

MONDAY, JUNE 18, 1787.

JOURNAL

Monday June 18. 1787.

The Order of the day being read.

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

Mr President left the Chair

Mr Gorham took the Chair of the Committee

Mr President resumed the Chair.

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

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

and then the House adjourned till to-morrow at 11 oClock A. M.

In a Committee of the whole House

Monday June 18. 1787

Mr Gorham in the Chair.

It was moved by Mr Dickinson seconded by to postpone the consideration of the first resolution submitted by Mr Paterson namely. in order to introduce the following.

“Resolved that the articles of confederation ought to be “revised and amended, so as to render the government of “the United States adequate to the Exigencies, the preserva-  
“tion, and the prosperity of the Union.”

And on the question to agree to the same  
it passed in the affirmative [Ayes — 10; noes — 0; divided — 1.]<sup>1</sup>

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<sup>1</sup> Vote 64, Detail of Ayes and Noes.

*Monday*

MADISON

*June 18*

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

## DETAIL OF AYES AND NOES

[Beginning of third loose sheet]

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	Ayes	Noes	Divided
[64]	aye	aye	aye	aye	aye	dd	aye	aye	aye	aye	aye	aye	aye	To postpone the first resolution offered by Mr Patterson in order to take up Mr. Dickinson's motion	10	1	

## MADISON

Monday June 18. in Committee of the whole. on the propositions of Mr. Patterson & Mr. Randolph.

(On motion of Mr. Dickinson to postpone the 1st. Resolution in Mr. Patterson's plan, in order to take up the following. viz: "that the articles of confederation ought to be revised and amended so as to render the Government of the U. S. adequate to the exigencies, the preservation and the prosperity of the union." the postponement was agreed to by 10 States, Pen: divided.)<sup>2</sup>

Mr. Hamilton, had been hitherto silent on the business before the Convention, partly from respect to others whose superior abilities age & experience rendered him unwilling to bring forward ideas dissimilar to theirs, and partly from his delicate situation with respect to his own State, to whose sentiments as expressed by his Colleagues, he could by no means accede. The crisis however which now marked our affairs, was too serious to permit any scruples whatever to prevail

<sup>2</sup> Taken from *Journal*.

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Monday

MADISON

June 18

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over the duty imposed on every man to contribute his efforts for the public safety & happiness. He was obliged therefore to declare himself unfriendly to both plans. He was particularly opposed to that from N. Jersey, being fully convinced, that no amendment of the confederation, leaving the States in possession of their sovereignty could possibly answer the purpose. On the other hand he confessed he was much discouraged by the amazing extent of Country in expecting the desired blessings from any general sovereignty that could be substituted. — As to the powers of the Convention, he thought the doubts started on that subject had arisen from distinctions & reasonings too subtle.<sup>3</sup> A *federal* Govt. he conceived to mean an association of independent Communities into one. Different Confederacies have different powers, and exercise them in different ways. In some instances the powers are exercised over collective bodies; in others over individuals. as in the German Diet — & among ourselves in cases of piracy. Great latitude therefore must be given to the signification of the term. The plan last proposed departs itself from the *federal* idea, as understood by some, since it is to operate eventually on individuals. He agreed moreover with the Honble. gentleman from Va. (Mr. R.) that we owed it to our Country, to do on this emergency whatever we should deem essential to its happiness. The States sent us here to provide for the exigences of the Union. To rely on & propose any plan not adequate to these exigences, merely because it was not clearly within our powers, would be to sacrifice the means to the end. It may be said that the *States* can not *ratify* a plan not within the purview of the article of Confederation providing for alterations & amendments. But may not the States themselves in which no constitutional authority equal to this purpose exists in the Legislatures, have had in view a reference to the people at large. In the Senate of N. York, a proviso was moved, that no act of the Convention should be binding untill it should be referred to the people & ratified; and the motion was lost by a single voice only, the reason

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<sup>3</sup> See above June 16, note 2.

Monday

MADISON

June 18

assigned agst. it, being that it (might possibly) be found an inconvenient shackle.

The great question is what provision shall we make for the happiness of our Country? He would first make a comparative examination of the two plans — prove that there were essential defects in both — and point out such changes as might render a *national one*, efficacious. — The great & essential principles necessary for the support of Government. are

1. an active & constant interest in supporting it. This principle does not exist in the States in favor of the federal Govt. They have evidently in a high degree, the *esprit de corps*. They constantly pursue internal interests adverse to those of the whole. They have their particular debts — their particular plans of finance &c. all these when opposed to, invariably prevail over the requisitions & plans of Congress.
2. the love of power, Men love power. The same remarks are applicable to this principle. The States have constantly shewn a disposition rather to regain the powers delegated by them than to part with more, or to give effect to what they had parted with. The ambition of their demagogues is known to hate the controul of the Genl. Government. It may be remarked too that the Citizens have not that anxiety<sup>4</sup> to prevent a dissolution of the Genl. Govt as of the particular Govts. A dissolution of the latter would be fatal: of the former would still leave the purposes of Govt. attainable to a considerable degree. Consider what such a State as Virga. will be in a few years, a few compared with the life of nations. How strongly will it feel its importance & self-sufficiency?
3. an habitual attachment of the people. The whole force of this tie is on the side of the State Govt. Its sovereignty is immediately before the eyes of the people: its protection is immediately enjoyed by them. From its hand distributive justice, and all those acts which familiarize & endear Govt. to a people, are dispensed to them.
4. *Force* by which may be understood a *coertion of laws* or *coertion of arms*. Congs. have not the former except in few cases. In particular States, this coercion

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<sup>4</sup> Crossed out "interest".

