

The Avalon Project



at Yale Law School

*The Debates in the Federal Convention of 1787
reported by James Madison : June 11*

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Monday June 11, 1787

MR. ABRAHAM BALDWIN FROM GEORGIA TOOK HIS SEAT. IN COMMITTEE OF THE WHOLE

The clause concerning the rule of suffrage in the natl. Legislature postponed on Saturday was resumed.

Mr. SHARMAN proposed that the proportion of suffrage in the 1st. branch should be according to the respective numbers of free inhabitants; and that in the second branch or Senate, each State should have one vote and no more. He said as the States would remain possessed of certain individual rights, each State ought to be able to protect itself: otherwise a few large States will rule the rest. The House of Lords in England he observed had certain particular rights under the Constitution, and hence they have an equal vote with the House of Commons that they may be able to defend their rights.

Mr. RUTLIDGE proposed that the proportion of suffrage in the 1st. branch should be according to the quotas of contribution. The justice of this rule he said could not be contested. **Mr. BUTLER** urged the same idea: adding that money was power; and that the States ought to have weight in the Govt. in proportion to their wealth.

Mr. KING & Mr. WILSON, [FN1] in order to bring the question to a point moved "that the right of suffrage in the first branch of the national Legislature ought not to be according [FN2] the rule established in the **articles of Confederation**, but according to

some equitable ratio of representation." The clause so far as it related to suffrage in the first branch was postponed in order to consider this motion.

Mr. DICKENSON contended for the actual contributions of the States as the rule of their representation & suffrage in the first branch. By thus connecting the interest [FN3] of the States with their duty, the latter would be sure to be performed.

Mr. KING remarked that it was uncertain what mode might be used in levying a national revenue; but that it was probable, imposts would be one source of it. If the actual contributions were to be the rule the non-importing States, as Cont. & N. Jersey, wd. be in a bad situation indeed. It might so happen that they wd. have no representation. This situation of particular States had been always one powerful argument in favor of the 5 Per Ct. impost.

The question being abt. to be put Docr. **FRANKLIN** sd. he had thrown his ideas of the matter on a paper wch. Mr. Wilson read to the Committee in the words following-

Mr. CHAIRMAN It has given me great pleasure to observe that till this point, the proportion of representation, came before us, our debates were carried on with great coolness & temper. If any thing of a contrary kind, has on this occasion appeared, I hope it will not be repeated; for we are sent here to consult, not to contend, with each other; and declarations of a fixed opinion, and of determined resolution, never to change it, neither enlighten nor convince us. Positiveness and warmth on one side, naturally beget their like on the other; and tend to create and augment discord & division in a great concern, wherein harmony & Union are extremely necessary to give weight to our Councils, and render them effectual in promoting & securing the common good.

I must own that I was originally of opinion it would be better if every member of Congress, or our national Council, were to consider himself rather as a representative of the whole, than as an Agent for the interests of a particular State; in which case the proportion of members for each State would be of less consequence, & it would not be very material whether they voted by States or individually. But as I find this is not to be expected, I now think the number of Representatives should bear some proportion to the number of the Represented; and that the decisions shd. be by the majority of members, not by the majority of [FN4] States. This is objected to from an apprehension that the greater States would then swallow up the smaller. I do not at present clearly see what advantage the greater States could propose to themselves by swallowing [FN5] the smaller, and therefore do not apprehend they would attempt it. I recollect that in the beginning of this Century, when the Union was proposed of the two Kingdoms, England & Scotland, the Scotch Patriots were full of fears, that unless they had an equal number of Representatives in Parliament, they should be ruined by the superiority of the English.

They finally agreed however that the different proportions of importance in the Union, of the two Nations should be attended to, whereby they were to have only forty members in the House of Commons, and only sixteen in the House of Lords; A very great inferiority of numbers! And yet to this day I do not recollect that any thing has been done in the Parliament of Great Britain to the prejudice of Scotland; and whoever looks over the lists of public officers, Civil & military of that nation will find I believe that the North Britons enjoy at least their full proportion of emolument.

But, Sir, in the present mode of voting by States, it is equally in the power of the lesser States to swallow up the greater; and this is mathematically demonstrable. Suppose for example, that 7 smaller States had each 3 members in the House, and the 6 larger to have one with another 6 members; and that upon a question, two members of each smaller State should be in the affirmative and one in the Negative; they will [FN6] make

