

MONDAY, JULY 16, 1787.

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The question being taken on the whole of the report from the grand Committee as amended . . . it passed in the affirmative [Ayes — 5; noes—4; divided—1.] and is as follows, namely,

Resolved — That in the original formation of the Legislature of the United States the first Branch thereof shall consist of Sixty five members — of which number

New Hampshire shall send	Three
Massachusetts	Eight
Rhode Island	One
Connecticut	Five
New York	Six
New Jersey	four
Pennsylvania	Eight
Delaware	One
Maryland	Six
Virginia	Ten
North Carolina	Five
South Carolina	Five
Georgia	Three.

But as the present situation of the States may probably alter in the number of their inhabitants the Legislature of the United States shall be authorized from time to time to apportion the number of representatives: and in case any of the States shall hereafter be divided, or enlarged by addition of territory, or any two or more States united, or any New States created within the limits of the United States the Legislature of the United States shall possess authority to regulate the

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number of representatives: in any of the foregoing cases upon the principle of their number of inhabitants, according to the provisions hereafter mentioned, namely,

Provided always that representation ought to be proportioned according to direct Taxation; and in order to ascertain the alteration in the direct Taxation, which may be required from time to time by the changes in the relative circumstances of the States — Resolved that a Census be taken within six years from the first Meeting of the Legislature of the United States, and once within the term of every Ten years afterwards of all the inhabitants of the United States in the manner and according to the ratio recommended by Congress in their resolution of April 18. 1783 — and that the Legislature of the United States shall proportion the direct Taxation accordingly.

Resolved That all Bills for raising or appropriating money, and for fixing the salaries of the Officers of the Government of the United States shall originate in the first Branch of the Legislature of the United States, and shall not be altered or amended by the second Branch — and that no money shall be drawn from the Public Treasury but in pursuance of appropriations to be originated by the first Branch.

Resolved That in the second Branch of the Legislature of the United States each State shall have an equal vote.

It was moved and seconded to agree to the first clause of the sixth resolution reported from the Committee of the whole House namely

“That the national Legislature ought to possess the legislative rights vested in Congress by the confederation”

which passed unanimously in the affirmative

It was moved and seconded to commit the second clause of the Sixth resolution reported from the Committee of the whole House

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

[To adjourn Ayes — 5; noes — 5.

To adjourn Ayes — 7; noes — 2; divided — 1.]¹

¹ Votes 158, 159, Detail of Ayes and Noes.

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And then the House adjourned till to-morrow 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
[156]	dd	aye		aye	no	aye	aye	no	aye	no	no	no	To agree to the whole of the report from the grand Committee	5	4	1	
[157]	no	aye		no	no	no	aye	aye	no	aye	aye	aye	To commit the second Clause of the 6. resolution from the Committee of the whole House.	5	5		
[158]	no	no		aye	aye	no	aye	aye	aye	no	no	no	To adjourn	5	5		
[159]	aye	no		aye	aye	no	aye	aye	aye	aye	aye	dd	To adjourn	7	2	1	

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Monday, July 16. In Convention

On the question for agreeing to the whole (Report as amended &)² including the equality of votes in the 2d. branch. (it passed in the Affirmative)

Mas. divided Mr. Gerry, Mr. Strong. ay. Mr. King Mr. Ghorum no. Cont. ay. N. J. ay. Pena. no. Del. ay. Md. ay. Va. no. N. C. ay. Mr. Spaight no S. C. no. Geo. no. [Ayes — 5; noes — 4; divided — 1.] ((Here enter the whole in the words entered in the Journal July 16))

(The whole, thus passed is in the words following³ viz
 “Resolved that in the original formation of the Legislature of
 “the U. S. the first branch thereof shall consist of sixty-five mem-
 “bers, of which number N. Hampshire shall send 3. Massts. 8.
 “Rh. I. 1. Connt. 5. N. Y. 6. N. J. 4. Pena. 8. Del. 1. Maryd. 6.
 “Virga. 10. N. C. 5. S. C. 5. Geo. 3. — But as the present situa-
 “tion of the States may probably alter in the number of their
 “inhabitants, the Legislature of the U. S. shall be authorized

² Revised from *Journal*.³ Copied from *Journal*.

