

WEDNESDAY, JULY 25, 1787.

JOURNAL

Wednesday July 25. 1787.

It was moved and seconded to agree to the following amendment to the resolution respecting the election of the supreme Executive namely

“except when the Magistrate last chosen shall have continued in office the whole term for which he was chosen, and “be reeligible in which case the choice shall be by Electors “appointed for that purpose by the several Legislatures”

it passed in the negative [Ayes — 4; noes — 7.]¹

It was moved and seconded to agree to the following amendment to the resolution respecting the supreme Executive, namely

“Provided that no person shall be capable of holding “the said office for more than six years in any term of twelve”

It was moved and seconded to postpone the consideration of the last amendment

which passed in the negative. [Ayes — 5; noes — 6.]²

On the question to agree to the amendment

it passed in the negative [Ayes — 5; noes — 6.]

[That the members of the Committee be furnished with copies of the proceedings Ayes — 10; noes — 1.]³

That the members of the House take copies of the resolutions which have been agreed to Ayes — 5; noes — 6.⁴

It was moved and seconded to refer the resolution respecting

¹ Vote 218, Detail of Ayes and Noes, which states that the amendment was “Mr Elsworth’s”.

² Vote 219, Detail of Ayes and Noes, which states that the amendment was “Mr Pinckney’s”.

³ Vote 221, Details of Ayes and Noes.

⁴ Vote 222, Detail of Ayes and Noes. Motion was made by Luther Martin, see Appendix A, CLVIII (27).

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the Executive (except that clause which provides that it consist of a single Person) to the Committee of detail.

Before a determination was taken on the last motion [To adjourn Ayes — 9; noes — 2.]⁵ 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
[218]	aye	no		aye		no	aye	no	aye	no	no	no	no	To agree to Mr Elsworth's amendment in the election of the Executive.	4	7	
[219]	no	no		aye		aye	aye	no	aye	aye	no	no	no	To postpone Mr Pinckney's amendment	5	6	
[220]	aye	aye		no		no	no	no	no	no	aye	aye	aye	To agree to Mr Pinckney's amendment	5	6	
[221]	aye	aye		aye		aye	aye	aye	aye	aye	aye	no	aye	That the Members of the Committee be furnished with copies of the proceedings	10	1	
[222]	no	no		aye		aye	no	aye	no	aye	aye	no	no	That the Members of the House take copies of the resolutions which have been agreed to	5	6	
[223]	no	aye		no		aye	aye	aye	aye	aye	aye	aye	aye	To adjourn			

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Clause relating to the Executive again under consideration

Mr. Elsworth moved "that the Executive be appointed by the Legislature," except when (the magistrate last chosen shall) have (continued in office the whole term for which he was chosen, & be reeligible, in which case the choice shall be) by -Electors appointed by the Legislatures of the States (for that

⁵ Vote 223, Detail of Ayes and Noes.

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purpose.”)⁶ By this means a deserving Magistrate may be reelected without making him dependent on the Legislature.

Mr. Gerry repeated his remark that an election at all by the Natl. Legislature was radically and incurably wrong; and moved⁷ that the Executive be appointed by the Governours & Presidents of the States, with advice of their Councils, and when there are no Councils by Electors chosen by the Legislatures. The executives to vote in the following proportions: (viz —)

Mr. (Madison.) There are objections agst. every mode that has been, or perhaps can be proposed. The election must be made either by some existing authority under the Natl. or State Constitutions — or by some special authority derived from the people — or by the people themselves. — The two Existing authorities under the Natl. Constitution wd be the Legislative & Judiciary. The latter he presumed was out of the question. The former was in his Judgment liable to insuperable objections. Besides the general influence of that mode on the independence of the Executive, 1. the election of the Chief Magistrate would agitate & divide the legislature so much that the public interest would materially suffer by it. Public bodies are always apt to be thrown into contentions, but into more violent ones by such occasions than by any others. 2. the candidate would intrigue with the Legislature, would derive his appointment from the predominant faction, and be apt to render his administration subservient to its views. 3. The Ministers of foreign powers would have and make use of, the opportunity to to mix their intrigues & influence with the Election. Limited as the powers of the Executive are, it will be an object of great moment with the great rival powers of Europe who have American possessions, to have at the head of our Governmt. a man attached to their respective politics & interests. No pains, nor perhaps expence, will be spared, to gain from the Legislature an appointmt. favorable to their wishes. Germany & Poland are witnesses of this danger. In the former, the election of the Head of the

⁶ Revised from *Journal*.

⁷ Crossed out “renewed his motion”.