Monday

MADISON

June 18

is nearly sufficient; tho' he held it in most cases, not entirely so. A certain portion of military force is absolutely necessary in large communities. Massts. is now feeling this necessity & making provision for it. But how can this force be exerted on the States collectively. It is impossible. It amounts to a war between the parties. Foreign powers also will not be idle spectators. They will interpose, the confusion will increase, and a dissolution of the Union ensue. 5. *influence.* - he did not (mean) corruption, but a dispensation of those regular honors & emoluments, which produce an attachment to the Govt. almost all the weight of these is on the side of the States; and must continue so as long as the States continue to exist. All the passions then we see, of avarice, ambition, interest, which govern most individuals, and all public bodies, fall into the current of the States, and do not flow in the stream of the Genl. Govt. the former therefore will generally be an overmatch for the Genl. Govt. and render any confederacy, in its very nature precarious. Theory is in this case fully confirmed by experience. The Amphycyonic Council had it would seem ample powers for general purposes. It had in particular the power of fining and using force agst. delinquent members. What was the consequence. Their decrees were mere signals of war. The Phocian war is a striking example of it. Philip at length taking advantage of their disunion, and insinuating himself into their Councils, made himself master of their fortunes. The German Confederacy affords another lesson. The authority of Charlemagne seemed to be as great as could be necessary. The great feudal chiefs however, exercising their local sovereignties, soon felt the spirit & found the means of, encroachments, which reduced the imperial authority to a nominal sovereignty. The Diet has succeeded, which tho' aided by a Prince at its head, of great authority independently of his imperial attributes, is a striking illustration of the weakness of Confederated Governments. Other examples instruct us in the same truth. The Swiss cantons have scarce any Union at all, and (have been more than once at)<sup>5</sup> war with

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<sup>5</sup> Crossed out "are frequently at".

Monday

MADISON

June 18

one another — How then are all these evils to be avoided? only by such a compleat sovereignty in the general Governmt. as will turn all the strong principles & passions above mentioned on its side. Does the scheme of N. Jersey produce this effect? does it afford any substantial remedy whatever? On the contrary it labors under great defects, and the defect of some of its provisions will destroy the efficacy of others. It gives a direct revenue to Congs. but this will not be sufficient. The balance can only be supplied by requisitions; which experience proves can not be relied on. If States are to deliberate on the mode, they will also deliberate on the object of the supplies, and will grant or not grant as they approve or disapprove of it. The delinquency of one will invite and countenance it in others. Quotas too must in the nature of things be so unequal as to produce the same evil. To what standard will you resort? Land is a fallacious one. Compare Holland with Russia: France or Engd. with other countries of Europe. Pena. with N. Carolia. will the relative pecuniary abilities in those instances, correspond with the relative value of land. Take numbers of inhabitants for the rule and make like comparison of different countries, and you will find it to be equally unjust. The different degrees of industry and improvement in different Countries render the first object a precarious measure of wealth. Much depends too on *situation*. Cont. N. Jersey & N. Carolina, not being commercial States & contributing to the wealth of the commercial ones, can never bear quotas assessed by the ordinary rules of proportion. They will & must fail (in their duty.) their example will be followed, and the Union itself be dissolved. Whence then is the national revenue to be drawn? from Commerce, even (from) exports which notwithstanding the common opinion are fit objects of moderate taxation, (from) excise, &c &c. These tho' not equal, are less unequal than quotas. Another destructive ingredient in the plan, is that equality of suffrage which is so much desired by the small States. It is not in human nature that Va. & the large States should consent to it, or if they did that they shd. long abide by it. It shocks too much the ideas of Justice, and every human feeling. Bad

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*Monday*

MADISON

*June 18*

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principles in a Govt. tho slow are sure in their operation, and will gradually destroy it. A doubt has been raised whether Congs. at present have a right to keep Ships or troops in time of peace. He leans to the negative. Mr. P.s plan provides no remedy.— If the powers proposed were adequate, the organization of Congs. is such that they could never be properly & effectually exercised. The members of Congs. being chosen by the States & subject to recall, represent all the local prejudices. Should the powers be found effectual, they will from time to time be heaped on them, till a tyrannic sway shall be established. The general power whatever be its form if it preserves itself, must swallow up the State powers. otherwise it will be swallowed up by them. It is agst. all the principles of a good Government to vest the requisite powers in such a body as Congs. Two Sovereignties can not co-exist within the same limits. Giving powers to Congs. must eventuate in a bad Govt. or in no Govt. The plan of N. Jersey therefore will not do. What then is to be done? Here he was embarrassed. The extent of the Country to be governed, discouraged him. The expence of a general Govt. was also formidable; unless there were such a diminution of expence on the side of the State Govts. as the case would admit. If they were extinguished, he was persuaded that great œconomy might be obtained by substituting a general Govt. He did not mean however to shock the public opinion by proposing such a measure. On the other (hand) he saw no *other* necessity for declining it. They are not necessary for any of the great purposes of commerce, revenue, or agriculture. Subordinate authorities he was aware would be necessary. There must be district tribunals: corporations for local purposes. But cui bono, the vast & expensive apparatus now appertaining to the States. The only difficulty of a serious nature which occurred to him, was that of drawing representatives from the extremes to the center of the Community. What inducements can be offered that will suffice? The moderate wages for the 1st. branch, would only be a bait to little demagogues. Three dollars or thereabouts he supposed would be the Utmost. The Senate he feared from a similar cause, would be filled by

*Monday*

MADISON

*June 18*

certain undertakers who wish for particular offices under the Govt. This view of the subject almost led him to despair that a Republican Govt. could be established over so great an extent. He was sensible at the same time that it would be unwise to propose one of any other form. In his private opinion he had no scruple in declaring, supported as he was by the opinions of so many of the wise & good, that the British Govt. was the best in the world: and that he doubted much whether any thing short of it would do in America.<sup>6</sup> He hoped Gentlemen of different opinions would bear with him in this, and begged them to recollect the change of opinion on this subject which had taken place and was still going on. It was once thought that the power of Congs was amply sufficient to secure the end of their institution. The error was now seen by every one. The members most tenacious of republicanism, he observed, were as loud as any in declaiming agst. the vices of democracy. This progress of the public mind led him to anticipate the time, when others as well as himself would join in the praise bestowed by Mr. Neckar on the British Constitution, namely, that it is the only Govt. in the world "which unites public strength with individual security." — In every community where industry is encouraged, there will be a division of it into the few & the many. Hence separate interests will arise. There will be debtors & Creditors &c. Give all power to the many, they will oppress the few. Give all power to the few they will oppress the many. Both therefore ought to have power, that each may defend itself agst. the other. To the want of this check we owe our paper money — instalment laws &c. To the proper adjustment of it the British owe the excellence of their Constitution. Their house of Lords is a most noble institution. Having nothing to hope for by a change, and a sufficient interest by means of their property, in being faithful to the National interest, they form a permanent barrier agst. every pernicious innovation, whether

