

SATURDAY, JULY 7, 1787.

JOURNAL

Saturday July 7. 1787.

A letter from W. Rawle, Secretary to the Library company of Philadelphia, addressed to His Excellency the President of the Convention, enclosing a resolve of that company granting the use of their books to the Members of the Convention, being read.¹

On motion

Resolved that the Secretary, by letter, present the thanks of the Convention to the Directors of the Library Company for their polite attention.

[Whether the last vote was determined in the affirmative
Ayes — 9; noes — 2.]²

It was moved and seconded that the second proposition

¹ Sir.

I have the honor to transmit to you as President of the Convention, a resolve of the directors of the Library Company in this City.

I am Sir with perfect respect
your most humble servant

W: RAWLE.

Third Street

6th July 1787.

[Endorsed:] Wm. Rawle July 6. 1787. with a resolve of the Library Company of Philadelphia.

At a meeting of the directors of the Library company of Philadelphia on Thursday the 5th July 1787

Resolved That the librarian furnish the gentlemen who compose the Convention now sitting with such books as they may desire during their continuance at Philadelphia, taking receipts for same.

By order of the directors,

W: RAWLE *Secretary.*

² Vote 119, Detail of Ayes and Noes. This refers to the last vote of July 6 and probably belongs here. See July 6, note 1, note 5, and below note 4.

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reported from the grand Committee stand part of the report namely

“That in the second Branch of the Legislature each State shall have an equal vote”

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

It was then moved and seconded to postpone the consideration of the report from the grand Committee until the special Committee report.

which passed in the affirmative [Ayes — 6; noes — 5.]

And then the House adjourned till Monday next at 11 o’Clock A. M.

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
[119]	aye	aye	aye	no	aye	aye	aye	aye	aye	no	aye	aye	aye	Whether the last vote was determined in the affirmative	9	2	
[120]	dd	aye	aye	aye	aye	no	aye	aye	aye	no	aye	no	dd	whether the second proposition reported from the grand Committee shall stand part of the report.	6	3	2
[121]	aye	aye	aye	no	aye	aye	aye	aye	aye	no	no	no	no	To postpone the consideration of the report from the grand Committee until the special Committee report	6	5	

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Saturday, July 7. in Convention ⁴

“Shall the clause allowing each State one vote in the 2d. branch. stand as part of the Report”? (being taken up —)

³ Vote 120, Detail of Ayes and Noes; see July 5, note 1.

⁴ Madison originally had recorded at the beginning of this day’s notes:

“On the question whether the question depending yesterday at the time of ad-

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Mr. Gerry. This is the critical question. He had rather agree to it than have no accomodation. A Govern. short of a proper national plan if generally acceptable, would be preferable to a proper one which if it could be carried at all, would operate on discontented States. He thought it would be best to suspend the question till the Comme. yesterday appointed, should make report.

Mr. Sherman Supposed that it was the wish of every one that some Genl. Govt. should be established. An equal vote in the 2d. branch would, he thought, be most likely to give it the necessary vigor. The small States have more vigor in their Govts. than the large ones, the more influence therefore the large ones have, the weaker will be the Govt. In the large States it will be most difficult to collect the real & fair sense of the people. Fallacy & undue influence will be practiced with most success: and improper men will most easily get into office. If they vote by States in the 2d. branch, and each State has an equal vote, there must be always a majority of States as well as a majority of the people on the side of public measures, & the Govt. will have decision and efficacy. If this be not the case in the 2d. branch there may be a majority of the States agst. public measures, and the difficulty of compelling them to abide by the public determination, will render the Government feebler than it has ever yet been.

Mr. Wilson was not deficient in a conciliating temper, but firmness was sometimes a duty of higher obligation. Conciliation was also misapplied in this instance. It was pursued here rather among the Representatives, than among the Constituents; and it wd. be of little consequence, if not established among the latter; and there could be little hope of its being established among them if the foundation should not be laid in justice and right.

On Question shall the words stand as part of the Report?

jourment shd. be entered in the affirmative, Masts. ay. Cont. ay. N. Y. no. N. J. ay. Pa. ay. Del. ay. Md. ay. Va. no. N. C. ay. S. C. ay. Geo. ay." [Ayes, 9; noes, 2.]

Journal recorded this question and vote under July 6. Accordingly Madison inserted this vote in his records of July 6 and struck out the above note. Madison's original record was probably correct. See July 6, note 1, and note 5.

