

TUESDAY, JUNE 26, 1787.

JOURNAL

Tuesday June 26. 1787.

It was moved and seconded to amend the third clause of the fourth resolution reported from the Committee so as to read as follows, namely

“for nine years, one third to go out triennially”

which passed in the negative [Ayes — 3; noes — 8.]

It was then moved and seconded to amend the third clause of the fourth resolution so as to read

“for six years, one third to go out biennially”

On the question to agree to the amendment

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

[to strike the following clause out of the 4 resolution “to receive fixed stipends by which they may be compensated for the devotion of their time to public service Ayes — 5; noes — 6.]¹

It was moved and seconded to amend the fourth clause of the fourth resolution so as to read

“to receive a compensation for the devotion of their time to the public service”

which passed in the affirmative [Ayes — 10; noes — 1.]

It was moved and seconded to erase the following words from the fourth resolution, namely

“out of the national Treasury,”

and to substitute the following namely

“by their respective States”

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

It was moved and seconded to agree to the following clause in the fourth resolution namely

“to be paid out of the public Treasury”

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

¹ Vote 96, Detail of Ayes and Noes.

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It was moved and seconded to postpone the consideration of the last clause in the fourth resolution, as reported from the Committee, in order to take up the following proposition, offered as a substitute, namely

“to be ineligible to, and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected”

On the question to postpone

it passed in the affirmative. [Ayes — 6; noes — 5.]²

It was then moved and seconded to add after the word “elected” the words

“and for One year thereafter”

which passed in the affirmative [Ayes — 7; noes — 4.]

It was then moved and seconded to agree to the proposition as amended namely

“to be ineligible to, and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected, and for one year thereafter”

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

It was moved and seconded to add the following clause to the fourth resolution, namely

“and to be ineligible and incapable of holding any office under a particular State”

which passed in the negative [Ayes — 3; noes — 8.]

It was moved and seconded to agree to the fifth resolution reported from the Committee namely.

“Resolved that each Branch ought to possess the right of originating acts”

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

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

² Vote 100, Detail of Ayes and Noes, which notes that this motion was “Mr. Williamson’s”.

DETAIL OF AYES AND NOES

		Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	Ayes	Noes	Divided
[94]	no	no	no	no	no	no	aye	aye	no	aye	no	no	no	for nine years one third to go out triennially — second Branch	3	8	
[95]	aye	aye	aye	aye	no	no	aye	aye	aye	aye	no	no	no	for six years, one third to go out biennially —	7	4	
[96]	aye	aye	aye	aye	no	no	aye	no	no	no	no	aye	no	to strike the following clause out of the 4 resolution "to receive fixed stipends by which they may be compensated for the devotion of their time to public service"	5	6	
[Beginning of fourth loose sheet]																	
[97]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	no	aye	To agree to the followg clause in ye 4 resolution "To receive a compensation for the devotion of their time to the Public-Service."	10	1	
[98]	no	no	aye	aye	aye	aye	no	no	no	no	no	no	aye	To strike out the words "national Treasury and to substitute the words "by their respective States"	5	6	
[99]	aye	no	no	no	no	no	aye	aye	aye	no	no	no	no	To agree to the following clause in the 4 resolution. "To be paid out of the public Treasury"	5	6	
[100]	no	no	aye	no	no	no	aye	aye	aye	aye	aye	no	no	To postpone the last clause of the 4 resolution in order to take up Mr Williamson's motion	6	5	
[101]	no	no	aye	aye	no	no	no	aye	aye	aye	aye	aye	no	to add the words and for One year thereafter	7	4	
[102]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	to be ineligible to & incapable of holding any office under ye authority of the U S. (except &ca) during the term for wh they are elected, and for One year thereafter	11		
[103]	aye	no	no	no	no	no	no	no	no	no	no	no	no	and to be ineligible to & incapable of holding any office under a particular State	3	8	
[104]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	To agree to the 5th resolution reported from the Committee	11		

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Tuesday, June 26. in Convention

The duration of the 2d. branch under consideration.