<sup>6</sup>This is doubtless the basis of the charge that in the Convention Hamilton favored the establishment of a monarchy. See Appendix A, CCXXXIII, CCLXXI, CCXCII, CCXCIV, CCXCV, CCCIX, CCCXI, CCCXII, CCCXXIV, CCCXXVIII, CCCLIV, CCCLXVII, CCCLXXX, CCCXCVII.



*Monday*

MADISON

*June 18*

attempted on the part of the Crown or of the Commons. No temporary Senate will have firmness en'o' to answer the purpose. The Senate ((of Maryland)) which seems to be so much appealed to, has not yet been sufficiently tried. Had the people been unanimous & eager, in the late appeal to them on the subject of a paper emission they would have yielded to the torrent. Their acquiescing in such an appeal is a proof of it. — Gentlemen differ in their opinions concerning the necessary checks, from the different estimates they form of the human passions. They suppose Seven years a sufficient period to give the Senate an adequate firmness, from not duly considering the amazing violence & turbulence of the democratic spirit. When a great object of Govt. is pursued, which seizes the popular passions, they spread like wild fire, and become irresistible. He appealed to the gentlemen from the N. England States whether experience had not there verified the remark. As to the Executive, it seemed to be admitted that no good one could be established on Republican principles. Was not this giving up the merits of the question; for can there be a good Govt. without a good Executive. The English model was the only good one on this subject. The Hereditary interest of the King was so interwoven with that of the Nation, and his personal emoluments so great, that he was placed above the danger of being corrupted from abroad — and at the same time was both sufficiently independent and sufficiently controuled, to answer the purpose of the institution at home. one of the weak sides of Republics was their being liable to foreign influence & corruption. Men of little character, acquiring great power become easily the tools of intermeddling neighbours. Sweeden was a striking instance. The French & English had each their parties during the late Revolution which was effected by the predominant influence of the former. What is the inference from all these observations? That we ought to go as far in order to attain stability and permanency, as republican principles will admit. Let one branch of the Legislature hold their places for life or at least during good-behaviour. Let the Executive also be for life. He appealed to the feelings of the members present whether a term of seven

Monday

MADISON

June 18

years, would induce the sacrifices of private affairs which an acceptance of public trust would require, so so as to ensure the services of the best Citizens. On this plan we should have in the Senate a permanent will, a weighty interest, which would answer essential purposes. But is this a Republican Govt. it will be asked? Yes, if all the Magistrates are appointed, and vacancies are filled, by the people, or a process of election originating with the people. He was sensible that an Executive constituted as he proposed would have in fact but little of the power and independence that might be necessary. On the other plan of appointing him for 7 years, he thought the Executive ought to have but little power. He would be ambitious, with the means of making creatures; and as the object of his ambition wd. be to *prolong* his power, it is probable that in case of a war, he would avail himself of the emergence, to evade or refuse a degradation from his place. An Executive for life has not this motive for forgetting his fidelity, and will therefore be a safer depository of power. It will be objected probably, that such an Executive will be an *elective Monarch*, and will give birth to the tumults which characterise that form of Govt. He wd. reply that *Monarch* is an indefinite term. It marks not either the degree or duration of power. If this Executive Magistrate wd. be a monarch for life — the other propd. by the Report from the Committee of the whole, wd. be a monarch for seven years. The circumstance of being elective was also applicable to both. It had been observed by judicious writers that elective monarchies wd. be the best if they could be guarded agst. the *tumults* excited by the ambition and intrigues of competitors. He was not sure that tumults were an inseparable evil. He rather thought this character of Elective Monarchies had been taken rather from particular cases than from general principles. The election of Roman Emperors was made by the *Army*. In *Poland* the election is made by great rival *princes* with independent power, and ample means, of raising commotions. In the German Empire, The appointment is made by the Electors & Princes, who have equal motives & means, for exciting cabals & parties. Might (not) such a mode of election be devised

*Monday*

MADISON

*June 18*

among ourselves as will defend the community agst. these effects in any dangerous degree? Having made these observations he would read to the Committee a sketch of a plan which he shd. prefer to either of those under consideration. He was aware that it went beyond the ideas of most members. But will such a plan be adopted out of doors? In return (he would ask) will the people adopt the other plan? At present they will adopt neither. But (he) sees the Union dissolving or already dissolved — he sees evils operating in the States which must soon cure the people of their fondness for democracies — he sees that a great progress has been already made & is still going on in the public mind. He thinks therefore that the people will in time be unshackled from their prejudices; and whenever that happens, they will themselves not be satisfied at stopping where the plan of Mr. R. wd. place them, but be ready to go as far at least as he proposes. He did not mean to offer the paper he had sketched as a proposition to the Committee. It was meant only to give a more correct view of his ideas, and to suggest the amendments which he should probably propose to the plan of Mr. R. in the proper stages of its future discussion. He reads his sketch in the words following:<sup>7</sup> to wit

I “The Supreme Legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate who together shall form the Legislature of the United States with power to pass all laws whatsoever subject to the Negative hereafter mentioned.

II The Assembly to consist of persons elected by the people to serve for three years.