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Massts. divd. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. ay. S. C. no. Geo. divd. [Ayes — 6; noes — 3: divided — 2.]

(Note. several votes were given here in the affirmative or were divd. because another final question was to be taken on the whole report.)

Mr. Gerry thought it would be proper to proceed to enu-erate & define the powers to be vested in the Genl. Govt. before a question on the report should be taken as to the rule of representation in the 2d. branch.

Mr. (Madison,) observed that it wd. be impossible to say what powers could be safely & properly vested in the Govt. before it was known, in what manner the States were to be represented in it. He was apprehensive that if a just representation were not the basis of the Govt. it would happen, as it did when the articles of Confederation were depending, that every effectual prerogative would be withdrawn or withheld, and the New Govt. wd. be rendered as impotent and as short lived as the old.

Mr. Patterson would not decide whether the privilege concerning money bills were a valuable consideration^s or not: But he considered the mode & rule of representation in the 1st. branch as fully so, and that after the establishment of that point, the small States would never be able to defend themselves without an equality of votes in the 2d. branch. There was no other ground of accommodation. His resolution was fixt. He would meet the large States on that Ground and no other. For himself he should vote agst. the Report, because it yielded too much.

Mr. Govr. Morris. He had no resolution unalterably fixed except to do what should finally appear to him right. He was agst. the Report because it maintained the improper Constitution of the 2d. branch. It made it another Congress, a mere whisp of straw. It had been sd. (by Mr. Gerry) that the new Governnt. would be partly national, partly federal; that it ought in the first quality to protect individuals; in

^s Crossed out "concession".

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the second, the States. But in what quality was it to protect the aggregate interest of the whole. Among the many provisions which had been urged, he had seen none for supporting the dignity and splendor of the American Empire. It had been one of our greatest misfortunes that the great objects of the nation had been sacrificed constantly to local views; in like manner as the general interests of States had been sacrificed to those of the Counties. What is to be the check in the Senate? none; unless it be to keep the majority of the people from injuring particular States. But particular States ought to be injured for the sake of a majority of the people, in case their conduct should deserve it. Suppose they should insist on claims evidently unjust, and pursue them in a manner detrimental to the whole body. Suppose they should give themselves up to foreign influence. Ought they to be protected in such cases. They were originally nothing more than colonial corporations. On the declaration of Independence, a Governnt. was to be formed. The small States aware of the necessity of preventing anarchy, and taking advantage of the moment, extorted from the large ones an equality of votes. Standing now on that ground, they demand under the new system greater rights as men, than their fellow Citizens of the large States. The proper answer to them is that the same necessity of which they formerly took advantage does not now exist, and that the large States are at liberty now to consider what is right, rather than what may be expedient. We must have an efficient Govt. and if there be an efficiency in the local Govts. the former is impossible. Germany alone proves it. Notwithstanding their common diet, notwithstanding the great prerogatives of the Emperor as head of the Empire, and his vast resources as sovereign of his particular dominions, no union is maintained: foreign influence disturbs every internal operation, & there is no energy whatever in the general Governmt. Whence does this proceed? From the energy of the local authorities; from its being considered of more consequence to support the Prince of Hesse, than the Happiness of the people of Germany. Do Gentlemen wish this to be ye case here. Good God, Sir, is it possible they

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can so delude themselves. What if all the Charters & Constitutions of the States were thrown into the fire, and all their demagogues into the ocean. What would it be to the happiness of America. And will not this be the case here if we pursue the train in wch. the business lies. We shall establish an Aulic Council without an Emperor to execute its decrees. The same circumstances which unite the people here, unite them in Germany. They have there a common language, a common law, common usages and manners — and a common interest in being united; yet their local jurisdictions destroy every tie. The case was the same in the Grecian States. The United Netherlands are at this time torn in factions. With these examples before our eyes shall we form establishments which must necessarily produce the same effects. It is of no consequence from what districts the 2d. branch shall be drawn, if it be so constituted as to yield an asylum agst. these evils. As it is now constituted he must be agst. its being drawn from the States in equal portions. But shall he was ready to join in devising such an amendment of the plan, as will be most likely to secure our liberty & happiness.

Mr. Sherman & Mr. Elseworth moved to postpone the Question (on the Report from the Committee of a member from each State, in order to wait for the Report from the come. of 5 last appointed.)⁶ —

Masts. ay. Cont. ay. N. Y. no. N. J. ay Pa. ay. Del. ay. Maryland ay Va. no. N. C. no. S. C—no. Geo. no. [Ayes — 6; noes — 5.]