Mr. Ghorum moved to fill the blank with "six years".
(one third of the members to go out every second year.)³

Mr Wilson 2ded. the motion.

Genl. Pinkney opposed six years in favor of four years. The States he said had different interests. Those of the Southern, and of S. Carolina in particular were different from the Northern. If the Senators should be appointed for a long term, they wd. settle in the State where they exercised their functions; and would in a little time be rather the representatives of that than of the State appoint'g them.

Mr. Read movd. that the term be nine years. This wd. admit of a very convenient rotation, one third going out triennially. He wd. still prefer "during good behaviour," but being little supported in that idea, he was willing to take the longest term that could be obtained.

Mr. Broome 2ded. the motion

Mr. Madison. In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were first to protect the people agst. their rulers: secondly to protect (the people) agst. the transient impressions into which they themselves might be led. A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of Govt. most likely to secure their happiness, would first be aware, that those chargd. with the public happiness, might betray their trust. An obvious precaution agst. this danger wd. be to divide the trust between different bodies of men, who might watch & check each other. In this they wd. be governed by the same prudence which has prevailed in organizing the subordinate departments of Govt. where all business liable to abuses is made to pass thro' separate hands, the one being a

³ Taken from *Journal*, confirmed by Yates.

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check on the other. It wd. next occur to such a people, that they themselves were liable to temporary errors, thro' want of information as to their true interest, and that men chosen for a short term, & employed but a small portion of that in public affairs, might err from the same cause. This reflection wd. naturally suggest that the Govt. be so constituted, as that one of its branches might have an oppy. of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, wd. be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence agst. this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose agst. impetuous counsels. It ought finally to occur to a people deliberating on a Govt. for themselves, that as different interests necessarily result from the liberty meant to be secured, the major interest might under sudden impulses be tempted to commit injustice on the minority. In all civilized Countries the people fall into different classes havg. a real or supposed difference of interests. There will be creditors & debtors, farmers, merchts. & manufacturers. There will be particularly the distinction of rich & poor. It was true as had been observd. (by Mr Pinkney) we had not among us those hereditary distinctions, of rank which were a great source of the contests in the ancient Govts. as well as the modern States of Europe, nor those extremes of wealth or poverty which characterize the latter. We cannot however be regarded even at this time, as one homogeneous mass, in which every thing that affects a part will affect in the same manner the whole. In framing a system which we wish to last for ages, we shd. not lose sight of the changes which ages will produce. An increase of population will of necessity increase the proportion of those who will labour under all the hardships of life, & secretly sigh for a more equal distribution of its blessings. These may in time outnumber those who are placed above the feelings of indigence. According to the equal laws of suffrage, the power will slide into the hands of the former. No agrarian attempts have yet been made in this

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Country, but symptoms of a leveling spirit, as we have understood, have sufficiently appeared in a certain quarters to give notice of the future danger. How is this danger to be guarded agst. on republican principles? How is the danger in all cases of interested co-alitions to oppress the minority to be guarded agst.? Among other means by the establishment of a body in the Govt. sufficiently respectable for its wisdom & virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale. Such being the objects of the second branch in the proposed Govt. he thought a considerable duration ought to be given to it. He did not conceive that the term of nine years could threaten any real danger; but in pursuing his particular ideas on the subject, he should require that the long term allowed to the 2d. branch should not commence till such a period of life as would render a perpetual disqualification to be re-elected little inconvenient either in a public or private view. He observed that as it was more than probable we were now digesting a plan which in its operation wd. decide forever the fate of Republican Govt we ought not only to provide every guard to liberty that its preservation cd. require, but be equally careful to supply the defects which our own experience had particularly pointed out.