III. The Senate to consist of persons elected to serve during good behaviour; their election to be made by electors chosen for that purpose by the people: in order to this the States to be divided into election districts. On the death, removal or resignation of any Senator his place to be filled out of the district from which he came.

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<sup>7</sup> Several different texts of this document are in existence. For a discussion of these and of Hamilton's more detailed plan given to Madison at the close of the Convention, see Appendix F. See also further references in note 9, below.

*Monday*

MADISON

*June 18*

IV. The supreme Executive authority of the United States to be vested in a Governour to be elected to serve during good behaviour — the election to be made by Electors chosen by the people in the Election Districts aforesaid — The authorities & functions of the Executive to be as follows: to have a negative on all laws about to be passed, and the execution of all laws passed, to have the direction of war when authorized or begun; to have with the advice and approbation of the Senate the power of making all treaties; to have the sole appointment of the heads or chief officers of the departments of Finance, War and Foreign Affairs; to have the nomination of all other officers (Ambassadors to foreign Nations included) subject to the approbation or rejection of the Senate; to have the power of pardoning all offences except Treason; which he shall not pardon without the approbation of the Senate.

V. On the death resignation or removal of the Governour his authorities to be exercised by the President of the Senate till a Successor be appointed.

VI The Senate to have the sole power of declaring war, the power of advising and approving all Treaties, the power of approving or rejecting all appointments of officers except the heads or chiefs of the departments of Finance War and foreign affairs.

VII. The Supreme Judicial authority to be vested in Judges to hold their offices during good behaviour with adequate and permanent salaries. This Court to have original jurisdiction in all causes of capture, and an appellative jurisdiction in all causes in which the revenues of the general Government or the citizens of foreign nations are concerned.

VIII. The Legislature of the United States to have power to institute Courts in each State for the determination of all matters of general concern.

IX. The Governour Senators and all officers of the United States to be liable to impeachment for mal — and corrupt conduct; and upon conviction to be removed from office, & disqualified for holding any place of trust or profit — all impeachments to be tried by a Court to consist of the Chief or Judge of the Superior Court of Law of each State,

Monday

MADISON

June 18

provided such Judge shall hold his place during good behavior, and have a permanent salary.

X All laws of the particular States contrary to the Constitution or laws of the United States to be utterly void; and the better to prevent such laws being passed, the Governour or president of each state shall be appointed by the General Government<sup>8</sup> and shall have a negative upon the laws about to be passed in the State of which he is Governour or President

XI No State to have any forces land or Naval; and the Militia of all the States to be under the sole and exclusive direction of the United States, the officers of which to be appointed and commissioned by them

(On these several articles he entered into explanatory observations corresponding with the principles of his introductory reasoning<sup>9</sup>

Comittee rose & the House adjourned.)

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

<sup>9</sup> J. C. Hamilton (*History of the Republic of the United States*, III, 283-4), in giving a brief of this speech, states that it "occupied in the delivery between five and six hours, and was pronounced by a competent judge, (Gouverneur Morris), the most able and impressive he had ever heard."

Madison states that Hamilton "happened to call on me when putting the last hand" to the report of this speech. He "acknowledged its fidelity, without suggesting more than a few verbal alterations which were made." See Appendix A, CCCXCV and CCCC1, also CCCXXV, CCCXXIX, CCCXCI.

Gilpin (*Papers of Madison* II, 892-893) prints the following note, which seems to have been inspired if not written by Madison:

"The speech introducing the plan, as above taken down and written out, was seen by Mr. Hamilton, who approved its correctness with one or two verbal changes, which were made as he suggested. The explanatory observations which did not immediately follow, were to have been furnished by Mr. H. who did not find leisure at the time to write them out, and they were not obtained. Judge Yates, in his notes, appears to have consolidated the explanatory with the introductory observations of Mr. Hamilton (under date of June 19th, a typographical error). It was in the former, Mr. Madison observed, that Mr. Hamilton, in speaking of popular governments, however modified, made the remark attributed to him by Judge Yates, that they were 'but pork still, with a little change of sauce.'"

Hunt makes no reference to this in his *Writings of James Madison*, and the present editor has not found it among the Madison papers.

*Monday*

YATES

*June 18*

## YATES

MONDAY, JUNE 19th,<sup>10</sup> 1787.

Met pursuant to adjournment. Present 11 states.

Mr. Hamilton. — To deliver my sentiments on so important a subject, when the first characters in the union have gone before me, inspires me with the greatest diffidence, especially when my own ideas are so materially dissimilar to the plans now before the committee — My situation is disagreeable, but it would be criminal not to come forward on a question of such magnitude. I have well considered the subject, and am convinced that no amendment of the confederation can answer the purpose of a good government, so long as state sovereignties do, in any shape, exist; and I have great doubts whether a national government on the Virginia plan can be made effectual. What is federal? An association of several independent states into one. How or in what manner this association is formed, is not so clearly distinguishable. We find the diet of Germany has in some instances the power of legislation on individuals. We find the United States of America have it in an extensive degree in the cases of piracies.

Let us now review the powers with which we are invested. We are appointed for the *sole* and *express* purpose of revising the confederation, and to *alter* or *amend* it, so as to render it effectual for the purposes of a good government. Those who suppose it must be federal, lay great stress on the terms *sole* and *express*, as if these words intended a confinement to a federal government; when the manifest import is no more than that the institution of a good government must be the *sole* and *express* object of your deliberations. Nor can we suppose an annihilation of our powers by forming a national government, as many of the states have made in their constitutions no provision for any alteration; and thus much I can say for the state I have the honor to represent, that when

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<sup>10</sup> Evidently a mistake for June 18.