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“from time to time to apportion the number of Reps.; and in
 “case any of the States shall hereafter be divided, or en-
 “larged by, addition of territory, or any two or more States
 “united, or any new States created within the limits of the
 “U. S. the Legislature of the U. S. shall possess authority
 “to regulate the number of Reps, in any of the foregoing
 “cases, upon the principle of their number of inhabitants,
 “according to the provisions hereafter mentioned, namely —
 “provided always that representation ought to be proportioned
 “according to direct taxation; and in order to ascertain the
 “alteration in the direct taxation, which may be required from
 “time to time by the changes in the relative circumstances
 “of the States *P* Resolved that a Census be taken within six
 “years from the 1st. meeting of the Legislature of the U. S.
 “and once within the term of every 10 years afterwards of all the
 “inhabitants of the U. S. in the manner and according to the
 “ratio recommended by Congress in their Resolution of April
 “18. 1783. and that the Legislature of the U. S. shall propor-
 “tion the direct taxation accordingly *P* Resolved, that all
 “bills for raising or appropriating money, and for fixing the
 “salaries of officers of the Govt. of the U. S. shall originate
 “in the first branch of the Legislature of the U. S. and shall not
 “be altered or amended in 2d. branch: and that no money
 “shall be drawn from the public Treasury, but in pursuance of
 “appropriations to be originated in the 1st — branch. *P* Re-
 “solvd. that in the 2d. branch of the Legislature of the U. S.
 “each State shall have an equal vote”⁴

The 6th. Resol: in the Report from the Come. of the whole
 House, which had been postponed in order to consider the
 7 & 8th. Resol'ns; was now resumed. see the Resoln:
 (The 1s. member) “That the Natl. Legislature ought to (pos-

⁴ On this compromise, see Appendix A, LXVa, CXXV, CXLVIa, CLVI, CLVIII (26-27), CLXVI, CLXX, CLXXVII, CLXXVIII, CLXXXVIII, CXCI, CXCIII, CCI, CCXVI, CCXIX, CCXXV, CCXXX, CCLXII, CCLXIV, CCLXVII, CCLXXIV, CCC, CCCIII, CCCV, CCCXIII, CCCXIX, CCCXXVI, CCCXXXVI, CCCLXIII, CCLXXI, CCCLXXII, CCLXXXIII, CCCC. Upon the general compromising spirit of the Convention, see Appendix A, XXXII, XXXVIII, LXXXV, CXIII, CXXVIa, CXXXVII, CXL, CXLII, CLXXXVI, CC, CCa, CCXVII, CCXXIV, CCXXXII, CCLXXXII, CCLXXXIX, CCCII, CCCXLI.

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sess)⁵ the Legislative Rights vested in Congs. by the Confederation." *<was>* Agreed to nem. Con.

<The next> "And moreover to legislate in all cases to which the separate States are incompetent; or in which the harmony of the U. S. may be interrupted by the exercise of individual legislation," *<being>* read for a question

Mr. Butler calls for some explanation of the extent of this power; particularly of the word *incompetent*. The vagueness of the terms rendered it impossible for any precise judgment to be formed.

Mr. Ghorum. The vagueness of the terms constitutes the propriety of them. We are now establishing general principles, to be extended hereafter into details which will be precise & explicit.

Mr. Rutledge, urged the objection started by Mr. Butler and moved that the clause should be committed to the end that a specification of the powers comprised in the general terms, might be reported.

On the question for a commitment, *<the States were equally divided>*

Mas. no. Cont. ay. N. J. no. Pa. no. Del. no. Md. ay. Va. ay. N. C. no. S. C. ay. Geo. ay: So it was lost. [Ayes — 5; noes — 5.]

Mr. Randolph. The vote of this morning (involving an equality of suffrage in 2d. branch) had embarrassed the business extremely. All the powers given in the Report from the Come. of the whole, were founded on the supposition that a Proportional representation was to prevail in both branches of the Legislature — When he came here this morning his purpose was to have offered some propositions that might if possible have united a great majority of votes, and particularly might provide agst. the danger suspected on the part of the smaller States, by enumerating the cases in which it might lie, and allowing an equality of votes in such cases.* But finding from the preceding vote that they persist in demand-

* *<See the paper in appendix communicated by Mr. R. to J. M., July 10.>*⁶

⁵ Revised from *Journal*.

⁶ See Appendix A, LVIII.

