

THE CONNECTICUT COMPROMISE.

ROGER SHERMAN THE AUTHOR OF THE PLAN OF EQUAL REPRESENTATION OF THE STATES IN THE SENATE, AND REPRESENTATION OF THE PEOPLE IN PROPORTION TO NUMBERS IN THE HOUSE.

BY GEORGE F. HOAR.

SENATOR HOAR spoke as follows: Mr. President, I hope to make what I have to say quite brief. What I have to speak of relates to a subject which is of a good deal of interest to me. Everybody here, I suppose, will remember that the great compromise in the Constitution, which adjusted the political power between the Senate and the House of Representatives—the Senate representing the States, and the House representing the people counted by numbers—solved the most difficult problem that presented itself to the Constitutional Convention of 1787. They were on the eve of breaking up in despair, when at last that compromise was effected. There has been a good deal of controversy among historians as to the credit for that conception, and the credit for the influence which carried it through. The biographer of John Dickinson claims it for him. The claim has been made, too, for Mr. Patterson of New Jersey.

I came to prepare the paper which I shall read, in this way. My colleague, Mr. Lodge, delivered at New Haven, the other day, a most admirable address on Oliver Ellsworth. Mr. Lodge was applied to by the Dean of the Yale Law School to deliver the annual address there, last June. He was very unwilling to do it. Professor Wayland, the Dean—an old friend of mine—wrote to me to see if I could not have influence enough with Mr. Lodge to overcome his reluctance. I spoke to my colleague

about it. He said that he did not think that he could do it very well; that it was true he had studied law, but he had been engaged in other things all his life, and did not feel competent to instruct a company of lawyers. It occurred to me that it had been said quite lately, at one of the meetings of this Society, that there was no adequate biography of Oliver Ellsworth in our historical literature. I said to Mr. Lodge, "Why don't you give them an address on Oliver Ellsworth? That is in the line of your studies. He was a Connecticut man. He was not only a great lawyer, but also a great statesman, a great Senator, and a great diplomatist. He had an important share in framing the Constitution. You can, in my opinion, do that better than any man alive; and nothing could be more acceptable to your audience." Mr. Lodge consented, and, as many of you know, performed his task with magnificent success. But in the course of the address he said that Oliver Ellsworth had designed the scheme of the Senate and the adjustment of the legislative powers between the Senate and the House, and that his influence had induced the Convention to adopt it. That led to the correspondence between him and myself which I am about to read. You will see from it that Mr. Lodge fully accepts the conclusion to which I had come.

I think it can be demonstrated from documents which are easily enough accessible, that the original conception of that scheme was Roger Sherman's. He conceived it, in substance, eleven years before the Convention met, when, as appears from Dr. Franklin's narrative, there was an almost equally earnest controversy over the same matter in the Continental Congress. The influence which carried that compromise through, and the provision in the Constitution which made it impossible of repeal, are all due to Roger Sherman.

It may, perhaps, seem a little indelicate that I should make a claim of this kind in regard to my own grand-

father. But it will be remembered that I am speaking of a transaction that occurred one hundred and fifteen years ago. My mother was the youngest daughter of Roger Sherman. I am the youngest child of my own parents. The life of Mr. Sherman is so far separated from mine that it seems to belong to a remote antiquity. I stood, a few years ago, by the grave of a little uncle and aunt of mine, who have been dead more than one hundred and fifty years. So I feel very much as if I were vindicating Adam in something, and that I ought not to be blamed for vindicating Adam, merely because I am one of his descendants.

This question which led to the dispute between the large States and the small States was not a new one when the Constitutional Convention of 1787 met. It was a burning question. It had caused angry differences and disputes in the Continental Congress. It came up in August, 1776. There is an entry in John Adams's diary upon that subject.

October 9th, 1776.

The consideration of the 17th Article being resumed, Dr. Franklin moves that votes should be in proportion to numbers. Mr. Middleton moves that the vote should be according to what they pay.

Sherman thinks that we ought not to vote according to numbers. We are representatives of States, not individuals. States of Holland. The consent of every one is necessary. Three Colonies would govern the whole, but would not have a majority of strength to carry those votes into execution. The vote should be taken two ways; call the Colonies, and call the individuals, and have a majority of both.

John Adams's Works, volume ii., page 499.