*Monday*

YATES

*June 18*

our credentials were under consideration in the senate, some members were for inserting a restriction in the powers, to prevent an encroachment on the constitution: it was answered by others, and thereupon the resolve carried on the credentials, that it might abridge some of the constitutional powers of the state, and that possibly in the formation of a new union it would be found necessary. This appears reasonable, and therefore leaves us at liberty to form such a national government as we think best adapted for the good of the whole. I have therefore no difficulty as to the extent of our powers, nor do I feel myself restrained in the exercise of my judgment under them. We can only propose and recommend — the power of ratifying or rejecting is still in the states. But on this great question I am still greatly embarrassed. I have before observed my apprehension of the inefficacy of either plan, and I have great doubts whether a more energetic government can pervade this wide and extensive country. I shall now show that both plans are materially defective.

1. A good government ought to be constant, and ought to contain an active principle.
2. Utility and necessity.
3. An habitual sense of obligation.
4. Force.
5. Influence.

I hold it, that different societies have all different views and interests to pursue, and always prefer local to general concerns. For example: New-York legislature made an external compliance lately to a requisition of congress; but do they not at the same time counteract their compliance by gratifying the local objects of the state so as to defeat their concession? And this will ever be the case. Men always love power, and states will prefer their particular concerns to the general welfare; and as the states become large and important, will they not be less attentive to the general government? What in process of time will Virginia be? She contains now half a million of inhabitants — in twenty-five years she will double the number. Feeling her own weight and importance, must she not become indifferent to the concerns of the union?

Monday

YATES

June 18

And where, in such a situation, will be found national attachment to the general government?

By *force*, I mean the *coercion* of law and the coercion of arms. Will this remark apply to the power intended to be vested in the government to be instituted by their plan? A delinquent must be compelled to obedience by force of arms. How is this to be done? If you are unsuccessful, a dissolution of your government must be the consequence; and in that case the individual legislatures will reassume their powers; nay, will not the interest of the states be thrown into the state governments?

By *influence*, I mean the regular weight and support it will receive from those who will find it their interest to support a government intended to preserve the peace and happiness of the community of the whole. The state governments, by either plan, will exert the means to counteract it. They have their state judges and militia all combined to support their state interests; and these will be influenced to oppose a national government. Either plan is therefore precarious. The national government cannot long exist when opposed by such a weighty rival. The experience of ancient and modern confederacies evince this point, and throw considerable light on the subject. The amphyctionic council of Greece had a right to require of its members troops, money and the force of the country. Were they obeyed in the exercise of those powers? Could they preserve the peace of the greater states and republics? or where were they obeyed? History shows that their decrees were disregarded, and that the stronger states, regardless of their power, gave law to the lesser.

Let us examine the federal institution of Germany. It was instituted upon the laudable principle of securing the independency of the several states of which it was composed, and to protect them against foreign invasion. Has it answered these good intentions? Do we not see that their councils are weak and distracted, and that it cannot prevent the wars and confusions which the respective electors carry on against each other? The Swiss cantons, or the Helvetic union, are equally inefficient.



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*Monday*

YATES

*June 18*

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Such are the lessons which the experience of others affords us, and from whence results the evident conclusion that all federal governments are weak and distracted. To avoid the evils deducible from these observations, we must establish a general and national government, completely sovereign, and annihilate the state distinctions and state operations; and unless we do this, no good purpose can be answered. What does the Jersey plan propose? It surely has not this for its object. By this we grant the regulation of trade and a more effectual collection of the revenue, and some partial duties. These, at five or ten per cent, would only perhaps amount to a fund to discharge the debt of the corporation.

Let us take a review of the variety of important objects, which must necessarily engage the attention of a national government. You have to protect your rights against Canada on the north, Spain on the south, and your western frontier against the savages. You have to adopt necessary plans for the settlement of your frontiers, and to institute the mode in which settlements and good government are to be made.

How is the expense of supporting and regulating these important matters to be defrayed? By requisition on the states, according to the Jersey plan? Will this do it? We have already found it ineffectual. Let one state prove delinquent, and it will encourage others to follow the example; and thus the whole will fail. And what is the standard to quota among the states their respective proportions? Can lands be the standard? How would that apply between Russia and Holland? Compare Pennsylvania with North-Carolina, or Connecticut with New-York. Does not commerce or industry in the one or other make a great disparity between these different countries, and may not the comparative value of the states from these circumstances, make an unequal disproportion when the data is numbers? I therefore conclude that either system would ultimately destroy the confederation, or any other government which is established on such fallacious principles. Perhaps imposts, taxes on specific articles, would produce a more equal system of drawing a revenue.

Another objection against the Jersey plan is, the unequal

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*Monday*

YATES

*June 18*

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representation. Can the great states consent to this? If they did it would eventually work its own destruction. How are forces to be raised by the Jersey plan? By quotas? Will the states comply with the requisition? As much as they will with the taxes.

Examine the present confederation, and it is evident they can raise no troops nor equip vessels before war is actually declared. They cannot therefore take any preparatory measure before an enemy is at your door. How unwise and inadequate their powers! and this must ever be the case when you attempt to define powers. — Something will always be wanting. Congress, by being annually elected, and subject to recall, will ever come with the prejudices of their states rather than the good of the union. Add therefore additional powers to a body thus organized, and you establish a *sovereignty* of the worst kind, consisting of a single body. Where are the checks? None. They must either prevail over the state governments, or the prevalence of the state governments must end in their dissolution. This is a conclusive objection to the Jersey plan.

Such are the insuperable objections to both plans: and what is to be done on this occasion? I confess I am at a loss. I foresee the difficulty on a consolidated plan of drawing a representation from so extensive a continent to one place. What can be the inducements for gentlemen to come 600 miles to a national legislature? The expense would at least amount to £100,000. This however can be no conclusive objection if it eventuates in an extinction of state governments. The burthen of the latter would be saved, and the expense then would not be great. State distinctions would be found unnecessary, and yet I confess, to carry government to the extremities, the state governments reduced to corporations, and with very limited powers, might be necessary, and the expense of the national government become less burthen-some.

