

FRIDAY, JUNE 22, 1787.

JOURNAL

Friday June 22.

[To strike out the 3 clause in ye 3 resolution — to substitute
“their stipends to be ascertained by the Legislature to be
paid out of the pub: treasury Ayes — 2; noes — 7;
divided — 2.]¹

It was moved and seconded to strike the following words out
of the 4th clause in the 3rd resolution reported from the Com-
mittee namely

“To be paid out of the public treasury”²

On the question to strike out the words

it passed in the negative [Ayes — 4; noes — 5; divided — 2]

It was moved and seconded to strike the following words out
of the 3rd resolution reported from the committee, namely

“to receive fixed stipends by which they may be compen-
sated for the devotion of their time to public service” and to
substitute the following clause, namely

“to receive an adequate compensation for their services”

On the question to agree to the amendment

it passed in the affirmative [Ayes — 11; noes — 0.]

It was then moved and seconded to take the vote of the House
on the whole proposition namely

“To receive an adequate compensation for their services,
to be paid out of the public Treasury.”

An objection of order being taken to this motion — it was
submitted to the House.

and on the question is the motion in order

it passed in the affirmative. [Ayes — 6; noes — 4; divided — 1.]³

¹ Vote 74, Detail of Ayes and Noes.

² “National” is used instead of “public” in statement of question in Detail of
Ayes and Noes, vote 75. See June 21 note 2.

³ Vote 77, Detail of Ayes and Noes, where question is worded — “whether sep-

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The determination of the House on the whole proposition was, on motion of the Deputies of the State of South Carolina, postponed till to-morrow.

It was moved and seconded to add the following clause to the 3rd resolution

to be of the age of 25 years at least.

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

It was moved and seconded to strike out the following words in the last clause of the 3rd resolution

“and under the national government for the space of One year after it's expiration”

On the question to strike out the words

it passed in the negative. [Ayes — 4; noes — 4;
divided — 3.]

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

arate votes having been taken on diff: clauses of a proposition a question shall be taken on ye whole.”

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DETAIL OF AYES AND NOES

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	Ayes	Noes	Divided
[74]	no	no	no	dd	aye	aye	no	no	no	no	no	no	dd	To strike out the 3 clause in ye 3 resolution — to substitute “their stipends to be ascertained by the Legislature to be paid out of the pub: treasury	2	7	2
[75]	aye	aye	aye	dd	no	no	no	no	no	no	aye	aye	dd	To strike out the words “to be paid out of the National Treasy”	4	5	2
[76]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	To receive an adequate compensation for their services	11		
[77]	dd	aye	no	aye	no	aye	aye	no	aye	aye	no	aye	no	whether separate votes having been taken on diff: clauses of a proposition a question shall be taken on ye whole	6	4	1
[78]	no	aye	dd	aye	no	aye	aye	aye	aye	aye	aye	no	no	To add the followg words to the clause of the 3 resolution to be of the age of 25 years at least	7	3	1
[79]	aye	no	dd	aye	dd	dd	no	no	aye	no	aye	no	aye	To strike out the following words in the 3rd resolution namely and under the national govt for the space of One year after it's expiration	4	4	3

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Friday June 22. (in Convention)

The clause (in Resol. 3) “to receive fixed stipends to be paid out of the National. Treasury” considered.

Mr. Elseworth, moved to substitute payment by the States out of their own Treasurys: observing that the manners of different States were very different in the Stile of living and in the profits accruing from the exercise of like talents. What

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would be deemed therefore a reasonable compensation in some States, in others would be very unpopular, and might impede the system of which it made a part.

Mr. Williamson favored the idea. He reminded the House of the prospect of new States to the Westward. They would be poor — would pay little into the common Treasury — and would have a different interest from the old States. He did not think therefore that the latter ought to pay the expences of men who would be employed in thwarting their measures & interests.

Mr. Ghorum, wished not to refer the matter to the State Legislatures who were always paring down salaries in such a manner as to keep out of offices men most capable of executing the functions of them. He thought also it would be wrong to fix the compensations by the constitution, because we could not venture to make it as liberal as it ought to be without exciting an enmity agst. the whole plan. Let the Natl. Legisl: provide for their own wages from time to time; as the State Legislatures do. He had not seen this part of their power abused, nor did he apprehend an abuse of it.