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ing an equal vote in all cases, that they have succeeded in obtaining it, and that N. York if present would probably be on the same side, he could not but think we were unprepared to discuss this subject further. It will probably be in vain to come to any final decision with a bare majority on either side. For these reasons he wished the Convention might adjourn, that the large States might consider the steps proper to be taken in the present solemn crisis of the business, and that the small States might also deliberate on the means of conciliation.

Mr. Patterson, thought with Mr. R. that it was high time for the Convention to adjourn that the rule of secrecy ought to be rescinded, and that our Constituents should be consulted. No conciliation could be admissible on the part of the smaller States on any other ground than that of an equality of votes in the 2d. branch. If Mr. Randolph would reduce to form his motion for an adjournment sine die, he would second it with all his heart.

Genl. Pinkney wished to know of Mr. R. whether he meant an adjournment sine die, or only an adjournment for the day. If the former was meant, it differed much from his idea. He could not think of going to S. Carolina, and returning again to this place. Besides it was chimerical to suppose that the States if consulted would ever accord separately, and beforehand.

Mr. Randolph, had never entertained an idea of an adjournment sine die; & was sorry that his meaning had been so readily & strangely misinterpreted. He had in view merely an adjournment till tomorrow in order that some conciliatory experiment might if possible be devised, and that in case the smaller States should continue to hold back, the larger might then take such measures, he would not say what, as might be necessary.

Mr. Patterson seconded the adjournment till tomorrow, as an opportunity seemed to be wished by the larger States to deliberate further on conciliatory expedients.

On the question for adjourning till tomorrow, (the States were equally divided.)

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Mas. no. Cont. no. N. J. ay. Pa. ay. Del. no. Md. ay. Va. ay. N. C. ay. S. C. no. Geo. no. So it was lost. [Ayes — 5; noes — 5.]

Mr. Broome thought it his duty to declare his opinion agst. an adjournment sine die, as had been urged by Mr. Patterson. Such a measure he thought would be fatal. Something must be done by the Convention tho' it should be by a bare majority.

Mr. Gerry observed that Masts. was opposed to an adjournment, because they saw no new ground of compromise. But as it seemed to be the opinion of so many States that a trial shd be made, the State would now concur in the adjournmt.

Mr. Rutledge could see no need of an adjournmt. because he could see no chance of a compromise. The little States were fixt. They had repeatedly & solemnly declared themselves to be so. All that the large States then had to do, was to decide whether they would yield or not. For his part he conceived that altho' we could not do what we thought best, in itself, we ought to do something. Had we not better keep the Govt. up a little longer, hoping that another Convention will supply our omissions, than abandon every thing to hazard. Our Constituents will be very little satisfied with us if we take the latter course.

Mr. Randolph & Mr. King renewed the motion to adjourn till tomorrow.

On the question Mas. ay. Cont. no. N. J. ay. Pa. ay. Del. no. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. divid. [Ayes — 7; noes — 2; divided — 1.]

Adjourned⁷

On the morning following before the hour of the Convention a number of the members from the larger States, by common agreement met for the purpose of consulting on the proper steps to be taken in consequence of the vote in favor of an equal Representation in the 2d. branch, and the apparent inflexibility of the smaller States on that point — Several members from the latter States also attended. The time was

⁷ See further Appendix A, LXIII.

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wasted in vague conversation on the subject, without any specific proposition or agreement. It appeared indeed that the opinions of the members who disliked the equality of votes differed so much as to the importance of that point, and as to the policy of risking (a failure of) a(ny) general act of the Convention by inflexibly opposing it. Several of them supposing that no good Governnt could or would be built on that foundation, and that as a division of the Convention into two opinions was unavoidable it would be better that the side comprising the principal States, and a majority of the people of America, should propose a scheme of Govt. to the States, than that a scheme should be proposed on the other side, would have concurred in a firm opposition to the smaller States, and in a separate recommendation, if eventually necessary. Others seemed inclined to yield to the smaller States, and to concur in such an Act however imperfect & exceptionable, as might be agreed on by the Convention as a body, tho' decided by a bare majority of States and by a minority of the people of the U. States. It is probable that the result of this consultation satisfied the smaller States that they had nothing to apprehend from a Union of the larger, in any plan whatever agst. the equality of votes in the 2d. branch.⁸

⁸ See Appendix A, CXXXVII, CCCLXXI.