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Empire, till it became in a manner hereditary, interested all Europe, and was much influenced⁸ by foreign interference — In the latter, altho' the elective Magistrate has very little real power, his election has at all times produced the most eager interference of forign princes, and has in fact at length slid entirely into foreign hands. The existing authorities in the States are the Legislative, Executive & Judiciary. The appointment of the Natl Executive by the first was objectionable in many points (of view), some of which had been already mentioned. He would mention one which of itself would decide his opinion. The Legislatures of the States had betrayed a strong propensity to a variety of pernicious measures.⁹ One object of the Natl. Legislre. was to controul this propensity. One object of the Natl. Executive, so far as it would have a negative on the laws, was to controul the Natl. Legislature, so far as it might be infected with a similar propensity. Refer the appointmt of the Natl. Executive to the State Legislatures, and this controuling purpose may be defeated. The Legislatures can & will act with some kind of regular plan, and will promote the appointmt. of a man who will not oppose himself to a favorite object. Should a majority of the Legislatures at the time of election have the same object, or different objects of the same kind, the Natl Executive, would be rendered subservient to them. — An appointment by the State Executives, was liable among other objections to this insuperable one, that being standing bodies, they could & would be courted, and intrigued with by the Candidates, by their partizans, and by the Ministers of foreign powers. The State Judiciarys had not & he presumed wd. not be proposed as a proper source of appointment. The Option before us then lay between an appointment by Electors chosen by the people — and an immediate appointment by the people. He thought the former mode free from many of the objections which had been urged agst. it, and greatly preferable to an appointment by the Natl. Legislature. As the electors would be chosen for the occasion, would meet at once, & proceed immediately

⁸ Crossed out "to say the least".⁹ Crossed out "petty acts".

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to an appointment, there would be very little opportunity for cabal, or corruption,. As a further precaution, it might be required that they should meet at some place, distinct from the seat of Govt. and even that no person within a certain distance of the place at the time shd. be eligible. This mode however had been rejected so recently & by so great a majority that it probably would not be proposed anew. The remaining mode was an election by the people or rather by the (qualified part of them.)¹⁰ at large. With all its imperfections he liked this best. He would not repeat either the general argumts. for or the objections agst this mode. He would only take notice of two difficulties which he admitted to have weight. The first arose from the disposition in the people to prefer a Citizen of their own State, and the disadvantage this wd. throw on the smaller States. Great as this objection might be he did not think it equal to such as lay agst. every other mode which had been proposed. He thought too that some expedient might be hit upon that would obviate it. The second difficulty arose from the disproportion of (qualified voters)¹⁰ in the N. & S. States, and the disadvantages which this mode would throw on the latter. The answer to this objection was 1. that this disproportion would be continually decreasing under the influence of the Republican laws introduced in the S. States, and the more rapid increase of their population. 2. That local local considerations must give way to the general interest. As an individual from the S. States he was willing to make the sacrifice.

Mr. Elseworth. The objection drawn from the different sizes of the States, is unanswerable. The Citizens of the largest States would invariably prefer the Candidate within the State; and the largest States wd. invariably have the man.

Question on Mr. Elseworth's motion as above.

N. H. ay. Mas. no. Ct. ay. N. J. no. Pa. ay. Del. no-Md. ay. Va no. N- C. no. S. C. no. Geo. no. [Ayes — 4; noes — 7.]

Mr. Pinkney moved that the election by the Legislature

¹⁰ Crossed out "freeholders".

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be qualified with a proviso that no person be eligible for more than 6 years in any twelve years. He thought this would have all the advantage & at the same time avoid in some degree the inconveniency, of an absolute ineligibility a 2d. time.

Col. Mason approved the idea. It had the sanction of experience in the instance of Congs. and some of the Executives of the States. It rendered the Executive as effectually independent, as an ineligibility after his first election, and opened the way at the same time for the advantage of his future services. He preferred on the whole the election by the Natl. Legislature: Tho' Candor obliged him to admit, that there was great danger of foreign influence, as had been suggested. This was the most serious objection with him that had been urged.

Mr Butler. The two great evils to be avoided are cabal at home, & influence from abroad. It will be difficult to avoid either if the Election be made by the Natl Legislature. On the other hand, the Govt. should not be made so complex & unwieldy as to disgust the States. This would be the case, if the election shd. be referred to the people. He liked best an election by Electors chosen by the Legislatures of the States. He was agst. a re-eligibility at all events. He was also agst. a ratio of votes in the States. An equality should prevail in this case. The reasons for departing from it do not hold in the case of the Executive as in that of the Legislature.

Mr. Gerry approved of Mr Pinkney's motion as lessening the evil.

Mr Govr. Morris was agst. a rotation in every case. It formed a political School, in wch. we were always governed by the scholars, and not by the Masters — The evils to be guarded agst in this case are. 1. the undue influence of the Legislature. 2. instability of Councils. 3. misconduct in office. To guard agst. the first, we run into the second evil. we adopt a rotation which produces instability of Councils. To avoid Sylla we fall into Charibdis. A change of men is ever followed by a change of measures We see this fully exemplified in the vicissitudes among ourselves, particularly in