Yet, I confess, I see great difficulty of drawing forth a good representation. What, for example, will be the inducements for gentlemen of fortune and abilities to leave their

Monday

YATES

June 18

houses and business to attend annually and long? It cannot be the wages; for these, I presume, must be small. Will not the power, therefore, be thrown into the hands of the demagogue or middling politician, who, for the sake of a small stipend and the hopes of advancement, will offer himself as a candidate, and the real men of weight and influence, by remaining at home, add strength to the state governments? I am at a loss to know what must be done — I despair that a republican form of government can remove the difficulties. Whatever may be my opinion, I would hold it however unwise to change that form of government. I believe the British government forms the best model the world ever produced, and such has been its progress in the minds of the many, that this truth gradually gains ground. This government has for its object *public strength* and *individual security*. It is said with us to be unattainable. If it was once formed it would maintain itself. [All communities divide themselves into the few and the many. The first are the rich and well born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct, permanent share in the government. They will check the unsteadiness of the second, and as they cannot receive any advantage by a change, they therefore will ever maintain good government. Can a democratic assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy. Their turbulent and uncontrolling disposition requires checks.] The senate of New-York, although chosen for four years, we have found to be inefficient. Will, on the Virginia plan, a continuance of seven years do it? It is admitted that you cannot have a good executive upon a democratic plan. See the excellency of the British executive — He is placed above temptation — He can have no distinct interests from the public welfare. Nothing short of such an executive can be efficient. The

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*Monday*

YATES

*June 18*

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weak side of a republican government is the danger of foreign influence. This is unavoidable, unless it is so constructed as to bring forward its first characters in its support. I am therefore for a general government, yet would wish to go the full length of republican principles.

Let one body of the legislature be constituted during good behaviour or life.

Let one executive be appointed who dares execute his powers.

It may be asked is this a republican system? It is strictly so, as long as they remain elective.

And let me observe, that an executive is less dangerous to the liberties of the people when in office during life, than for seven years.

It may be said this constitutes an elective monarchy? Pray what is a monarchy? May not the governors of the respective states be considered in that light? But by making the executive subject to impeachment, the term monarchy cannot apply. These elective monarchs have produced tumults in Rome, and are equally dangerous to peace in Poland; but this cannot apply to the mode in which I would propose the election. Let electors be appointed in each of the states to elect the executive — (*Here Mr. H. produced his plan, a copy whereof is hereunto annexed*)<sup>11</sup> to consist of two branches — and I would give them the unlimited power of passing *all laws* without exception. The assembly to be elected for three years by the people in districts — the senate to be elected by electors to be chosen for that purpose by the people, and to remain in office during life. The executive to have the power of negating all laws — to make war or peace, with the advice of the senate — to make treaties with their advice, but to have the sole direction of all military operations, and to send ambassadors and appoint all military officers, and to pardon all offenders, treason excepted, unless by advice of the senate. On his death or removal, the president of the senate to officiate, with the same powers, until another is elected. Supreme

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<sup>11</sup> Not found, see *Records*, July 5, note 18.

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*Monday*

KING

*June 18*

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judicial officers to be appointed by the executive and the senate. The legislature to appoint courts in each state, so as to make the state governments unnecessary to it.

All state laws to be absolutely void which contravene the general laws. An officer to be appointed in each state to have a negative on all state laws. All the militia and the appointment of officers to be under the national government.

I confess that this plan and that from Virginia are very remote from the idea of the people. Perhaps the Jersey plan is nearest their expectation. But the people are gradually ripening in their opinions of government — they begin to be tired of an excess of democracy — and what even is the Virginia plan, but *pork still, with a little change of the sauce*.<sup>12</sup>

Then adjourned to to-morrow.

KING<sup>13</sup>

Federal is an association of distinct Govts: into one — these fed. Govts. in some instances legislate on collective bodies, in others on individuals. The Confederation partakes of both — Piracies are cognizable by the Congress — &c.

Our powers have this object — the Freedom & Happiness of our Country — we must go all lengths to accomplish this Object — if the Legislatures have no powers to ratify because thereby they diminish their own Sovereignty the people may come in on revolution Principles —

*We have power,*

Upon the plan of the separation & independence of the States, you encourage those Habits, and opinions, that Esprit de Corps which is peculiar to the State and to every individual. These habits prefer their own State to those of the Genl. or fed. Govt. — this has been the case, State Debts, State Crs. have always stood before the fedl. Debr or Cr. —

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<sup>12</sup> See Appendix A, CCCIII, CCCXCV. Cf. Genet's version of this speech in Appendix A, CCCX.

<sup>13</sup> Although there is no indication in the MS., these notes by King so evidently refer to Hamilton's speech of this date that they are inserted here without hesitation.

*Monday*

KING

*June 18*

Man loves power — State Magistrates will desire to increase yr. own power at the Expense of the Genl. or fed. Govt.

One great objt. of Govt. is personal protection and the security of Property — if you establish a federal Govt. men will not be interested in the protection or preservation of the Genl. Govt. but they will in the existence of the State Govts. if the latter is dissolved and the former remains their persons & fortune will be safe — Besides the large States will be indisposed to remain connected —

#### Habits of obedience

Men will see their fortunes secured, their persons protected, offenders punished by State laws and State magistrates — they will love the Govt. that is thus immediate —

#### *Force*

The Force of law or the strength of Arms — The former is inefficient unless the people have the habits of Obedience — in this case you must have Arms — if this doctrine is applied to States — the system is utopian — you could not coerce Virginia — a fedl. Govt: is impracticable — you must call in foreign powers to aid the Genl. Govt. agt. the individual States — this will desolve the Union and destroy your Freedom

#### *Influence*

No govt. will be good without Influence. that is unless Men of Merit or the Pillars of Govt. are rewarded with Offices of Honor & Profit — the State Govts. have this influence — the fed. Govt. will be without it — this being true the Genl. Govt. will fail — as long as the States are rivals of the Genl. Govt. so long the Genl. will be subordinate —

How does History illustrate this point

*The amphictions* — had power to levy money men &c on the States — it was peculiarly federal — when a State failed the Amphictions fined — this was the case of the Phocians when Philip interposed —

