

He would not encroach upon the time of the House by protracting the debate, which had already swelled to an immoderate extent. Upon the whole, he said that this was a great question, wherein attention should be paid to the people, and a strict eye kept towards the public good, divested of prejudice; but he had heard with pain how much had been said to divert the House by an attention to fractions, from the true object of general welfare—yet he hoped that the government would be equally administered—that none of those predictions or threats thrown out in the course of the debate, that no mutilation of the union, would take place; but on the contrary, that harmony would guide the decision of this question, free from every local consideration.

Mr. Hillhouse.—It has often been said this government is a government of confidence—and taking this for granted, can it ever be supposed that a plan of representation, which is unequal and unjust, can excite this confidence. This ratio of 30,000 throws an additional weight of 7 representatives into the scale of the large states. If this principle can be established on this occasion, it may be also extended to taxation. Northern and southern interests have been mentioned—he was sorry the idea had ever been suggested—but as it had, there was no impropriety in adverting to it—let a line then be drawn at any given place, and a ratio established which will do equal justice to the members on both sides of that line—a representation that will deviate from such a principle, it cannot be expected, will give satisfaction or be cheerfully submitted to by the people.—The ratio of 33,000, figures will shew it, will give a more equal representation than that of 30,000,—and there has not, and, in his opinion, he said, could not be any good reason assigned why it should not be adopted.

Mr. Boudinot said he was pleased when gentlemen were desirous of appealing to candid and fair argument, in determining important questions.—In the present case, he thought there was propriety in examining the principles of the bill and amendment, by the terms of the constitution.—It had been said by gentlemen, that the ratio, when adopted, must be applied to the number of citizens in the individual states, and that no regard was to be paid to the fractions occasioned thereby, because not regarded by the constitution.—This he thought, was by no means conclusive.—The House of Representatives was to consist of members chosen every second year, by the people of the several states—these members not to exceed the proportion of one to 30,000.—It appeared to him that the whole number of representatives, to be chosen by the whole people of the union, was the subject contemplated by the constitution; as constituting this branch of the legislature, while by another part of the constitution, it becomes the duty of Congress, to apportion them when so ascertained, among the several states in proportion to their respective numbers.—As an instance, suppose for arguments sake, the aggregate number of the citizens of the United States, to be exactly three millions, by applying the ratio of 30,000, the constitutional number of this House would be found 100.—Congress should then proceed to apportion (for he could apply no other meaning to the word) the 100 members among the States, as their respective numbers bore a proportion to the whole number of three millions.—Thus the representatives from every state would bear an exact proportion to each other, according to the number of inhabitants in the state; and the whole representation would stand on principles of perfect equality. An equal representation appears to have been the desirable object of the framers of the constitution—it is the very spirit of our government. He insisted that this was the only mode of applying the ratio, and making the apportionment that would hold good at all times, and under all circumstances. It cannot be said with propriety, that the constitution does not proceed on principles of perfect equality in this House, yet if the ratio be applied to the numbers in the individual states, it will always produce (as has been fully shewn by several gentlemen) very great inequality, by large fractions being unavoidable—in one state we now find one upwards of 29,000. He acknowledged the amendment did not proceed on this principle any more than the bill, for which reason he fully approved of neither, but as the ratio of 33,000 in the amendment produced a much greater equality, and came in effect nearer to his principle, (by reducing the fractions made by the bill nearly two thirds) he should prefer it, as he must vote for the one or the other.

It had been said that they were making distinctions between the north and the south—between the large and small states.—He observed in answer, that if gentlemen would introduce principles of inequality, that bore unconstitutionally hard on individual states, they ought not to take it amiss, that the suffering states would complain of the injustice.—The injured must complain, and the fault, if any, lies with the first framers of the principle.

If gentlemen wished for equality, let them ad-

here to the principles of the constitution. Apply the ratio to the whole number of citizens, by which you find the number of representatives to constitute this House, and then apportion those representatives among the individual states according to their respective numbers.

When gentlemen advert to the Senate, and say that the equal representation of the small states there, should be taken into the account, they do not consider the relative situation of the states as represented in that House—there the sovereignty of each state is represented, and not the individual citizen—sovereignty is perfectly equal in every state.—As sovereigns there are no great or small, and if his information had been right, it was on that principle that the Senate was originally constituted, but that House was a representative of every individual citizen. On the whole, he was of opinion that by agreeing to the amendment of the Senate, they would secure the great principle of equality better than by the bill.

Mr. Boudinot thought the construction he had given the constitution was a true one.—It supported the spirit of the confederation between the states, which was on the footing of perfect equality in proportion to numbers.—It coincided with the spirit of our government, which was equality.—And although by it, the number of members constituting the House was first ascertained from the whole people aggregately considered, without respect to the division of states, in their political capacity, yet by the after apportionment among the respective states in that capacity, the wisdom of the constitution appeared in thus providing a general government for general purposes, and at the same time making each individual state (as a state) essential to the existence of that government, thereby preventing in the most effectual manner an unnecessary entire consolidation of the union. Mr. B. said he had originally objected to the bill on account of a too numerous and expensive representation, as well as of an unequal one, but chiefly relied on the last as unconstitutional, and therefore should still prefer a concurrence with the Senate.

Mr. Gerry observed, that it had been fashionable to speak of the ratio of 30,000 as a federal number; he did not know what name to give to the amendment of the Senate, unless it were called the fractional number. He then took notice of an argument which had been used to create suspicion, that there was danger to be apprehended from a combination of the larger states; but this would appear a weak argument when it was considered that the power and influence of the smaller states are equal in the Senate to those of the greater states—the thing is impossible, and if attempted it could not succeed.

