



CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES,
MONDAY, NOVEMBER 21, 1791.

Debate on the Ratio of Representation.

(CONTINUED.)

MR. MACON moved that the first section be amended, by inserting the word *five* after the word *thousand*.

Mr. Bourne (R. I.) observed that the gentleman did not advert to the amendment to the constitution, which proposes that the number of representatives shall amount to 100—this amendment will most probably be accepted, and then we shall have to repeal the proposed law, should it be enacted. He was in favor of 34,000, because that would be conformable to the amendment—and he saw no good reason why the representation should exceed 100—that number will be fully competent to express the wills, wishes and ideas of the people—and he saw no necessity to burthen their constituents with the additional expense of thirteen additional members.

Mr. Macon said he did not conceive that the amendment referred to was to be a guide to the house till it was fully ratified—and as it was uncertain whether it ever would be, we ought not to be swayed by it on this occasion.

Mr. Sedgwick expressed himself in favor of 34,000, as it was the opinion of the people from that part of the country which he represented, that the number of representatives in this house should not exceed 100.

Mr. Lawrance said that the question had been so fully debated, that he did not think the opinion of a single member would be changed by all that can be said—he wished therefore that every proposed amendment should be put, and the question taken on each with as little debate as possible.

Mr. White advocated the clause—he was in favor of one representative to 30,000 persons. The question now is, said he, whether the people shall have that share of influence in the government to which they are entitled by the constitution, which plainly contemplates one representative for every 30,000 persons. He wished to preserve the independency of the several parts of the government. Corruption has been mentioned—he wished it might never take place—but the present, he conceived, was the time to guard against it.—He would not say that any undue measures had ever yet been taken to influence the house—but that it was the wish of some to innovate, was apparent, from some attempts which had been made to encrease the importance of the executive—from the predilection for titles and distinctions which the journals of the Senate would shew still existed. He hoped that the proposed ratio would be established, as more consonant to the spirit of the constitution than any which had been mentioned. The independency of the Senate cannot be affected by the number of this house—they will always have a negative on our acts.

Mr. Dayton said that he should be in favor of the amendment, not because it was a number the most agreeable to him, for he confessed that even this would have produced a more numerous representation than he could have wished, but because a greater number would be less likely to meet the approbation of the committee. He agreed with the member from Virginia, (Mr. White) in one of his declarations only, which was, that this question was of greater moment than the gentlemen who advocated thirty thousand (the largest representation) seem to have conceived. He agreed, he said, with the gentleman from New-York, (Mr. Lawrance) that this subject had undergone a pretty full discussion, but he at the same time believed that some new light might still be thrown upon it. There was one point of view, Mr. Dayton observed, in which it had not yet been exhibited by any gentlemen in the course of debate, but in which, on account of its magnitude and importance, it ought to be critically examined. The Senate, he said, were considered as the representatives of the States, or of the State governments.—The House of Representatives were supposed to contain, under certain qualifications, a pure representation of the people—Such was the apportionment of its members with respect to the unequal districts or states into which this country was divided, as to give the three great States a very predominant influence upon that floor. They had only to combine their strength, and to associate almost any one of the other eleven States with them, in order to ensure success to any favorite project

that they might have in view. He was aware, that it would be answered by gentlemen, that such combination was not likely to take place between States so distant in point of situation, and differing in local interests and circumstances. He had been ever slow, he said, in the prediction of evil—but reasoning from the temper and disposition of man, and judging from past observation and experience, he would venture to pronounce, without any pretensions to the spirit of prophecy, that the great States would thus combine their influence, whenever they should deem it for their advantage, and that the interests of the other States would of consequence become the sacrifice. Those States then that are thus exposed, of which number he considered at least two thirds of those which now formed the union, would find their only security and protection against the effects of such combination in the Senate. Would it, he asked, be consistent with prudence or with safety, for those very States to assent to a measure directly tending to weaken, if not destroy that security? Even now, he said, the Senate would have need of all its firmness in continuing to oppose any act, in the carrying of which the House should be determined to persevere. But what, he enquired, would be the consequence, when the increase so ardently wished for by many gentlemen should have taken place. Would the Senate have fortitude enough, even where they thought they had just cause, steadfastly to counteract the will and determined purpose of a body consisting of two hundred members, boasting to derive their appointments from a purer, and from the purest source, calling themselves the representatives of the great body of the people, and professing to speak the sense of their constituents?

Let 30,000 be adopted as the ratio of representation, and he hesitated not, he said, to declare that whenever the representatives should think proper to resolve any important point of dispute into a question of firmness between the two Houses, the Senate must yield to their superior weight and shrink from the unequal contest. In the event of their defeat in a single instance, the independence of that branch would be materially affected, and the legislative balance shaken in its centre.

These dangers, Mr. Dayton further observed, were by no means imaginary, but would too soon be realized, if the House continued to encrease by fifties in the manner they were beginning.

If the motion under consideration for encreasing the ratio, and lessening the number of representatives, should prove unsuccessful, their reliance, he said, would then be upon the Senate. That body, he was sure, was too mindful of their own privileges and importance, to make a voluntary and deliberate surrender of their independence—they were too regardful of the interests of their constituents, to assent to an act giving an undue weight to that branch of the legislature in which the great States had such unreasonable influence. If, however, in this his last reliance, he should be disappointed, and the bill be likely to pass both Houses, he hoped the yeas and nays would be entered upon the journals, that it might be known hereafter, when the events he had predicted should have taken place, who it was that had thus given up the union to the controul of three or four of its members, who were the men that had voted for the extraordinary encrease of one branch, at the expense of the independence of the other, and thereby destroyed that equilibrium of the government, upon the preservation of which, the fairest hopes of its well-wishers were founded.