Mr. Sherman. Govt. is instituted for those who live under it. It ought therefore to be so constituted as not to be dangerous to their liberties. The more permanency it has the worse if it be a bad Govt. Frequent elections are necessary to preserve the good behavior of rulers. They also tend to give permanency to the Government, by preserving that good behavior, because it ensures their re-election. In Connecticut elections have been very frequent, yet great stability & uniformity both as to persons & measures have been experienced from its original establishmt. to the present time; a period of more than 130 years. He wished to have provision made for steadiness & wisdom in the system to be adopted; but he thought six or (four)⁴ years would be sufficient. He shd. be content with either.

⁴ Corrected probably from Yates.

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Mr. Read wished it to be considered by the small States that it was their interest that we should become one people as much as possible, that State attachments shd. be extinguished as much as possible, that the Senate shd. be so constituted as to have the feelings of citizens of the whole.

Mr. Hamilton. He did not mean to enter particularly into the subject. He concurred with Mr. Madison in thinking we were now to decide for ever the fate of Republican Government; and that if we did not give to that form due stability and wisdom, it would be disgraced & lost among ourselves, disgraced & lost to mankind for ever. He acknowledged himself not to think favorably of Republican Government; but addressed his remarks to those who did think favorably of it, in order to prevail on them to tone their Government as high as possible. He professed himself to be as zealous an advocate for liberty as any man whatever, and trusted he should be as willing a martyr to it though he differed as to the form in which it was most eligible. — He concurred also in the general observations of (Mr. Madison) on the subject, which might be supported by others if it were necessary. It was certainly true that nothing like an equality of property existed: that an inequality would exist as long as liberty existed, and that it would unavoidably result from that very liberty itself. This inequality of property constituted the great & fundamental distinction in Society. When the Tribunital power had levelled the boundary between the *patricians* & *plebeians* what followed? The distinction between rich & poor was substituted. He meant not however to enlarge on the subject. He rose principally to remark that (Mr. Sherman) seemed not to recollect that one branch of the proposed Govt. was so formed, as to render it particularly the guardians of the poorer orders of citizens; nor to have adverted to the true causes of the stability which had been exemplified in Cont. Under the British system as well as the federal, many of the great powers appertaining to Govt. particularly all those relating to foreign Nations were not in the hands of the Govt there. Their internal affairs also were extremely simple, owing to sundry causes many of which were peculiar to that

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Country. Of late the Governmt. had entirely given way to the people, and had in fact suspended many of its ordinary functions in order to prevent those turbulent scenes which had appeared elsewhere. (He asks Mr S. whether the State at this time, dare impose & collect a tax on ye people?)⁵ To those causes & not to the frequency of elections, the effect, as far as it existed ought to be chiefly ascribed.

Mr. Gerry. wished we could be united in our ideas concerning a permanent Govt. All aim at the same end, but there are great differences as to the means. One circumstance He thought should be carefully attended to. There were not ~~1000~~ part of our fellow citizens who were not agst. every approach towards Monarchy. Will they ever agree to a plan which seems to make such an approach. The Convention ought to be extremely cautious in what they hold out to the people. Whatever plan may be proposed will be espoused with warmth by many out of respect to the quarter it proceeds from as well as from an approbation of the plan itself. And if the plan should be of such a nature as to rouse a violent opposition, it is easy to foresee that discord & confusion will ensue, and it is even possible that we may become a prey to foreign powers. He did not deny the position of Mr. — (Madison.) that the majority will generally violate justice when they have an interest in so doing; But did not think there was any such temptation in this Country. Our situation was different from that of G. Britain: and the great body of lands yet to be parcelled out & settled would very much prolong the difference. Notwithstanding the syptoms of injustice which had marked many of our public Councils, they had not proceeded so far as not to leave hopes, that there would be a sufficient sense of justice & virtue for the purpose of Govt. He admitted the evils arising from a frequency of elections: and would agree to give the Senate a duration of four or five years.⁶ A longer term would defeat itself. It never would be adopted by the people.