Mr. Randolph feared we were going too far, in consulting popular prejudices. Whatever respect might be due to them, in lesser matters, or in cases where they formed the permanent character of the people, he thought it neither incumbent on nor honorable for the Convention, to sacrifice right & justice to that consideration. If the States were to pay the members of the Natl. Legislature, a dependence would be created that would vitiate the whole System. The whole nation has an interest in the attendance & services of the members. The National Treasury therefore is the proper fund for supporting them.

Mr. King, urged the danger of creating a dependence on the States by leavg. to them the payment of the members of the Natl. Legislature. He supposed it wd. be best to be explicit as to the compensation to be allowed. A reserve on that point, or a reference to the Natl. Legislature of the quantum, would excite greater opposition than any sum that would be actually necessary or proper.

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Mr. Sherman contended for referring both the quantum and the payment of it to the State Legislatures.

Mr. Wilson was agst. *fixing* the compensation as circumstances would change and call for a change of the amount. He thought it of great moment that the members of the Natl. Govt. should be left as independent (as possible) of the State Govts. in all respects.

Mr. M(adison) concurred in the necessity of preserving the compensations for the Natl. Govt. independent on the State Govts. but at the same time approved of *fixing* them by the constitution, which might be done by taking a standard which wd. not vary with circumstances.⁴ He disliked particularly the policy suggested by Mr. Williamson of leaving the members from the poor States beyond the Mountains, to the precarious & parsimonious support of their constituents. If the Western States hereafter arising should be admitted into the Union, they ought to be considered as equals & as brethren. If their representatives were to be associated in the Common Councils, it was of common concern that such provisions should be made as would invite the most capable and respectable characters into the service.

Mr. Hamilton apprehended inconveniency from *fixing* the wages. He was strenuous agst. making the National Council dependent on the Legislative rewards of the States. Those who pay are the masters of those who are paid. Payment by the States would be unequal as the distant States would have to pay for the same term of attendance and more days in travelling to & from the seat of the Govt. He expatiated emphatically on the difference between the feelings & views of the *people* — & the *Governments* of the States arising from the personal interest & official inducements which must render the latter unfriendly to the Genl. Govt.

Mr. Wilson moved that the salaries of the 1st. branch "*be ascertained by the National Legislature,*" and be paid out of the Natl. Treasury.

(Mr. Madison, thought the members of the Legisl. too much

⁴ See Dickinson's statement on August 14 and Appendix A, CCX.

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interested to ascertain their own compensation. It wd. be indecent to put their hands into the public purse for the sake of their own pockets.)⁵

On this question Mas. no. Con. no. N. Y. divd. N. J. ay. Pa. ay. Del. no. Md. no. Va. no. N. C. (no) S. C. (no) Geo. divd. [Ayes — 2; noes — 7; divided — 2.]⁶

On the question for striking out “Natl. Treasury” (as moved by Mr. Elseworth)⁷

(Mr. Hamilton renewed his opposition to it. He pressed the distinction between State Govts. & the people. The former wd. be the rivals of the Gen’l Govt. The State legislatures ought not therefore to be the pay masters of the latter.

Mr. Elesworth. If we are jealous of the State Govts. they will be so of us. If on going home I tell them we gave the Gen: Govt. such powers because we cd. not trust you. — will they adopt it. & witht. yr. approbation it is a nullity.)⁸

Masts. ay.* Cont. ay. N. Y. divd. N. J. no. Pena. no. Del. no. Md. no. Va. no, N. C. ay. S. C. ay. Geo. divd. [Ayes — 4; noes — 5; divided — 2.]

On a question for substituting “adequate compensation” in place of “fixt Stipends” it was agreed to nem. con. the friends of the latter being willing that the practicability of *fixing* the compensation should be considered hereafter in forming the details.

