

THURSDAY, JUNE 7, 1787.

JOURNAL

Thursday June 7. 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 the 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.

Thursday June 7. 1787.

Mr Gorham in the Chair

The following resolution was submitted by Mr Dickinson seconded by Mr Sherman. namely

Resolved that the members of the second branch of the national Legislature ought to be chosen by the individual Legislatures.

It was then moved and seconded to postpone the last resolution, in order to introduce the following — submitted by Mr Wilson seconded by Mr Morris, namely

Resolved that the second Branch of the national Legisla-

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ture be elected by the people in Districts to be formed for that purpose.

And on the question to postpone

it passed in the negative [Ayes — 1; noes — 10.]<sup>1</sup>

A question was then taken on the resolution submitted by Mr Dickinson namely

“Resolved that the members of the second branch of the “national Legislature ought to be chosen by the individual “Legislatures”

And on the question to agree to the same

it passed unanimously in the affirmative <sup>2</sup>

Mr Gerry gave notice that he would to-morrow move for the reconsideration of the resolution which respects the appointment of the national executive — when he should offer to substitute the following mode of appointing the national Executive namely

by the Executives of the several States

The Committee then rose. [Ayes — 11; noes — 0.] <sup>3</sup>

## 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
[31]	no	no	no	no	no	aye	no	no	no	no	no	no	no	To postpone Mr Dickinson's motion for electing the second branch to take up Mr Wilson's	1	10
[32]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	That the second branch of the national legislature be elected by the individual legislatures	11	
[33]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	The Committee to rise	11	

<sup>1</sup> Vote 31, Detail of Ayes and Noes.

<sup>2</sup> Vote 32, Detail of Ayes and Noes. Madison does not include New Jersey.

<sup>3</sup> Vote 33, Detail of Ayes and Noes.

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## MADISON

Thursday June 7th. 1787. (In Committee of the whole.)

Mr. Pinkney (according to notice) moved to reconsider the clause respecting the negative on State laws which was agreed to and (tomorrow) fixed for the purpose.

The Clause providing for ye appointment of the 2d branch of the national Legislature, having lain blank since the last vote on the mode of electing it, to wit, by the 1st. branch, Mr. Dickenson now moved "that the members (of the 2d. branch ought to be chosen)<sup>4</sup> by the individual Legislatures."

Mr. Sherman seconded the motion; observing that the particular States would thus become interested in supporting the National Governmt. and that a due harmony between the two Governments would be maintained. He admitted that the two ought to have separate and distinct jurisdictions, but that they ought to have a mutual interest in supporting each other.

Mr. Pinkney. If the small States should be allowed one Senator only, the number will be too great, there will be 80 at least.

Mr. Dickenson had two reasons for his motion. 1. because the sense of the States would be better collected through their Governments; than immediately from the people at large. 2. because he wished the Senate to consist of the most distinguished characters, distinguished for their rank in life and their weight of property, and bearing as strong a likeness to the British House of Lords as possible; and he thought such characters more likely to be selected by the State Legislatures, than in any other mode. The greatness of the number was no objection with him. He hoped there would be 80 and twice 80. of them. If their number should be small, the popular branch could not be [ba]lanced by them. The legislature of a numerous people ought to be a numerous body.

Mr. Williamson, preferred a small number of Senators, but wished that each State should have at least one. He sug-

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<sup>4</sup> Revised from *Journal*.

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gested 25 as a convenient number. The different modes of representation in the different branches, will serve as a mutual check.

Mr. Butler was anxious to know the ratio of representation before he gave any opinion.

Mr. Wilson. If we are to establish a national Government, that Government ought to flow from the people at large. If one branch of it should be chosen by the Legislatures, and the other by the people, the two branches will rest on different foundations, and dissensions will naturally arise between them. He wished the Senate to be elected by the people as well as the other branch, and the people might be divided into proper districts for the purpose & moved to postpone the motion of Mr. Dickenson, in order to take up one of that import.

Mr Morris 2ded. him.