Mr. Wilson did not mean to repeat what had fallen from

⁵ Probably, but not certainly a later insertion taken from Yates.

⁶ Crossed out: "To go further would bar the way."

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others, but wd. add an observation or two which he believed had not yet been suggested. Every nation may be regarded in two relations 1 to its own citizens. 2 to foreign nations. It is therefore not only liable to anarchy & tyranny within but has wars to avoid & treaties to obtain from abroad. The Senate will probably be the depository of the powers concerning the latter objects. It ought therefore to be made respectable in the eyes of foreign nations. The true reason why G. Britain has not yet listened to a commercial treaty with us has been, because she had no confidence in the stability or efficacy of our Government. 9 years with a rotation, will provide these desirable qualities; and give our Govt. an advantage in this respect over Monarchy itself. In a monarchy much must always depend on the temper of the man. In such a body, the personal character will be lost in the political. He wd. add another observation. The popular objection agst. appointing any public body for a long term was that it might by gradual encroachments prolong itself first into a body for life, and finally become a hereditary one. It would be a satisfactory answer to this objection that as $\frac{1}{3}$ would go out triennially, there would be always three divisions holding their places for unequal terms, and consequently acting under the influence of different views, and different impulses — On the question for 9 years. $\frac{1}{3}$ to go out triennially ⁷

Massts no. Cont. no. N. Y. no. N. J. no. Pa. ay. Del. ay. Md. no. Va. ay. N. C. no. S. C. no. Geo. no. [Ayes — ~~8~~⁷; noes — ~~3~~.]

On the question for 6 years $\frac{1}{3}$ to go out biennially ⁷
Massts. ay. Cont. ay. N. Y. no. N. J. no. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. no. Geo. no. [Ayes — 7; noes — 4.]

“To receive fixt stipends by which they may be compensated for their services”. considered

General Pinkney proposed “that no Salary should be allowed”. As this ((the Senatorial)) branch was meant to represent the wealth of the Country, it ought to be composed of persons of wealth; and if no allowance was to be made the

⁷ See further Appendix A, CXXXVII, CLVIII (33-34), CCXIX.

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wealthy alone would undertake the service. (He moved to strike out the Clause.)⁸

Doctr: Franklin seconded the motion. He wished the Convention to stand fair with the people. There were in it a number of young men who would probably be of the Senate. If lucrative appointments should be recommended we might be chargeable with having carved out places for ourselves.

(On the question.—

Masts. Connecticut * Pa. Md. S. Carolina Ay.

N. Y. N. J. Del. Virga. N. C. Geo. no.)⁹

Mr. Williamson moved to change the expression into these words towit. "to receive a compensation for the devotion of their time to the public Service". The motion was seconded by Mr. Elseworth. And was agreed to by all the States except S. Carola. It seemed to be meant only to get rid of the word "fixt" and leave greater room for modifying the provision on this point.

Mr. Elseworth moved to strike out "to be paid out of the natil. Treasury" and insert "to be paid by their respective States". If the Senate was meant to strengthen the Govt. it ought to have the confidence of the States. The States will have an interest in keeping up a representation and will make such provision for supporting the members as will ensure their attendance.

Mr. (Madison), considered this a departure from a fundamental principle, and subverting the end intended by allowing the Senate a duration of 6 years. They would if this motion should be agreed to, hold their places during pleasure; during the pleasure of the State Legislatures. One great end of the institution was, that being a firm, wise and impartial body, it might (not) only give stability to the Genl. Govt. in its operations on individuals, but hold an even balance among different

* (Quer. whether Connecticut — should not be — No. & Delaware Ay.)

⁸ Taken from *Journal* and Yates.

⁹ Taken from *Journal*, but Madison first copied from the wrong page (p. 151 instead of 150) and made Delaware and Virginia affirmative with Connecticut and South Carolina negative; he then made the necessary correction and inserted the foot-note.