It was then moved by Mr. Butler that a question be taken on both points jointly; to wit “adequate compensation to be paid out of the Natl. Treasury.” It was objected to as out of order, the parts having been separately decided on. The Presidt. referd. the question of order to the House, and it was

* It appeared that Massts. concurred, not because they thought the State Treasy. ought to be substituted; but because they thought nothing should be said on the subject, in which case it wd. silently devolve on the Natl. Treasury to support the National Legislature.

⁵ Taken from Yates.

⁶ Vote corrected from *Journal* and Yates; originally Madison recorded North Carolina and South Carolina in the affirmative.

⁷ Probably a mistake; Ellsworth’s motion was not in this form; and Yates ascribes it to Rutledge. Madison evidently missed this part of the proceedings.

⁸ Taken from Yates.

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determined to be in order. (Con. N. J. Del. Md. N. C. — ay — N. Y. Pa. Va. Geo. no — Mass: divided.)⁹ The question on the sentence was then postponed by S. Carolina in right of the State.¹⁰

Col. Mason moved to insert “twenty five years of age as a qualification for the members of the 1st. branch”. He thought it absurd that a man to day should not be permitted by the law to make a bargain for himself, and tomorrow should be authorized to manage the affairs of a great nation. It was the more extraordinary as every man carried with him in his own experience a scale for measuring the deficiency of young politicians; since he would if interrogated be obliged to declare that his political opinions at the age of 21. were too crude & erroneous to merit an influence on public measures. It had been said that Congs. had proved a good school for our young men. It might be so for any thing he knew but if it were, he chose that they should bear the expence of their own education.

Mr. Wilson was agst. abridging the rights of election in any shape. It was the same thing whether this were done by disqualifying the objects of choice, or the persons chusing. The motion tended to damp the efforts of genius, and of laudable ambition. There was no more reason for incapacitating *youth* than *age*, when the requisite qualifications were found. Many instances might be mentioned of signal services rendered in high stations to the public before the age of 25: The present Mr. Pitt and Lord Bolingbroke were striking instances.

On the question for inserting “25 years of age”

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

Mr. Ghorum moved to strike out the last member of 3 Resol: concerning ineligibility of members of 1st branch to offices, during the term of their membership & for one year after. He considered it as unnecessary & injurious.¹¹ (It was true abuses had been displayed in G. B. but no one cd. say how

⁹ Taken from *Journal*.

¹⁰ See further August 14, note 7.

¹¹ See further, references under September 3, note 7.

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far they might have contributed to preserve the due influence of the Gov't nor what might have ensued in case the contrary theory had been tried.)¹²

Mr. Butler opposed it. this precaution agst. intrigue was necessary. (He appealed to the example of G. B. where men got into Parl. that they might get offices for themselves or their friends. This was the source of the corruption that ruined their Govt.)¹³

Mr. King, thought we were refining too much. Such a restriction on the members would discourage merit. It would also give a pretext to the Executive for bad appointments, as he might always plead this as a bar to the choice he wished to have made.

Mr. Wilson was agst. fettering elections, and discouraging merit. He suggested also the fatal consequence in time of war, of rendering (perhaps) the best Commanders ineligible: appealing to our situation during the late (war), and indirectly leading to a recollection of the appointment of the Commander in Chief out of Congress.

Col. Mason was for shutting the door at all events agst. corruption. He enlarged on the venality and abuses in this particular in G. Britain: (and alluded to the multiplicity of foreign Embassiess by Congs. The disqualification he regarded as a corner stone in the fabric.)¹³

Col. Hamilton. There are inconveniences on both sides. We must take man as we find him, and if we expect him to serve the public must interest his passions in doing so. A reliance on pure patriotism had been the source of many of our errors. He thought the remark of Mr. Ghorum a just one. It was impossible to say what wd. be effect in G. B of such a reform as had been urged. It was known that (one) of the ablest politicians (Mr Hume) had pronounced all that influence on the side of the crown, which went under the name of corruption, an essential part of the weight which maintained the equilibrium of the Constitution.

¹² Substance of this taken from Yates, according to whom Gorham made remarks to this effect later in the debate, — in fact, they have no point until after the remarks of Butler and Mason.

¹³ Taken from Yates.

