Pinkney thought it evident that the Concession was wholly on one side, (that of the large States, the privilege of originating money bills being of no account.)

Mr. Govr. Morris had waited to hear the good effects of the restriction. As to the alarm sounded, of an aristocracy, his creed was that there never was, nor ever will be a civilized Society without an Aristocracy. His endeavor was to keep it as much as possible from doing mischief. The restriction if it has any real operation will deprive us of the services of the 2d. branch in digesting and proposing money bills of which it will be more capable than the 1st. branch, It will take away the responsibility of the 2d branch, the great security for good behavior. It will always leave a plea as to an obnoxious money bill that it was disliked, but could not be constitutionally amended; nor safely rejected. It will be a dangerous source of disputes between the two Houses. We should either take the British Constitution altogether or make one for ourselves. The Executive there has dissolved two Houses as the only cure for such disputes. Will our Executive be able to apply such a remedy? Every law directly or indirectly takes money out of the pockets of the people. Again what use may be made of such a privilege in case of great emergency? Suppose an enemy at the door, and money instantly & absolutely necessary for repelling him, may not the popular branch avail itself of this duress, to extort concessions from the Senate destructive of the Constitution itself. He illustrated this

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danger by the example of the Long Parliament's expedts. for subverting the H. of Lords: concluding on the whole that the restriction would be either useless or pernicious.

Docr. Franklin did not mean to go into a justification of the Report; but as it had been asked what would be the use of restraining the 2d. branch from meddling with money bills, he could not but remark that it was always of importance that the people should know who had disposed of their money, & how it had been disposed of. It was a maxim that those who feel, can best judge. This end would, he thought, be best attained, if money affairs were to be confined to the immediate representatives of the people. This was his inducement to concur in the report. As to the danger or difficulty that might arise from a negative in the 2d. where the people wd. not be proportionally represented, it might easily be got over by declaring that there should be no such Negative: or if that will not do, by declaring that there shall be no such branch at all.

Mr. Martin said that it was understood in the Committee that the difficulties and disputes which had been apprehended, should be guarded agst. in the detailing of the plan.

Mr. Wilson. The difficulties & disputes will increase with the attempts to define & obviate them. Queen Anne was obliged to dissolve her Parliamt. in order to terminate one of these obstinate disputes between the two Houses. Had it not been for the mediation of the Crown, no one can say what the result would have been. The point is still sub judice in England. He approved of the principles laid down by the Honble President ((Docr. Franklin)) his Colleague, as to the expediency of keeping the people informed of their money affairs. But thought they would know as much, and be as well satisfied, in one way as in the other.

Genl. Pinkney was astonished that this point should have been considered as a concession. He remarked that the restriction to money bills had been rejected on the merits singly considered, by 8 States agst. 3. and that the very States which now called it a concession, were then agst. it as nugatory or improper in itself.

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On the question whether the clause (relating to money bills) in the Report of the Com. consisting of a member from each State, shd. stand as part of the Report —

Massts. dividd. Cont. ay. N. Y. divid. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. ay. S. C. no. Geo. divid. [Ayes—5; noes — 3; divided — 3.]

A question was then raised whether the question was carried in the affirmative: there being but 5 ays out of 11 States present. The words of the rule are" (see May 28)

(On the question: Mas. Cont. N. J. Pa. Del. Md. N. C.

S. C. Geo. ay

N. Y. Va. no)⁶

(In several preceding instances like votes had sub silentio been entered as decided in the affirmative.)

Adjourned

⁶ Vote taken from *Journal*, which is probably mistaken in assigning the vote to this day's records. See above note 1, and July 7, note. 4.