He wished to know whether it was the opinion of gentlemen, that there was less judgment and less firmness in the House of Representatives than in the Senate? He hoped an equipoise would be preserved in the two branches, and that the balance would not be destroyed by constantly giving up the judgment of the House to every whim of the Senate. If a latitude be now admitted, that we may increase the ratio, before the expiration of the first ten years, the gentlemen in favor of the Senate's amendment may insist on a ratio of 50, or 60,000; but this is ground they know they cannot yet touch upon; and the same reason that should prevent us from adopting this extreme, operates against the amendment. The whole expence of Congress, from adopting the ratio in the bill, will not amount to two cents upon each citizen of the United States annually, and as population increases it will be lessened. Surely the gentlemen in favor of the amendment cannot object to this trifling expence. They speak of a liberal policy; I wish they would shew us an example by agreeing to the bill with a better grace than they seem to have exhibited hitherto.

Mr. Murray. The subject has gone through a very ample discussion. When the question of representation first came on, the theory of the government was ably resorted to by those who urged a large representation. Sir, I most heartily agreed in the principle on which by a large majority this House made 30,000 the ratio. As I still am of that opinion, I shall be indulged by this House while I give my reasons for adhering with a firmness which may be deemed by some tenaciousness, to a rejection of the amendment of the Senate.

I voted for 30,000 because I saw in that ratio the constitutional wishes and expectations of the people. I deemed the largest possible ratio allowed by the constitution to be the source of national government, and its best security. Nothing, sir, which I have yet heard has convinced me to the contrary. It is unnecessary to recapitulate whatever has been said on this point. I must remark, however, that during the discussion, the members of this House who suggested that principle appeared to me to be convinced. They seemed to be masters of their own opinions, and to agree in this idea, without adverting to the doctrine of fractions, that the sole question was a point of theory rather than a measure of expedience; and they decided by a very large ma-

majority, that in this House, immediately drawn from the very bosom of the people, the ratio of 30,000 was theoretically correct and practically useful. The bill was sent up to the Senate, who returned it with an amendment of 33,000 as the ratio. I voted against that amendment, because it was an attack upon the principle of an enlarged representation; and because the idea of fractional representation aimed at by the amendment, was but a commutation of the evil of fractions from one State to another, from the eastern on the southern; and contained a surrender of the principle without an attainment of convenience.

Sir, it has been in the course of debate foretold, that that honorable body would be averse to an enlarged representation here. Whatever has been augured, has been verified by experience; nor can any man be at a loss to see that the temper against large representation, though not openly avowed, for that would have been impolitic, has been covertly and successfully exerted under the semblance of equality of representation, by this doctrine of fractions. It was sent down into this House in the form of jealousy and suspicion—and it has produced its effects. It has roused the latent and local interests from their plans, and we have had debates entirely constructed on the tenets of northern and southern interests and influence.

A proposition was made by a member from New-York, (Mr. Benson) and reiterated by the gentleman from Delaware. The object of this proposition was to sum up the fractions, and from the aggregate take seven members. Sir, if I was surpris'd, I confess I was delighted to see men who a few days before had opposed in theory the idea of a large representation, come down with moderation, and suggest this great principle even in a bad form. I imagined they were converted. I voted against this proposition, because I thought it, first, unconstitutional, inasmuch as it could have been contemplated but in the consolidation of states; and because I thought it contained a solecism in politics. I deemed it unconstitutional, as the constitution calls for a representation of the people of the *respective* STATES in a ratio of 30,000; and if this had obtained it was to be done by collecting the fragments of constituents from states widely separate, and giving a representation of their fractions thus divided to that state which had the largest fraction. Thus, sir, the two from Delaware would be chosen by less than the constitution contemplates, as there are not 60,000; and it is in vain to say that the member chosen by 25,000 is elected by the addition of 5,000 in any other state in order to complete his proper number of constituents, for they do not *elect* him; and if it be said that he nevertheless does represent them as his constituents, it can only be by the idea of a consolidation having pre-existed, which no man has yet openly averred to be the doctrine on this subject. The very first and most intelligible principle of representation in government is that the representative is responsible to his constituents; but, sir, this, though an abstract truth, must be shown to the people not in a fiction, but in a solid and practical mode, congenial with their habits, and palpable to their understandings.

In the adoption of this extraordinary proposition, the idea of *virtual* representation is the only one which at all protects it. No man, however, who knows the country, will tamper and trifle with so solid a part of government as that of actual representation and actual responsibility. I never, sir, could consent to commute a known and practical measure of good, for a flimsy speculation which could only have been invented to serve particular views, and was never thought of till it was discovered in what manner the fractions would affect particular states.

For these reasons, Sir, I voted against that proposition. I shall now vote against the amendment of the Senate, because I find no cure, but a partial one, for the inconvenience of fractions; and even this is to be obtained at the expence of principle. Though this amendment may gratify some States, as New-Jersey, that may have large fractions, it throws off the evil from them on other States. The fraction of Massachusetts may be smaller, but the State of Maryland loses a member and will have a large fraction. Sir, I can find nothing in this amendment but the design to accomplish what I humbly conceive an unwholesome end by improper means, and shall therefore vote against the proposed amendment.

(TO BE CONTINUED.)

WEDNESDAY, January 4.

Several petitions for compensations, pensions, &c. were read and referred to the Secretary of War.

Mr. Lawrance from the committee to whom was referred the petition of Brigadier-General Josiah Harmar, in behalf of himself and a number of other commissioned officers, praying an augmentation of their pay, made a report in favor of the petitioners, which was read and laid on the table.