Mr. Read proposed "that the Senate should be appointed by the Executive Magistrate out of a proper number of persons to be nominated by the individual legislatures." He said he thought it his duty, to speak his mind frankly. Gentlemen he hoped would not be alarmed at the idea. Nothing short of this approach towards a proper model of Government would answer the purpose, and he thought it best to come directly to the point at once. — His proposition was not seconded nor supported.

Mr. Madison, if the motion (of Mr. Dickenson) should be agreed to, we must either depart from the doctrine of proportional representation; or admit into the Senate a very large number of members. The first is inadmissable, being evidently unjust. The second is inexpedient. The use of the Senate is to consist in its proceeding with more coolness, with more system, & with more wisdom, than the popular branch. Enlarge their number and you communicate to them the vices which they are meant to correct. He differed from Mr. D. who thought that the additional number would give additional weight to the body. On the contrary it appeared to him that their weight would be in an inverse ratio to their number. The example of the Roman Tribunes was applicable. They

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lost their influence and power, in proportion as their number was augmented. The reason seemed to be obvious: They were appointed to take care of the popular interests & pretensions at Rome, because the people by reason of their numbers could not act in concert; were liable to fall into factions among themselves, and to become a prey to their aristocratic adversaries. The more the representatives of the people therefore were multiplied, the more they partook of the infirmities of their constituents, the more liable they became to be divided among themselves either from their own indiscretions or the artifices of the opposite factions, and of course the less capable of fulfilling their trust. When the weight of a set of men depends merely on their personal characters; the greater the number the greater the weight. When it depends on the degree of political authority lodged in them the smaller the number the greater the weight. These considerations might perhaps be combined in the intended Senate; but the latter was the material one.

Mr. Gerry. 4 modes of appointing the Senate have been mentioned. 1. by the 1st. branch of the National Legislature. This would create a dependence contrary to the end proposed. 2. by the National Executive. This is a stride towards monarchy that few will think of. 3. by the people. the people have two great interests, the landed interest, and the commercial including the stockholders. To draw both branches from the people will leave no security to the latter interest; the people being chiefly composed of the landed interest, and erroneously, supposing, that the other interests are adverse to it. 4 by the Individual Legislatures. The elections being carried thro' this refinement, will be most likely to provide some check in favor of the commercial interest agst. the landed; without which oppression will take place, and no free Govt. can last long when that is the case. He was therefore in favor of this last.

Mr. Dickenson.\* The preservation of the States in a cer-

\* (It will throw light on this discussion, to remark that an election by the State Legislatures involved a surrender of the principle insisted on by the large States & dreaded by the small ones, namely that of a proportional representation in the Senate.

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tain degree of agency is indispensable. It will produce that collision between the different authorities which should be wished for in order to check each other. To attempt to abolish the States altogether, would degrade the Councils of our Country, would be impracticable, would be ruinous. He compared the proposed National System to the Solar System, in which the States were the planets, and ought to be left to move freely in their proper orbits. The Gentleman from Pa. (Mr. Wilson) wished he said to extinguish these planets. If the State Governments were excluded from all agency in the national one, and all power drawn from the people at large, the consequence would be that the national Govt. would move in the same direction as the State Govts. now do, and would run into all the same mischiefs. The reform would only unite the 13 small streams into one great current pursuing the same course without any opposition whatever. He adhered to the opinion that the Senate ought to be composed of a large number, and that their influence (from family weight & other causes) would be increased thereby. He did not admit that the Tribunes lost their (weight) in proportion as their no. was augmented and gave a historical sketch of this institution. If the reasoning of (Mr. (Madison)) was good it would prove that the number of the Senate ought to be reduced below ten, the highest no. of the Tribunitial corps.

Mr. Wilson. The subject it must be owned is surrounded with doubts and difficulties. But we must surmount them. The British Governmt. cannot be our model. We have no materials for a similar one. Our manners, our laws, the abolition of entails and of primogeniture, the whole genius of the people, are opposed to it. He did not see the danger of the States being devoured by the Nationl. Govt. On the contrary, he wished to keep them from devouring the national Govt. He was not however for extinguishing these planets as was supposed by Mr. D. — neither did he on the other hand, believe that they would warm or enlighten the Sun. Within their proper orbits they must still be suffered to act for sub-

Such a rule wd make the body too numerous. As the smallest State must elect one member at least.)