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On Mr. Ghorum's Motion for striking out "ineligibility".
 Masts. ay. Cont. no. N. Y. divd. N. J. ay. Pa. divd. Del.
 divd. Mard. no. Va. no. N. C. ay. S — C. no — Geo ay
 [Ayes — 4; noes — 4; divided — 3.]
 adjd.

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FRIDAY, JUNE 22d, 1787.

Met pursuant to adjournment.

The clause of the 3d resolve, respecting the *stipends*, taken into consideration.

Judge Elsworth. I object to this clause. I think the state legislatures ought to provide for the members of the general legislature, and as each state will have a proportionate number, it will not be burthensome to the smaller states. I therefore move to strike out the clause.

Mr. Gorham. If we intend to fix the stipend, it may be an objection against the system, as the states would never adopt it. I join in sentiment to strike out the whole.

Gov. Randolph. I am against the motion. Are the members to be paid? Certainly — We have no sufficient fortunes to induce gentlemen to attend for nothing. If the state legislatures pay the members of the national council, they will controul the members, and compel them to pursue state measures. I confess the payment will not operate impartially, but the members must be paid, and be made easy in their circumstances. Will they attend the service of the public without being paid?

Mr. Sherman. The states ought to pay their members; and I judge of the approbation of the people on matters of government by what I suppose they will approve.

Mr. Wilson. — I am against going as far as the resolve. If, however, it is intended to throw the national legislature into the hand of the states, I shall be against it. It is possible the states may become unfederal, and they may then shake the national government. The members ought to be paid out of the national treasury.

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Mr. Madison. Our attention is too much confined to the present moment, when our regulations are intended to be perpetual. Our national government must operate for the good of the whole, and the people must have a general interest in its support; but if you make its legislators subject to and at the mercy of the state governments, you ruin the fabric — and whatever new states may be added to the general government the expence will be equally borne.

Mr. Hamilton. I do not think the states ought to pay the members, nor am I for a fixed sum. It is a general remark, that he who pays is the master. If each state pays its own members, the burthen would be disproportionate, according to the distance of the states from the seat of government. If a national government can exist, members will make it a desirable object to attend, without accepting any stipend — and it ought to be so organized as to be efficient.

Mr. Wilson. I move *that the stipend be ascertained by the legislature and paid out of the national treasury.*

Mr. Madison. I oppose this motion. Members are too much interested in the question. Besides, it is indecent that the legislature should put their hands in the public purse to convey it into their own.

Question put on Mr. Wilson's motion and negatived — 7 states against — 2 for, and 2 divided.

Mr. Mason moved to change the phraseology of the resolve, that is to say, *to receive an adequate compensation for their services*, and to be paid out of the treasury. This motion was agreed to.

Mr. Rutledge. I move that the question be taken on these words, *to be paid out of the national treasury.*

Mr. Hamilton. It has been often asserted, that the interests of the general and of the state legislatures are precisely the same. This cannot be true. The views of the governed are often materially different from those who govern. The science of policy is the knowledge of human nature. A state government will ever be the rival power of the general government. It is therefore highly improper that the state legislatures should be the paymasters of the members of the national

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government. All political bodies love power, and it will often be improperly attained.

Judge Elsworth. If we are so exceedingly jealous of state legislatures, will they not have reason to be equally jealous of us. If I return to my state and tell them, we made such and such regulations for a general government, because we dared not trust you with any extensive powers, will they be satisfied? nay, will they adopt your government? and let it ever be remembered, that without their approbation your government is nothing more than a rope of sand.

Mr. Wilson. I am not for submitting the national government to the approbation of the state legislatures. I know that they and the state officers will oppose it. I am for carrying it to the people of each state.

Mr. Rutledge's motion was then put — 4 states for the clause — 5 against — 2 states divided. New-York divided.

The clause, to be ineligible to any office, &c. came next to be considered.

Mr. Mason moved that after the words, *two years*, be added, *and to be of the age of 25 years*.

Question put and agreed to — 7 ayes — 3 noes. New-York divided.

Mr. Gorham. I move that after the words, *and under the national government for one year after its expiration*, be struck out.

Mr. King for the motion. It is impossible to carry the system of exclusion so far; and in this instance we refine too much by going to *utopian* lengths. It is a mere cobweb.