Adjd.⁷

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Saturday 7. July —

Question shall the States have an equal vote in the 2d Br. or Senate —

Gerry — I am in favor of the measure provided that the 1st

⁶ Revised from *Journal*.⁷ See further, Appendix A, LVII.

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Br. shall originate money Bills & appropriate Monies — we must consult the prejudices & Interest of the States — 2 or 3 thousand Men are in Office in the several States — their Influence will be in favor of the Equality of Votes among the States.

Wilson —

Madison An Equality of votes in ye. Senate will enable a minority to hold the Majority — they will compel the majority to submit to their particular Interest or they will withhold their Assent to essential & necessary measures — I have known one man where his State was represented by only two & were divided oppose Six States in Cong. on an import. occasion for 3 days, and finally compelled ym. to gratify his Caprice in order to obtain his suffrage — the Senate will possess certain exclusive powers, such as the appointment to Offices &c — If the States have equal votes — a minority of the people or an Aristocracy will appt. the Gt. Officers. Besides ye. small States will be near the Seat of Govt. a Quorum of the first Br. may be easily assembled they may carry a measure in yt. Br. agt. the sense of the Majority if present, & the Senate may confirm it — Virgin. has objected to every addition of powers to those of Congress, because they made but $\frac{1}{3}$ of the Legislature when they ought to have $\frac{1}{2}$ — Patterson — I hope the Question will be taken. If we do not agree that the Senate be composed of Delegates from the several States, each state having an equal Vote, the smaller States agreeing that Money Bills & money appropriations shall originate in the first Br. to be composed on the principles of a Reprn. of the People — If we cannot agree in this, the small states will never agree on any other Terms — we had better divide & lose no longer Time —

I think I shall vote agt. the Report because I think the exclusive origination of money Bills & ye appropn of Money being vested in the 1. Br. is giving up too much on ye part of the small States

Gov Morris — Let us examine what the small States call the

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consideration wh. they give for the privilege of an equal Vote in the 2. Br. or Senate — How did it happen originally that the Votes were equal — when G. Britain pressed us, the small states said go on in your opposition without us, or give us an equal Vote — they obtained it — they now say there is a sacred Compact — But we are proposing new & farther powers — the Gt. states may now say the present Confed. is defective our Convention proves it — we will not now agree to strengthen the Union unless you let us in in proportion our Interest —

Unless we can form a vigorous general Govt. we must expect vigorous State Govts: & a weak general Govt. Although Germany has an Emperor & a powerful one a common language, Religion, Customs, Interest, and Habits, yet the Glory of her princes, and of free Cities are preferred to that of a peaceful & powerful whole and the Imperial Honors are less regarded than those of the subordinate princes. In this plan we shall have an aulic Council without An Emperor to execute their Decrees.⁸

PATERSON

Gerry.

About 2,000 Men in the smaller States, who compose the Executives, Legislatives, and Judiciaries; all interested in opposing the present Plan, because it tends to annihilate the State-Governments.

Sherman —

If a Majority of the lesser states be agt. the Laws of the national Governmt.; those Laws cannot be executed — There must then be a Branch immediately from the States.

Wilson —

An Agreement elsewhere cannot be expected unless the Representation be fair —

Madison.

1. The Upper Branch may put a Veto upon the Acts of the lower Branch.

⁸ [Endorsed:] 7 July | States equal in the Senate | Gerry — aye | Madison no | G Morris no | Patterson aye

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2. May extort a Concurrence. The smaller States near the Centre; they may compose a Majority of the Quorum.

Gerry —

The larger States will have more Influence; they have in Congress; this from the Nature of Things.

G. Morris —

Great Care will be taken to lessen the Powers of the 2d. Branch —

Corporations to be protected.

Separate colonial Existances —

Corporations — The small States — go on and fight out the Revn. or give us an equal Vote.

The small States say, that they will have greater Rights as Citizens —

Must have such a Govt. as will give Safety —

State-Policy not a proper Object for a vigorous Governmt.

In Proportion to the Vigour and Strength of the State Governmts. will be the Febleness of the general Governmt. —

We must have it in View eventually to lessen and destroy the State Limits and Authorities —

The Germanick Constn. — The Emperor has never been able to collect them — the separate Parts were too independant —