Affirmatives 14 Negatives 7
And that all the larger States should

be unanimously in the Negative, they would make Negatives 36

In all 43

It is then apparent that the 14 carry the question against the 43, and the minority overpowers the majority, contrary to the common practice of Assemblies in all Countries and Ages. The greater States Sir are naturally as unwilling to have their property left in the disposition of the smaller, as the smaller are to have theirs in the disposition of the greater. An honorable gentleman has, to avoid this difficulty, hinted a proposition of equalizing the States. It appears to me an equitable one, and I should, for my own part, not be against such a measure, if it might be found practicable. Formerly, indeed, when almost every province had a different Constitution, some with greater others with fewer privileges, it was of importance to the borderers when their boundaries were contested, whether by running the division lines, they were placed on one side or the other. At present when such differences are done away, it is less material. The Interest of a State is made up of the interests of its individual members. If they are not injured, the State is not injured. Small States are more easily well & happily governed than large ones. If therefore in such an equal division, it should be found necessary to diminish Pennsylvania, I should not be averse to the giving a part of it to N. Jersey, and another to Delaware. But as there would probably be considerable difficulties in adjusting such a division; and however equally made at first, it would be continually varying by the augmentation of inhabitants in some States, and their [FN7] fixed proportion in others; and thence frequent occasion for new divisions, I beg leave to propose for the consideration of

the Committee another mode, which appears to me, to be as equitable, more easily carried into practice, and more permanent in its nature.

Let the weakest State say what proportion of money or force it is able and willing to furnish for the general purposes of the Union.

Let all the others oblige themselves to furnish each an equal proportion.

The whole of these joint supplies to be absolutely in the disposition of Congress.

The Congress in this case to be composed of an equal number of Delegates from each State.

And their decisions to be by the Majority of individual members voting.

If these joint and equal supplies should on particular occasions not be sufficient, Let Congress make requisitions on the richer and more powerful States for farther aids, to be voluntarily afforded, leaving to each State the right of considering the necessity and utility of the aid desired, and of giving more or less as it should be found proper.

This mode is not new, it was formerly practised with success by the British Government with respect to Ireland and the Colonies. We sometimes gave even more than they expected, or thought just to accept; and in the last war carried on while we were united, they gave us back in 5 years a million Sterling. We should probably have continued such voluntary contributions, whenever the occasions appeared to require them for the common good of the Empire. It was not till they chose to force us, and to deprive us of the merit and pleasure of voluntary contributions that we refused & resisted. Those [FN8] contributions however were to be disposed of at the pleasure of a Government in which we had no representative. I am therefore persuaded, that they will not be refused to one in which the Representation shall be equal My learned Colleague [Mr. Wilson] has already mentioned that the present method of voting by States, was submitted to originally by Congress, under a conviction of its impropriety, inequality, and injustice. This appears in the words of their Resolution. It is of Sepr. 6. 1774. The words are

"Resolved that in determining questions in this Congs. each Colony or province shall have one vote: The Congs. not being possessed of or at present able to procure materials for ascertaining the importance of each Colony."

On the question for agreeing to Mr. Kings and Mr. Wilsons motion it passed in

the affirmative

Massts. ay. Ct. ay. N. Y. no. N. J. no. Pa. ay. Del. no. Md. divd. Va. ay. N. C. ay. S. C. ay. Geo. ay. [\[FN9\]](#)

It was then moved by Mr. RUTLIDGE 2ded. by Mr. BUTLER to add to the words "equitable ratio of representation" at the end of the motion just agreed to, the words "according to the quotas of contribution." On motion of Mr. WILSON seconded by Mr. C. PINCKNEY, this was postponed; in order to add, after, after the words "equitable ratio of representation" the words following "in proportion to the whole number of white & other free Citizens & inhabitants of every age sex & condition including those bound to servitude for a term of years and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes, in each State," this being the rule in the Act of Congress agreed to by eleven States, for apportioning quotas of revenue on the States, and requiring a Census only every 5-7, or 10 years.

Mr. GERRY thought property not the rule of representation. Why then shd. the blacks, who were property in the South, be in the rule of representation more than the Cattle & horses of the North.

On the question, -Mass: Con: N. Y. Pen: Maryd. Virga. N. C. S. C. & Geo: were in the affirmative: [\[FN10\]](#) N. J. & Del: in the negative. [\[FN10\]](#)

Mr. SHARMAN moved that a question be taken whether each State shall have one vote in the 2d. branch. Every thing he said depended on this. The smaller States would never agree to the plan on any other principle than an equality of suffrage in this branch. Mr. ELSWORTH seconded the motion. On the question for allowing each State one vote in the 2d. branch.

Massts. no. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. no. S. C. no. Geo. no. [\[FN11\]](#)

Mr. WILSON & Mr. HAMILTON moved that the right of suffrage in the 2d. branch ought to be according to the same rule as in the 1st. branch. On this question for making the ratio of representation the same in the 2d. as in the 1st. branch it passed in the affirmative:

Massts. ay. Cont. no. N. Y. no. N. J. no. Pa. ay. Del. no. Md. no. Va. ay. N. C. ay. S. C. ay. Geo. ay. [\[FN12\]](#)

Resol: 11, [\[FN13\]](#) for guarantying Republican Govt. & territory to each State

being considered: the words "or partition" were, on motion of Mr. MADISON, added, after the words "voluntary junction:"

Mas. N. Y. P. Va. N. C. S. C. G. ay [FN14] Con: N. J. Del. Md. no. [FN14]

Mr. READ disliked the idea of guarantying territory. It abetted the idea of distinct States wch. would be a perpetual source of discord. There can be no cure for this evil but in doing away States altogether and uniting them all into one great Society. Alterations having been made in the Resolution, making it read "that a republican Constitution & its existing laws ought to be guaranteed to each State by the U. States" the whole was agreed to nem. con.