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ordinate purposes (for which their existence is made essential by the great extent of our Country.) He could not comprehend in what manner the landed interest wd. be rendered less predominant in the Senate, by an election through the medium of the Legislatures than by the people themselves. If the Legislatures, as was now complained, sacrificed the commercial to the landed interest, what reason was there to expect such a choice from them as would defeat their own views. He was for an election by the people in large districts which wd. be most likely to obtain men of intelligence & uprightness; subdividing the districts only for the accomodation of voters.

Mr. Madison could as little comprehend in what manner family weight, as desired by Mr. D. would be more certainly conveyed into the Senate through elections by the State Legislatures, than in some other modes. The true question was in what mode the best choice wd. be made? If an election by the people, or thro' any other channel than the State Legislatures promised as uncorrupt & impartial a preference of merit, there could surely be no necessity for an appointment by those Legislatures. Nor was it apparent that a more useful check would be derived thro' that channel than from the people thro' some other. The great evils complained of were that the State Legislatures run into schemes of paper money &c, whenever solicited by the people, & sometimes without even the sanction of the people. Their influence then, instead of checking a like propensity in the National Legislature, may be expected to promote it. Nothing can be more contradictory than to say that the Natl. Legislature witht. a proper check will follow the example of the State legislatures, & in the same breath, that the State Legislatures are the only proper check.

Mr. Sharman opposed elections by the people in districts, as not likely to produce such fit men as elections by the State Legislatures.

Mr. Gerry insisted that the commercial & monied interest wd. be more secure in the hands of the State Legislatures, than of the people at large. The former have more sense of character, and will be restrained by that from injustice. The

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people are for paper money when the Legislatures are agst. it. In Massts. the County Conventions had declared a wish for a *depreciating* paper that wd. sink itself. Besides, in some States there are two Branches in the Legislature, one of which is somewhat aristocratic. There wd. therefore be so far a better chance of refinement in the choice. There seemed, he thought to be three powerful objections agst. elections by districts 1. It is impracticable; the people can not be brought to one place for the purpose; and whether brought to the same place or not, numberless frauds wd. be unavoidable. 2. small States forming part of the same district with a large one, or large part of a large one, wd. have no chance of gaining an appointment for its citizens of merit. 3 a new source of discord wd. be opened between different parts of the same district.

Mr. Pinkney thought the 2d. branch ought to be permanent & independent, & that the members of it wd. be rendered more so by receiving their appointment from the State Legislatures. This mode wd. avoid the rivalships & discontents incident to the election by districts. He was for dividing the States into three classes according to their respective sizes, & for allowing to the 1st. class three members — to the 2d. two. & to the 3d. one.

On the question for postponing Mr. Dickinson's motion referring the appointment of the Senate to the State Legislatures, in order to consider Mr. Wilson's for referring it to the people.

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

Col. Mason. whatever power may be necessary for the Natl. Govt. a certain portion must necessarily be left in the States. It is impossible for one power to pervade the extreme parts of the U. S. so as to carry equal justice to them. The State Legislatures also ought to have some means of defending themselves agst. encroachments of the Natl. Govt. In every other department we have studiously endeavored to provide for its self-defence. Shall we leave the States alone



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unprovided with the means for this purpose? And what better means can we provide than the giving them some share in, or rather to make them a constituent part of, the Natl. Establishment. There is danger on both sides no doubt; but we have only seen the evils arising on the side of the State Govts. Those on the other side remain to be displayed. The example of Cong: does not apply. Congs. had no power to carry their acts into execution as the Natl. Govt. will have.

On Mr. Dickinson's motion for an appointment of the Senate by the State-Legislatures.

Mass. ay. Ct. ay. N. Y. ay. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 10; noes — 0.]<sup>5</sup>

Mr. Gerry gave notice that he wd. tomorrow move for a reconsideration of the mode of appointing the Natl. Executive in order to substitute an appointm. by the State Executives  
The Committee rose & The House adjd.

## YATES

THURSDAY, JUNE 7th, 1787.

Met pursuant to adjournment.

Mr. Rutledge moved to take into consideration the mode of electing the second branch of the national legislature.