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the State of Pena. The selfsufficiency of a victorious party scorns to tread in the paths of their predecessors. Rehoboam will not imitate Solomon. 2. the Rotation in office will not prevent intrigue and dependence on the Legislature. The man in office will look forward to the period at which he will become re-eligible. The distance of the period, the improbability of such a protraction of his life will be no obstacle. Such is the nature of man, formed by his benevolent author no doubt for wise ends, that altho' he knows his existence to be limited to a span, he takes his measures as if he were to live forever. But taking another supposition, the inefficacy of the expedient will be manifest. If the magistrate does not look forward to his re-election to the Executive, he will be pretty sure to keep in view the opportunity of his going into the Legislature itself. He will have little objection then to an extension of power on a theatre where he expects to act a distinguished part; and will be very unwilling to take any step that may endanger his popularity with the Legislature, on his influence over which the figure he is to make will depend. 3. To avoid the third evil, impeachments will be essential, and hence an additional reason agst an election by the Legislature. He considered an election by the people as the best, by the Legislature as the worst, mode. Putting both these aside, he could not but favor the idea of Mr. Wilson, of introducing a mixture of lot. It will diminish, if not destroy both cabal & dependence.

Mr. Williamson was sensible that strong objections lay agst an election of the Executive by the Legislature, and that it opened a door for foreign influence. The principal objection agst. an election by the people seemed to be, the disadvantage under which it would place the smaller States. He suggested as a cure for this difficulty, that each man should vote for 3 candidates. One of these he observed would be probably of his own State, the other 2. of some other States; and as probably of a small as a large one.

Mr. Govr. Morris liked the idea, suggesting as an amendment that each man should vote for two persons one of whom at least should not be of his own State.

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Mr (Madison) also thought something valuable might be made of the suggestion with the proposed amendment of it. The second best man¹¹ in this case would probably be the first, in fact. The only objection which occurred was that each Citizen after havg. given his vote for his favorite fellow Citizen wd. throw away his second on some obscure Citizen of another State, in order to ensure the object of his first choice. But it could hardly be supposed that the Citizens of many States would be so sanguine of having their favorite elected, as not to give their second vote with sincerity to the next object of their choice. It¹² might moreover be provided in favor of the smaller States that the Executive should not be eligible more than times in years from the same State.

Mr. Gerry — A popular election in this case is radically vicious. The ignorance of the people would put it in the power of some one set of men dispersed through the Union & acting in Concert to delude them into any appointment. He observed that such a Society of men existed in the Order of the Cincinnati. They were respectable, United, and influential. They will in fact elect the chief Magistrate in every instance, if the election be referred to the people. — His respect for the characters composing this Society could not blind him to the danger & impropriety of throwing such a power into their hands.

Mr. Dickenson. As far as he could judge from the discussion which had taken place during his attendance, insuperable objections lay agst an election of the Executive by the Natl. Legislature; as also by the Legislatures or Executives of the States — He had long leaned towards an election by the people which he regarded as the best and purest source. Objections he was aware lay agst this mode, but not so great he thought as agst the other modes. The greatest difficulty in the opinion of the House seemed to arise from the partiality of the States to their respective Citizens. But, might not this very partiality be turned to a useful purpose. Let

¹¹ Crossed out: "in the partial Judgment of each Citizen towards his immediate fellow Citizen".

¹² Crossed out: "As a further safeguard".

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the people of each State chuse its best Citizen. The people will know the most eminent characters of their own States, and the people of different States will feel an emulation in selecting those of which they will have the greatest reason to be proud — Out of the thirteen names thus selected, an Executive Magistrate may be chosen either by the Natl Legislature, or by Electors appointed by it.

On a Question which was moved for postponing Mr. Pinkney's motion, in order to make way for some such proposition as had been hinted by Mr. Williamson & others. (it passed in the negative.)

N. H. no. Mas. no. Ct. ay. N. J. ay. Pa. ay. Del. no. Md. ay. Va ay. N. C. no. S. C. no. Geo. no. [Ayes — 5; noes — 6.]

On Mr. Pinkney's motion that no person shall serve in the Executive more than 6 years in 12. years, (it passed in the negative.)

N. H. ay. Mas. ay. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. ay. Geo. ay [Ayes — 5; noes — 6.]

(On a motion that the members of the Committee be furnished with copies of the proceedings it was so determined; S. Carolina alone being in the negative —

It was then moved¹³ that the members of the House might take copies of the Resolutions which had been agreed to; which passed in the negative.

N. H. no — Mas. no. Con — ay. N. J. ay. Pa. no — Del. ay. Maryd. no. V — ay. N — C. ay. S. C. no — Geo. no —¹⁴ [Ayes — 5; noes — 6.]

Mr. Gerry & Mr Butler moved to refer the (resolution) relating to the Executive ((except the clause making it consist of a single person)) to the Committee of detail¹⁵

Mr. Wilson hoped that so important a branch of the System wd. not be committed untill a general principle shd. be fixed by a vote of the House.

Mr Langdon was for the Commitment. — Adj'd.¹⁶

¹³This motion was made by Luther Martin, see Appendix A, CLVIII (27).

¹⁴Taken from *Journal*.

¹⁵Revised from *Journal*.

¹⁶See further Appendix A, LXVIII, LXIX.