Monday

KING

June 18

*Germany*

*their Diets* are as weak as the amphictions, although the Emperor is bound to carry their Decrees into Execution— they put an Electorate under the Ban, & the Electorate puts the Diet & the Emperor at Defiance —

## Switzerland

Their Diet is divided, their union is destroyed — part are in alliance wh France and the other part wh the U Netherlands

The Result is that all the passions of avarice, pride, ambition &c. shd. depend on the Genl. & not the State Govts. — you must make the national Sovereignty transcendent & entire —

## The plan of N. Jersey

It proposes Requisitions on the States for such monies as the Impost does not yield — States will not comply — they have not — you have no standard to Quote

Numbers or Lands will not be a just Standard — an equal Difficulty arises in the Quotas of men — the States find men only in proportion to their Zeal — this was the Case in the late war — they cannot now obtain an honest adjustment of yr. Expence — for this gave large pecuniary bounties —

The Hic labor the hoc Opus is  
the *Genl. Government*

The Extent of Territory, the Variety of Opinions, & numerous considerations, seem to prevent a General Govt: The expence of the Genl. Govt. is important — not less yn. 100,000£ an y

How will you induce Genl. to come into the Genl. Govt. — what will be yr. inducement: you can give them perhaps 3 Dols. pr. Diem. Men of first consequence will not come forward — it will be managed by undertakers & not by the most able hands — I fear Republicanism will not answr. and yet we cannot go beyond it — I think the British Govt. is the only proper one for such an extensive Country — this govt. unites the highest public strength with the most perfect individual security — we are not in a situation to receive it

Monday

HAMILTON

June 18

— perhaps if it was established it wd. maintain itself — I am however sensible that it can't be established by consent, and we ought not to think of other means — We may attempt a general & not a federal Govt: let the senate hold yr. office for life or during good behavior; so of the Executive — This is republican if the people elect and also fill vacancies

HAMILTON<sup>14</sup>

## Introduction

- I Importance of the occasion
- II — Solid *plan* without regard to *temporary opinion*.
- III — If an ineffectual plan be again proposed it will beget despair & no government will grow out of consent
- I<sup>15</sup> — Objections to the present confederation
  - I Entrusts the great interests of the nation to hands incapable of managing them —
    - All matters in which foreigners are concerned —
    - The care of the public peace: Debts
    - Power of treaty without power of execution
    - Common defence without power to raise troops have a fleet — raise money
    - Power to contract debts without the power to pay —
    - These great interests of the state must be well managed or the public prosperity must be the victim —
    - Legislates upon communities —
    - Where the legislatures are to act they will deliberate —
    - No sanction — { To ask money not to collect — & by an unjust measure
  - IV There seem to be but three lines of conduct.
    - I A league offensive and defensive, treaty of commerce, & apportionment of the public debt.
    - II An amendment of the present confederation by

<sup>14</sup> J. C. Hamilton (*Life of Hamilton*, II, 481-489) gives a similar outline. The important differences between that and the one in the text are noted.

<sup>15</sup> The matter here printed between III and IV is on the left-hand page opposite a brace, which appears intended to effect this sequence.



Monday

HAMILTON

June 18

adding such powers as the public mind seems nearest being matured to grant.

III — The forming a new government to pervade the whole with decisive powers in short with complete sovereignty.

B — Last seems to be the prevailing sentiment —

I Its practicability to be examined —

Immense extent unfavourable to representation —

Vast expence —

double setts of officers —

Difficulty of judging of local circumstances —

☞

Distance has a physical effect upon mens minds —

Difficulty of drawing proper characters from home —

— Execution of laws feeble at a distance from government — particularly in the collection of revenue —

Sentiment of Obedience	}
Opinion	

C<sup>16</sup> — Amendment of Confederation according to present Ideas

I — Difficult because not agreed upon any thing

Ex — *Impost*

*Commerce* different *Theories* —

— To ascertain the practicability of this let us examine the principles of civil obedience —

Supports of Government —

I — Interest to support it

II — Opinion of Utility & necessity

III Habitual sense of obligation

IV — Force

V — Influence.

I C I Interest

*Particular & general interests*

*Esprit de Corps* —

— *Vox populi vox Dei*

<sup>16</sup> J. C. Hamilton inserts here the extract included above between III and IV.

Monday

HAMILTON

June 18

- II            II — Opinion of Utility & necessity  
                  1 — First will decrease with the growth of  
                         the *states*.
- III <sup>17</sup>        III    *Necessity*  
                  This does not apply to Fœderal Government—  
                  This may dissolve & yet the order of the  
                         community continue —  
                  *Anarchy* not a necessary consequence
- IV            Habitual sense of obligation.  
                  This results from administration of private  
                         justice —  
                  Demand of service or money odious —
- V             Force of two kinds.  
                  *Coertion* of laws *Coertion* of arms.  
                  First does *not exist* — & the last *useless* —  
                  Attempt to *use it* a war between the states —  
                  Foreign aid —  
                  Delinquency not confined to one.
- VI —        Influence  
                  1    “    from municipal Jurisdiction  
                  2    “    appointment of Officers —  
                  4 <sup>18</sup> Military Jurisdiction  
                  5    Fiscal Jurisdiction
- D    All these now reside in particular states  
       — Their governments are the chief sources of honor and  
              emolument.  
       — *Ambition* Avarice.  
       To effect any thing Passions must be turned towards  
              general government —?  
       Present Confederation cannot be amended unless the  
              most important powers be given to Congress consti-  
              tuted as they are —  
       This would be liable to all objections against any form

<sup>17</sup> J. C. Hamilton drops out “III” before “Necessity” and inserts it where “IV” stands in the text, and changes the other numbers “IV” and “V” so as to make them correspond to the subjects and numbers in the summary which precedes.

<sup>18</sup> “Fiscal Jurisdiction” was originally placed between “2” and “4” and numbered “3”. It was then struck out, and the original numbering left unchanged. J. C. Hamilton revised the numbering.