Mr. Dickinson thereupon moved, *that the second branch of the national legislature be chosen by the legislatures of the individual states*. He observed, that this mode will more intimately connect the state governments with the national legislature — it will also draw forth the first characters either as to family or talent, and that it ought to consist of a considerable number.

Mr. Wilson against the motion, because the two branches thus constituted, cannot agree, they having different views and different sentiments.

Mr. Dickinson is of opinion that the mode by him proposed, like the British house of lords and commons, whose powers flow from different sources, are mutual checks on each

<sup>5</sup> Detail of Ayes and Noes, Vote 32, includes New Jersey.

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other, and will thus promote the real happiness and security of the country — a government thus established would harmonize the whole, and like the planetary system, the national council like the sun, would illuminate the whole — the planets revolving round it in perfect order; or like the union of several small streams, would at last form a respectable river, gently flowing to the sea.

Mr. Wilson. The state governments ought to be preserved — the freedom of the people and their internal good police depends on their existence in full vigor — but such a government can only answer local purposes — That it is not possible a general government, as despotic as even that of the Roman emperors, could be adequate to the government of the whole without this distinction. He hoped that the national government would be independent of state governments, in order to make it vigorous, and therefore moved that the above resolution be postponed, and that the convention in its room adopt the following resolve: *That the second branch of the national legislature be chosen by districts, to be formed for that purpose.*<sup>6</sup>

Mr. Sherman supposes the election of the national legislature will be better vested in the state legislatures, than by the people, for by pursuing different objects, persons may be returned who have not one tenth of the votes.

Mr. Gerry observed, that the great mercantile interest and of stockholders, is not provided for in any mode of election — they will however be better represented if the state legislatures choose the second branch.

Question carried against the postponement — 10 states against 1.

Mr. Mason then spoke to the general question — observing on the propriety, that the second branch of the national legislature should flow from the legislature of each state, to prevent the encroachments on each other and to harmonize the whole.

The question put on the first motion, and carried unanimously. Adjourned to to-morrow morning.

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<sup>6</sup> Compare Genet's interpretation of this speech in Appendix A, CCCX.

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The proposition before the comee. — that the Senate be appointed by the other Br. of the national legislature out of persons nominated by the State Legislatures being negatived —

*Dickerson* — proposed an amendment so that the appointment of the Senate shd. be by the Legislatures of the individual States — for two reasons, first, that the mind & body of the State as such shd. be represented in the national Legislature. Second, that the men of first Talents may be employed in the national Legislature; they first will have a chance in the Election of the people, failing there, wealth, family, or Talents may hold them up to the State Legislatures as fit characters for the Senate — let their numbers be more than 200; by enlarging their Numbers you increase their consequence & weight & by combining the families and wealth of the aristocracy, you establish a balance that will check the Democracy —

*Wilson* — If this amendment passes — we shall not have a national Govt: the Senate will be too numerous, and will not represent the property or numbers of the Nation, but they will represent the *States*, whose interests may oppose the Genl. Government — the consequence will be unfavorable to the Harmony of the Nation.

*Madison* — We are about to form a national Govt. and therefore must abandon Ideas founded alone in the plan of confedn. the Senate ought to come from, & represent, the Wealth of the nation, and this being the Rule, the amendment cannot be adopted — besides the numbers will be too large — the Proofs of History establish this position, that delegated power will have the most weight & consequence in the hands of a few — when the Roman Tribunes were few, they checked the Senate; when multiplied, they divided, were weak, ceased to be that Guard to the people which was expected in their institution —

*Dickerson* — The objection is that you attempt to unite distinct Interests — I do not consider this an objection, Safety

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may flow from this variety of Interests — there exists this Diversity in the constitution of G. Britain — We cannot abolish the States and consolidate them into one Govt — Indeed if we could I shd. be agt. it — Let our Govt. be like that of the solar System; let the Genl. Govt. be the Sun and the States the Planets repelled yet attracted, and the whole moving regularly and harmoniously in their respective Orbits — the Objection from Virginia. (Madison) that power delegated to a few will be a better & more weighty check to the Democy. & the Instance of the Roman Tribunes proves too much; *they* never exceeded ten in number; no Gentlemen has an Idea that the Senate shd. be so small as the number of Roman Tribunes at any Time, much less when their Numbers were only *three* —