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States. The motion would make the Senate like Congress, the mere Agents & Advocates of State interests & views, instead of being the impartial umpires & Guardians of justice and general Good. Congs. had lately by the establishment of a board with full powers to decide on the mutual claims be-between the U. States & the individual States, fairly acknowledged themselves to be unfit for discharging this part of the business referred to them by the Confederation.

Mr. Dayton considered the payment of the Senate by the States as fatal to their independence. he was decided for paying them out of the Natl Treasury.

On the question for payment of the Senate to be left to the States as moved by Mr. Elseworth

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

Col. Mason. He did not rise to make any motion, but to hint an idea which seemed to be proper for consideration. One important object in constituting the Senate was to secure the rights of property. To give them weight & firmness for this purpose, a considerable duration in office was thought necessary. But a longer term than 6 years, would be of no avail in this respect, if needy persons should be appointed. He suggested therefore the propriety of annexing to the office a qualification of property. He thought this would be very practicable; as the rules of taxation would supply a scale for measuring the degree of wealth possessed by every man.

A question was then taken whether the words “to be paid out of the public treasury.” should stand”

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

Mr. Butler moved to strike out the the ineligibility of Senators to *State offices*.¹⁰

Mr. Williamson seconded the motion.

Mr. Wilson remarked the additional dependence this wd.

¹⁰ See further, references under September 3 note 7.

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create in the Senators on the States. The longer the time he observed allotted to the officer, the more compleat will be the dependance, if it exists at all.

Genl. Pinkney was for making the States as much as could be conveniently done a part of the Genl. Gov't: If the Senate was to be appointed by the States, it ought in pursuance of the same idea to be paid by the States: and the States ought not to be barred from the opportunity of calling members of it into offices at home. Such a restriction would also discourage the ablest men from going into the Senate.

Mr. Williamson moved a resolution so penned as to admit of the two following questions. 1. whether the members of the Senate should be ineligible to & incapable of holding offices *under the U. States*¹¹

2. whether &c. under the *particular States*.¹¹

On the question to postpone in order to consider Williamson's Resoln: Masts. no. Cont. ay. N. Y. no. N. J. no. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes—8; noes—3.]¹²

Mr. Gerry & Mr. M(adison) — move to add to Mr. Williamsons 1. quest: "and for 1 year thereafter." On this amendt.

Masts. no. Cont. ay N. Y. ay. N. J. no. P. no. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. no. [Ayes—7; noes—4.]

On Mr. Will—son's 1 Question as amended. vz. inelig: & incapable &c. &c. for 1 year &c. agd. unanimously.

On the 2. question as to ineligibility &c. to State offices.

Mas. ay. Ct. no. N. Y. no. N. J. no. P. ay. Del. no. Md. no. Va. ay. N. C. no. S. C. no. Geo. no. [Ayes—3; noes—8.]

⟨The 5 Resol: "that each branch have the right of originating acts" was agreed to nem: con:⟩¹³

Adjd.

¹¹ The words in italics were underscored at a later date.

¹² Detail of Ayes and Noes, Vote 100, makes South Carolina and Georgia both negative.

¹³ Taken from *Journal*, confirmed by Yates.

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TUESDAY, JUNE 26th, 1787.

Met pursuant to adjournment. Present 11 states.

Mr. Gorham. My motion for 4 years' continuance, was not put yesterday. I am still of opinion that classes will be necessary, but I would alter the time. I therefore move that the senators be elected for 6 years, and that the rotation be triennial.

Mr. Pinkney. I oppose the time, because of too long a continuance. The members will by this means be too long separated from their constituents, and will imbibe attachments different from that of the state; nor is there any danger that members, by a shorter duration of office, will not support the interest of the union, or that the states will oppose the general interest. The state of South Carolina was never opposed in principle to congress, nor thwarted their views in any case, except in the requisition of money, and then only for want of power to comply — for it was found there was not money enough in the state to pay their requisition.