Monday

HAMILTON

June 18

of general government with the addition of the want  
of *Checks* —

E Perpetual effort in each member

Influence of Individuals in office employed to excite  
jealousy & clamour

State leaders

Experience corresponds

Grecian Republics

Demosthenes says

Athens 73 years

Lacedaemon 27 —

Thebans after battle of Leuctra —

Phocians consecrated ground

Philip &c

F Germanic *Empire*

Charlemagne & his successors

Diet Recesses —

Electors now 7 excluding other

G Swiss Cantons

Two diets —

opposite *alliances* —

Berne Lucerne

To strengthen the Foederal government powers too great  
must be given to a single branch

H Leage Offensive & Defensive &c

particular Govs. might exert themselves &c

But liable to usual Vicissi —

— Internal Peace affected —

Proximity of situation — natural enemies —

Partial confederacies from unequal extent

Power inspires ambition —

Weakness begets jealousy

Western territory —

Obj: Genius of republics pacific —

Answer — Jealousy of commerce as well as jealousy of power  
begets war —

Sparta Athens Thebes Rome Carthage Venice

Hanseatic Leage

Monday

HAMILTON

June 18

England as many  
 Popular as Royal Wars  
 Lewis the 14h *Austria Bourbon* William & Anne —

Wars depend on trifling circumstances everywhere  
 Dutchess of Malboroughs Glove  
 Foreign Conquest —  
 Dismemberment — Poland —  
 Foreign Influence —  
 Distractions set afloat Vicious humour  
 Standing armies by dissensions  
 Domestic Factions —  
 Montesquieu —  
*Monarchy* in Southern States —

☞ Foederal Rights *Fisheries* —

*Wars* destructive

I Loss of advantages —

— Foreign Nations would not respect our rights nor grant us reciprocity —

Would reduce us to a passive Commerce

— Fisheries Navigation of the lakes, of the Mississippi Fleet

The<sup>19</sup> general government must, in this case, not only have a strong soul, but *strong organs* by which that soul is to operate.

Here I shall give my sentiments of the best form of government — not as a thing attainable by us, but as a model which we ought to approach as near as possible.

British constitution best form.

Aristotle — Cicero — Montesquieu — Neckar.

Society naturally divides itself into two political divisions — the *few* and the *many*, who have distinct interests.

If government in the hands of the *few*, they will tyrannize over the many.

If [in] the hands of the many, they will tyrannize over the few. It ought to be in the hands of both; and they should be separated.

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<sup>19</sup>The remainder of this outline is taken from J. C. Hamilton's *Life of Hamilton*. It does not seem to be among the Hamilton MSS. in the Library of Congress.

*Monday*

HAMILTON

*June 18*

This separation must be permanent.

Representation alone will not do.

Demagogues will generally prevail.

And if separated, they will need a mutual check.

This check is a monarch.

Each principle ought to exist in full force, or it will not answer its end.

The democracy must be derived immediately from the people.

The aristocracy ought to be entirely separated; their power should be permanent, and they should have the *caritas liberorum*.

They should be so circumstanced that they can have no interest in a change — as to have an effectual weight in the constitution.

Their duration should be the earnest of wisdom and stability.

'Tis essential there should be a permanent will in a community.

Vox populi, vox Dei.

Source of government — the unreasonableness of the people — separate interests — debtors and creditors, &c.

There ought to be a principle in government capable of resisting the popular current.

No periodical duration will come up to this.

This will always imply hopes and fears.

Creature and Creator.

Popular assemblies governed by a few individuals.

These individuals seeing their dissolution approach, will sacrifice.

The principle of representation will influence.

The most popular branch will acquire an influence over the other.

The other may check in ordinary cases, in which there is no strong public passion; but it will not in cases where there is — the cases in which such a principle is most necessary.

☞ Suppose duration seven years, and rotation.

One-seventh will have only one year to serve.

*Monday*

HAMILTON

*June 18*

One-seventh ————— two years.

One-seventh ————— three years.

One-seventh ————— four years.

A majority will look to a dissolution in four years by instalments.

The monarch must have proportional strength. He ought to be hereditary, and to have so much power, that it will not be his interest to risk much to acquire more.

The advantage of a monarch is this — he is above corruption — he must always intend, in respect to foreign nations, the true interest and glory of the people.

Republics liable to foreign corruption and intrigue — Holland — Athens.

Effect of the British government.

A vigorous execution of the laws — and a vigorous defence of the people, will result.

Better chance for a good administration.

It is said a republican government does not admit a vigorous execution.

It is therefore bad; for the goodness of a government consists in a vigorous execution.

The principle chiefly intended to be established is this — that there must be a permanent *will*.

Gentlemen say we need to be rescued from the democracy. But what the means proposed?

A democratic assembly is to be checked by a democratic senate, and both these by a democratic chief magistrate.

The end will not be answered — the means will not be equal to the object.

It will, therefore, be feeble and inefficient.

#### RECAPITULATION

I. Impossible to secure the union by any modification of foederal government.

II. League, offensive, and defensive, full of certain evils and greater dangers.

III. General government, very difficult, if not impracticable, liable to various objections.

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*Monday*

HAMILTON

*June 18*

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What is to be done?

Answer. Balance inconveniences and dangers, and choose that which seems to have the fewest objections.

Expense admits of this answer. The expense of the state governments will be proportionably diminished.

Interference of officers not so great, because the objects of the general government and the particular ones will not be the same—Finance—Administration of private justice Energy will not be wanting in essential points, because the administration of private justice will be carried home to men's doors by the particular governments.

And the revenues may be collected from imposts, excises &c. If necessary to go further, the general government may make use of the particular governments.

The attendance of members near the seat of government may be had in the lower branch.

And the upper branch may be so constructed as to induce the attendance of members from any part.

But this proves that the government must be so constituted as to offer strong motives.

In short, to interest all the *passions* of individuals.

And turn them into that channel.