Resolution 13, [FN15] for amending the national Constitution hereafter without consent of [FN16] Natl. Legislature being considered, several members did not see the necessity of the Resolution at all, nor the propriety of making the consent of the Natl. Legisl. unnecessary.

Col. MASON urged the necessity of such a provision. The plan now to be formed will certainly be defective, as the **Confederation** has been found on trial to be. Amendments therefore will be necessary, and it will be better to provide for them, in an easy, regular and Constitutional way than to trust to chance and violence. It would be improper to require the consent of the Natl. Legislature, because they may abuse their power, and refuse their consent [FN17] on that very account. The opportunity for such an abuse, may be the fault of the Constitution calling for amendmt.

Mr. RANDOLPH enforced these arguments. The words, "without requiring the consent of the Natl. Legislature" were postponed. The other provision in the clause passed nem. con.

Resolution 14, [FN18] requiring oaths from the members of the State Govts. to observe the Natl. Constitution & laws, being considered.

Mr. SHARMAN opposed it as unnecessarily intruding into the State jurisdictions.

Mr. RANDOLPH considered it as [FN19] necessary to prevent that competition between the National Constitution & laws & those of the particular States, which had already been felt. The officers of the States are already under oath to the States. To preserve a due impartiality they ought to be equally bound to the Natl. Govt. The Natl. authority needs every support we can give it. The Executive & Judiciary of the States, notwithstanding their nominal independence on the State Legislatures are in

fact, so dependent on them, that unless they be brought under some tie to the Natl. System, they will always lean too much to the State systems, whenever a contest arises between the two.

Mr. GERRY did not like the clause. He thought there was as much reason for requiring an oath of fidelity to the States, from Natl. officers, as vice. versa.

Mr. LUTHER MARTIN moved to strike out the words requiring such an oath from the State officers, viz "within the several States" observing that if the new oath should be contrary to that already taken by them it would be improper; if coincident the oaths already taken will be sufficient.

On the question for striking out as proposed by Mr. L. Martin Massts. no. Cont. ay. N. Y. no. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. no. S. C. no. Geo. no. [\[FN20\]](#)

Question on [\[FN21\]](#) whole Resolution as proposed by Mr. Randolph;

Massts. ay. Cont. no. N. Y. no. N. J. no. Pa. ay. Del. no. Md. no. Va. ay. N. C. ay. S. C. ay. Geo. ay. [\[FN22\]](#)

[\[FN23\]](#)Come. rose & [\[FN23\]](#) House adjd.

FN1 In the printed Journal Mr. Rutledge is named as the seconder of the motion.

FN2 The word "to" is here inserted in the transcript.

FN3 The transcript uses the word "interest" in the plural.

FN4 The word "the" is here inserted in the transcript.

FN5 The word "up" is here inserted in the transcript.

FN6 The word "will" is changed to "would" in the transcript.

FN7 The word "more" is in the Franklin manuscript.

FN8 The word "These" is substituted in the transcript for "Those."

FN9 In the tra

nscript the vote reads: "Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, aye-7; New York, New Jersey, Delaware,

no-3; Maryland divided."

FN10 In place of the phrase "were in the affirmative" the transcript substitutes "aye-9;" and instead of "in the negative" the expression "no-2" is used.

FN11 In the transcript the vote reads: "Connecticut, New York, New Jersey, Delaware, Maryland, aye-5; Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, no-6."

FN12 In the transcript the vote reads: "Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, aye; Connecticut, New York, New Jersey, Delaware, Maryland, no."

FN13 The words "The eleventh Resolution" are substituted in the transcript for "Resol: II."

FN14 The figures "7" and "4" are inserted in the transcript after "ay" and "no," respectively.

FN15 The words "The thirteenth Resolution" are substituted in the transcript for "Resolution 13."

FN16 The word "the" is here inserted in the transcript.

FN17 The word "assent" is substituted in the transcript for "consent."

FN18 The words "The fourteenth Resolution" are substituted in the transcript for "Resolution 14."

FN19 The word "as" is crossed out in the transcript.

FN20 In the transcript the vote reads: "Connecticut, New Jersey, Delaware, Maryland, aye-4; Massachusetts, New York, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, no-7."

FN21 The word "the" is here inserted in the transcript.

FN22 In the transcript the vote reads: "Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, aye-6; Connecticut, New York, New Jersey, Delaware, Maryland, no-5."

FN23 The word "the" is here inserted in the transcript.

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