Mr. Read moved that the term of *nine years* be inserted, in triennial rotation.

Mr Madison. We are now to determine whether the republican form shall be the basis of our government — I admit there is weight in the objection of the gentleman from South Carolina; but no plan can steer clear of objections. That great powers are to be given, there is no doubt; and that those powers may be abused is equally true. It is also probable that members may lose their attachments to the states which sent them — Yet the first branch will control them in many of their abuses. But we are now forming a body on whose wisdom we mean to rely, and their permanency in office secures a proper field in which they may exert their firmness and knowledge. Democratic communities may be unsteady, and be led to action by the impulse of the moment. — Like individuals they may be sensible of their own weakness, and may desire the counsels and checks of

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friends to guard them against the turbulency and weakness of unruly passions. Such are the various pursuits of this life, that in all civilized countries, the interest of a community will be divided. There will be debtors and creditors, and an unequal possession of property, and hence arises different views and different objects in government. This indeed is the ground-work of aristocracy; and we find it blended in every government, both ancient and modern. Even where titles have survived property, we discover the noble beggar haughty and assuming.

The man who is possessed of wealth, who lolls on his sofa or rolls in his carriage, cannot judge of the wants or feelings of the day laborer. The government we mean to erect is intended to last for ages. The landed interest, at present, is prevalent; but in process of time, when we approximate to the states and kingdoms of Europe; when the number of landholders shall be comparatively small, through the various means of trade and manufactures, will not the landed interest be overbalanced in future elections, and unless wisely provided against, what will become of your government? In England, at this day, if elections were open to all classes of people, the property of the landed proprietors would be insecure. An agrarian law would soon take place. If these observations be just, our government ought to secure the permanent interests of the country against innovation. Landholders ought to have a share in the government, to support these invaluable interests and to balance and check the other. They ought to be so constituted as to protect the minority of the opulent against the majority. The senate, therefore, ought to be this body; and to answer these purposes, they ought to have permanency and stability. Various have been the propositions; but my opinion is, the longer they continue in office, the better will these views be answered.¹⁴

Mr. Sherman. The two objects of this body are permanency and safety to those who are to be governed. A bad government is the worse for being long. Frequent elections

¹⁴ Compare Genet's interpretation of this, Appendix A, CCCX.

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give security and even permanency. In Connecticut we have existed 132 years under an annual government; and as long as a man behaves himself well, he is never turned out of office. Four years to the senate is quite sufficient when you add to it the rotation proposed.

Mr. Hamilton. This question has already been considered in several points of view. We are now forming a republican government. Real liberty is neither found in despotism or the extremes of democracy, but in moderate governments.

Those who mean to form a solid republican government, ought to proceed to the confines of another government. As long as offices are open to all men, and no constitutional rank is established, it is pure republicanism. But if we incline too much to democracy, we shall soon shoot into a monarchy. The difference of property is already great amongst us. Commerce and industry will still increase the disparity. Your government must meet this state of things, or combinations will in process of time, undermine your system. What was the tribunitial power of Rome? It was instituted by the plebeans as a guard against the patricians. But was this a sufficient check? No — The only distinction which remained at Rome was, at last, between the rich and poor. The gentleman from Connecticut forgets that the democratic body is already secure in a representation. As to Connecticut, what were the little objects of their government before the revolution? Colonial concerns merely. They ought now to act on a more extended scale, and dare they do this? Dare they collect the taxes and requisitions of congress? Such a government may do well, if they do not tax, and this is precisely their situation.

Mr. Gerry. It appears to me that the American people have the greatest aversion to monarchy, and the nearer our government approaches to it, the less chance have we for their approbation. Can gentlemen suppose that the reported system can be approved of by them? Demagogues are the great pests of our government, and have occasioned most of our distresses. If four years are insufficient, a future convention may lengthen the time.