Wilson — I am not in favor of an abolition of the States — I revere the theory of the Brit. Govt. but we can't adopt it — we have no laws in favor of primogeniture — no distinction of families — the partition of Estates destroys the influence of the Few — But I know that all confederations have been destroyed by the growth & ambition of some of *their members* — if the State Legislatures. appoint the Senate, the principle, which has formerly operated the ruin of antient Confederacies, will be received and cherished, in that we are abt. to establish —

I therefore propose that the Senate be elected by the people and that the Territory be thrown into convenient Districts—

Dickerson — opposed the substitute proposed by Wilson because the same is either impracticable or unfair — the Districts must be either parts of States, or entire States, or parts of distinct States united — if the first, how will you prevent fraudulent or corrupt Elections, if the second, how will you establish an intermediate body to elect from those who have the most votes and are not elected — if the third the small States will never have a member therefore it is unfair —

On the Question to agree to Wilson's substitute providing for an Election in Districts

Pen. ay — the 10. other States no —

Mason—It is true that the antient confederacies were dissolved by the overgrown power and unreasonable ambition

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of some one of its members. but their situation was different from that which is proposed for the U. S. — we have agreed that the national Legislature shall have a negative on the State Legislatures — the Danger is that the national, will swallow up the State Legislatures — what will be a reasonable guard agt. this Danger, and operate in favor of the State authorities — The answer seems to me to be this, let the State Legislatures appoint the Senate —

On the Question whether the Senate shd. be appointed by the State Legislatures the Question was carried unanimously in the affirmative —<sup>7</sup>

## HAMILTON

Dickinson II — He would have the state legislatures elect senators, because he would bring into the general government the sense of the state Governments &

II — because the more respectable choices would be made —

Note — Separate states may give stronger organs to their governments & engage more the good will of Ind: — while Genl Gov —

☞ Consider the Principle of Rivalship by excluding the state Legislatures —

Mason { General government could not know how to make laws for every part — such as respect *agriculture* &c  
particular governments would have *no defensive* power unless let into the constitution as a Constituent part — — —

MASON<sup>8</sup>

At a time when our government is approaching to dissolution, when some of its principles have been found utterly

<sup>7</sup> [Endorsed:] | 7 June | Senators to be chosen | by State Legislatures | unanimous

<sup>8</sup> This document in Mason's handwriting was found among the Mason Papers and is printed in K. M. Rowland, *Life of George Mason*, II, 386-387. There are

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inadequate to the purposes for which it was established, and it is evident that without some material alterations it can not much longer subsist, it must give real concern to every man who has his country's interest at heart to find such a difference of sentiment and opinion in an assembly of the most respectable and confidential characters in America, appointed for the special purpose of revising and amending the federal constitution, so as to obtain and preserve the important objects for which it was instituted — the protection, safety and happiness of the people. We all agree in the necessity of new regulations; but we differ widely in our opinions of what are the safest and most effectual. Perhaps this contrariety of sentiment arises from our not thoroughly considering the peculiar circumstances, situation, character and genius of the people of America, differing materially from that of any other nation. The history of other nations has been minutely investigated, examples have been drawn from and arguments founded on the practice of countries very dissimilar to ours. The treaties, leagues, and confederacies between different sovereign, independent powers have been urged as proofs in support of the propriety and justice of the single and equal representation of each individual State in the American Union; and thence conclusions have been drawn that the people of these United States would refuse to adopt a government founded more on an equal representation of the people themselves, than on the distinct representation of each separate, individual State. If the different States in our Union always had been as now substantially and in reality distinct, sovereign and independent, this kind of reasoning would have great force; but if the premises on which it is founded are mere assumptions not founded on facts, or at best upon facts to be found only upon a paper of yesterday, and even these contradictory to each other, no satisfactory conclusions can be drawn from them.

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erasure and interlineations, and it would seem to represent a part of a speech in the first days of the Convention. It is assigned to this date because it corresponds more closely to the ideas reported of his speech on this day than on any other occasion.