Mr. Gerry contended that the constitution was misconstrued by the gentleman from N. Carolina, and in reply to the gentleman from New-Jersey, he said he was surprized to hear the remarks which he made when he recollected his being a member of the convention—in which it must be remembered by that gentleman, that the larger States consented to placing the small States on a par with them in the Senate, to obviate the difficulty which the smaller States objected against the large representations from the larger States. He said the independence of the Senate is secured by the Constitution—and he was not apprehensive that the encrease proposed would overwhelm that branch of the government, or lessen their importance, or shake their firmness. The gentleman had talked of combinations in the larger States—but he presumed no facts could be produced to support such an apprehension.

The proposed encrease in the representation is founded on the principles of justice and equity, it is strictly agreeable to the spirit and design of the Constitution, which contemplates an encrease in some degree proportionate to the encreased population of the States—he hoped therefore that the Constitution would be fairly and honorably carried into effect.

Mr. Boudinot was not yet convinced, from all the arguments he had heard, that by increasing the number of representatives to 113, as proposed by the bill, the wants, wishes and interests of their constituents, would be more fully embraced,

than by adopting the amendment then under consideration. It had not yet been taken into the account, that a certain species of property in three or four of the States (slaves) would be represented in the next Congress, if the bill passed, by at least 12 members, above the proportion of other States, whose property (though of superior value) was not entitled by the Constitution to any representation at all.—That he did not mean to find fault with the Constitution in this respect, but to make it the rule of his conduct—although in the construction of it, he would not increase the evil when two extremes were given, and the intermediate number was optional.—He had said, and he rested on the Constitution for the proof, that it contemplated one member for each State as the lowest, and the ratio of one for 30,000 persons as the highest numbers. That the Convention in settling the present House of Representatives, without a precise knowledge of the amount of the citizens of the Union, had done it in a certain proportion to the number of Senators, which he had thought a good rule to go by, till the proposed amendment to the Constitution was ratified by three-fourths of the States—but as gentlemen seemed to think that this would soon take place, he had consented to agree to the ratio of 34,000, which would give 100 members.—This would accord with the spirit of the amendment to the Constitution, and prevent the necessity of passing any other act when the amendment should be completed.—He was therefore in favor of inserting *four* after *thirty*, or any ratio that would confine the number of representatives to 100, or under.

Mr. Lawrance remarked, in answer to Mr. Dayton's objections, that the States were disproportionate respecting territory, and consequently were so as to the number of people. That an equality would take place amongst the people of the several States by the ratio proposed, although more members would come from some States than from others. He mentioned that every member of the House of Representatives stood in relation to the people of America, and ought to consult the interest of the whole, and not the particular interest of the State in which he was elected.—Should this general principle operate, and which he supposed ought to actuate each member, no danger was to be apprehended from a combination, as the general good was the object of consideration. If this should not be the prevailing principle, it might be the interest of the States to have as great a number of representatives as could be obtained—yet he supposed, unless a division of territory took place, the people in each State would be entitled to be represented in proportion to the numbers in each—and the danger that it was supposed would exist, could not be readily remedied. He also observed, that he imagined the Senate would not be subject to the influence suggested. The Senate was an independent part of the Legislature, and would decide all questions that came before them, as the judgments of the members will dictate. So long as a reciprocal negative existed, as to the acts of either branch of the Legislature, he hoped we should find firmness in each to decide properly. The Senate had frequently rejected the bills of the house, and had amended others—some very important ones—and the influence of the members of the House of Representatives did not operate on their decisions.—The objection to the proposition not being agreeable to the amendment proposed to the Constitution, he observed, was unfounded.—He explained his ideas respecting the nature of the amendment, and concluded that the proportion was conformable to it—and observed, that the nature of the amendment was contemplated, when the proposition respecting the ratio was made.

WEDNESDAY, NOVEMBER 30.

The bill sent from the Senate, concerning consuls and vice-consuls, was read a first and second time, and referred to a committee of the whole on Tuesday next,—100 copies ordered to be printed.

A letter from the attorney-general of the United States to the Speaker was communicated to the House. The attorney-general informs, that he has something additional to propose relative to the judiciary system, which he thinks can best be brought before the House as modifications to his report. He submits to the House the propriety of permitting him to communicate this to the committee to whom his report may be referred, rather than introduce it to the House in the form of an additional report.

On motion of Mr. Sedgwick, the committee of the whole were discharged from further proceeding on the report of the attorney-general, on the subject of the judiciary system; which was then, on motion, referred to a committee of seven, consisting of the following members, viz. Messrs. Sedgwick, Hillhouse, Lawrance, Boudinot, Kittera, Murray and Madison.

A bill concerning the registering and recording of vessels, was read a first and second time, referred to a committee of the whole on Tuesday next, and 100 copies ordered to be printed.

Mr. Bourne (R. I.) presented memorials from the distillers of rum and gin, of the town of Providence, against the distilled spirit act. Referred to the Secretary of the Treasury.

Mr. Lawrance moved a resolution to this effect, that a committee be appointed to bring in a bill declaring the extension of the resolution of Congress, of Aug. 1780, respecting the widows and orphan children of others, who were killed or have died in the service of the United States, and for the examination of the claims of invalids, &c. the resolve of the 11th of June, 1788, notwithstanding: which was read and ordered to lie on the table.

The House proceeded to consider the amendments reported by the committee of the whole, to the bill making compensation to widows, orphans and invalids in certain cases, some of which were disagreed to, and others agreed to with amendments, and the bill was ordered to be engrossed for a third reading.