Mr. Wilson. The motion is now for nine years, and a

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triennial rotation. Every nation attends to its foreign intercourse — to support its commerce — to prevent foreign contempt and to make war and peace. Our senate will be possessed of these powers, and therefore ought to be dignified and permanent. What is the reason that Great Britain does not enter into a commercial treaty with us? Because congress has not the power to enforce its observance. But give them those powers, and give them the stability proposed by the motion, and they will have more permanency than a monarchical government. The great objection of many is, that this duration would give birth to views inconsistent with the interests of the union. This can have no weight, if the triennial rotation is adopted; and this plan may possibly tend to conciliate the minds of the members of the convention on this subject, which have varied more than on any other question.

The question was then put on Mr. Read's motion, and lost, 8 noes — 3 ayes.

The question on 5 years, and a biennial rotation, was carried — 7 ayes — 4 noes. New-York in the minority.

Mr. Pinkney. I move that the clause for granting stipends be stricken out.

Question put — 5 ayes — 6 noes.

On the amendment to the question, *to receive a compensation* — 10 ayes — 1 no.

Judge Elsworth. I move that the words, *out of the national treasury*, be stricken out, and the words, *the respective state legislatures*, be inserted.

If you ask the states what is reasonable, they will comply — but if you ask of them more than is necessary to form a good government, they will grant you nothing.

Capt. Dayton. The members should be paid from the general treasury, to make them independent.

The question was put on the amendment and lost — 5 ayes — 6 noes.

Mr. Mason. I make no motion, but throw out for the consideration of the convention, whether a person in the second branch ought not to be qualified as to property?

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The question was then put on the clause, and lost — 5 ayes — 6 noes.

It was moved to strike out the clause, *to be ineligible to any state office.*

Mr. Madison. Congress heretofore depended on state interests — we are now going to pursue the same plan.

Mr. Wilson. Congress has been ill managed, because particular states controlled the union. In this convention, if a proposal is made promising independency to the general government, before we have done with it, it is so modified and changed as to amount to nothing. In the present case, the states may say, although I appoint you for six years, yet if you are against the state, your table will be unprovided. Is this the way you are to erect an independent government?

Mr. Butler. This second branch I consider as the aristocratic part of our government; and they must be controlled by the states, or they will be too independent.

Mr. Pinkney. The states and general government must stand together. On this plan have I acted throughout the whole of this business. I am therefore for expunging the clause. Suppose a member of this house was qualified to be a state judge, must the state be prevented from making the appointment?

Question put for striking out — 8 ayes — 3 noes.

The 5th resolve, *that each house have the right of originating bills,* was taken into consideration, and agreed to.

Adjourned till to-morrow morning.

HAMILTON¹⁸

I Every government ought to have the means of self preservation

II — Combinations of a few large states might subvert

II — Could not be abused without a revolt

II Different genius of the states and different composition of the body.

¹⁸ It is impossible to assign these notes satisfactorily, but they probably belong to the proceedings of this day.

Tuesday

MASON

June 26

Note. Senate could not desire [?] to promote such a class
 III Uniformity in the time of elections —

Objects of a Senate

To afford a double security against Faction in the house
 of representatives

Duration of the Senate necessary to its Firmness

Information

sense of national character

Responsibility

MASON¹⁶

G. Mason begs the favor of Maj. Jackson to correct the following Resolution, in the manner it hath been agreed to by the Convention.

¶. *Resolved*, That the members of the second branch of the legislature of the United States ought to be chosen by the individual legislatures, to be of the age of thirty years at least, to hold their offices for the term of six years, one third to go out biennially; to be ineligible to and incapable of holding any office under the authority of the United States, except those peculiarly belong to the functions of the second branch, during the term for which they were chosen and for one year thereafter.

¹⁶This document found among the Mason papers is reprinted from K. M. Rowland, *Life of George Mason*, II, 118. It seems to accord with the proceedings of this day.