Mr. Butler. We have no way of judging of mankind but by experience. Look at the history of the government of Great Britain, where there is a very flimsy exclusion — Does it not ruin their government? A man takes a seat in parliament to get an office for himself or friends, or both; and this is the great source from which flows its great venality and corruption.

Mr. Wilson. I am for striking out the words moved for. Strong reasons must induce me to disqualify a good man from office. If you do, you give an opportunity to the de-

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pendent or avaricious man to fill it up, for to them offices are objects of desire. If we admit there may be cabal and intrigue between the executive and legislative bodies, the exclusion of one year will not prevent the effects of it. But we ought to hold forth every honorable inducement for men of abilities to enter the service of the public. — This is truly a republican principle. Shall talents, which entitle a man to public reward, operate as a punishment? While a member of the legislature, he ought to be excluded from any other office, but no longer. Suppose a war breaks out and a number of your best military characters were members; must we lose the benefit of their services? Had this been the case in the beginning of the war, what would have been our situation? — and what has happened may happen again.

Mr. Madison. Some gentlemen give too much weight and others too little to this subject. If you have no exclusive clause, there may be danger of creating offices or augmenting the stipends of those already created, in order to gratify some members if they were not excluded. Such an instance has fallen within my own observation. I am therefore of opinion, that no office ought to be open to a member, which may be created or augmented while he is in the legislature.

Mr. Mason. It seems as if it was taken for granted, that all offices will be filled by the executive, while I think many will remain in the gift of the legislature. In either case, it is necessary to shut the door against corruption. If otherwise, they may make or multiply offices, in order to fill them. Are gentlemen in earnest when they suppose that this exclusion will prevent the first characters from coming forward? Are we not struck at seeing the luxury and venality which has already crept in among us? If not checked we shall have ambassadors to every petty state in Europe — the little republic of *St. Marino* not excepted. We must in the present system remove the temptation. I admire many parts of the British constitution and government, but I detest their corruption. — Why has the power of the crown so remarkably increased the last century? A stranger, by reading their laws, would suppose it considerably diminished; and yet, by the sole power

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of appointing the increased officers of government, corruption pervades every town and village in the kingdom. If such a restriction should abridge the right of election, it is still necessary, as it will prevent the people from ruining themselves; and will not the same causes here produce the same effects? I consider this clause as the corner-stone on which our liberties depend — and if we strike it out we are erecting a fabric for our destruction.

Mr. Gorham. The corruption of the English government cannot be applied to America. This evil exists there in the venality of their boroughs: but even this corruption has its advantage, as it gives stability to their government. We do not know what the effect would be if members of parliament were excluded from offices. The great bulwark of our liberty is the frequency of elections, and their great danger is the septennial parliaments.

Mr. Hamilton. In all general questions which become the subjects of discussion, there are always some truths mixed with falsehoods. I confess there is danger where men are capable of holding two offices. Take mankind in general, they are vicious — their passions may be operated upon. We have been taught to reprobate the danger of influence in the British government, without duly reflecting how far it was necessary to support a good government. We have taken up many ideas upon trust, and at last, pleased with our own opinions, establish them as undoubted truths. Hume's opinion of the British constitution confirms the remark, that there is always a body of firm patriots, who often shake a corrupt administration. Take mankind as they are, and what are they governed by? Their passions. There may be in every government a few choice spirits, who may act from more worthy motives. One great error is that we suppose mankind more honest than they are. Our prevailing passions are ambition and interest; and it will ever be the duty of a wise government to avail itself of those passions, in order to make them subservient to the public good — for these ever induce us to action. Perhaps a few men in a state, may, from patriotic motives, or to display their talents, or to reap the advantage

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of public applause, step forward; but if we adopt the clause we destroy the motive. I am therefore against all exclusions and refinements, except only in this case; that when a member takes his seat, he should vacate every other office. It is difficult to put any exclusive regulation into effect. We must in some degree submit to the inconvenience.

The question was then put for striking out — 4 ayes — 4 noes — 3 states divided. New-York of the number.

Adjourned till to-morrow morning.