In the Continental Congress, July 30, 1776, the Congress being in Committee of the Whole on the Articles of Confederation, and Article 17th being under consideration, namely: "In determining questions, each Colony shall have one vote," Dr. Franklin said, "let the smaller

Colonies give equal money and men, and then have an equal vote. But if they have an equal vote without bearing equal burthens, a confederation upon such iniquitous principles will never last long.

John Adams's Works, volume ii., page 496.

That is the substance of the Connecticut Compromise, as it is called, in a nutshell. That it was a matter which attracted deep attention then is shown by Dr. Franklin's speech which was read by Mr. Wilson, of Pennsylvania, when the matter became an exciting question in the Constitutional Convention. I will not read the Doctor's speech at length. In it he says:—

My learned colleague (Mr. Wilson) has already mentioned that the present method of voting by States was submitted originally to Congress, under a conviction of its impropriety, inequality, and injustice. This appears in the words of their Resolution. It is of Sept. 6, 1774. The words are

“Resolved that in determining questions in this Cong^s each Colony or province shall have one vote: the Cong^s not being possessed of or at present able to procure materials for ascertaining the importance of each Colony.”

Documentary History of the Constitution, vol. iii., p. 106.

After Mr. Lodge's speech, I addressed to him this letter, and accompanied it with extracts from the Madison Papers and the Journals, showing the relation of Mr. Ellsworth and Mr. Sherman to the Connecticut Compromise. But the letter will tell the story. I am not without excellent precedent for discussing in public the share taken in the great transactions of that time, by a gentleman from whom I myself am descended. There was never a more remarkable example of absolute candor and impartiality than Mr. Charles Francis Adams's biography of his father and grandfather, and the manner in which he has edited their works, including their diaries. But I once heard Mr. Adams introduced at an Alumni, or $\phi \beta \kappa$ Din-

ner, at Harvard, with the sentiment that "he had borne his Grandfather on his shoulders through all his historical perils, as Æneas carried Anchises on his shoulders through burning Troy."

[Senator Hoar here read his letter to Mr. Lodge, dated July 28, 1902. It will be found on pp. 239-248, with Mr. Lodge's reply.]

Continuing his remarks, Senator Hoar said: "This is no trifling matter. I think our generation does not adequately comprehend the importance of treating a State, or Town, or City, as a moral being with character, and affections, and principles, and influence, and history, instead of a mere aggregation of human beings to be reckoned by numbers. Our ancestors recognized the American States as equal in these qualities, and did not apportion political power according to the mere brute force of numbers. I am glad to learn that Connecticut has lately, in her recent Constitution, held on, in part, to the doctrine that the old Connecticut Town, with all its associations, with all that belongs to it, and its name and all that it has stood for, for more than two hundred and fifty years, is not to be drowned out by modern communities by mere numbers. Who would think of having a Confederacy to which all Europe should belong, and having Switzerland, or Holland, or Sweden vote in proportion to numbers in the same body with Russia, or Turkey? If there had been such a League, or Confederacy, for national government in ancient times, who would have thought of having Athens, or Sparta, belong to a Confederacy with Persia, and having to vote in proportion to numbers? The fact that a City, or State, or Town is a moral being, with a life of its own and a quality of its own is one of the great secrets of constitutional liberty. It is the secret of the great things which have been wrought out in political life in all human history. The fact that you think of your Country, or your State, or your City as you do of your mother, as an indi-

vidual, is what makes you love her and ready to die for her. I have often thought, what indeed I have said more than once elsewhere, that it is this individual quality, this moral quality which men in free States attribute to the State, or the Country, that creates all there is to value in a country's history. The citizen has a conception of the moral character of his Country, and that conception inspires him with the same moral qualities, whether they be noble or base. When the French soldiers marched with Napoleon through Europe overthrowing all her Kingdoms and Powers, to the tune of the Marseillaise—"Sons of France awake to glory!"—it was the master passion of France, the Mother, that inspired her sons. At the end of that march forty centuries looked down on her from the pyramids. But one day, in Trafalgar Bay, they met the children of another Mother, of a very different moral quality and character, inspired by a very different sentiment. To them Nelson gave his immortal signal—"England expects every man to do his duty." Duty-loving England and glory-loving France met in that deadly conflict, and then as ever, the lover of duty proved the stronger. The England that expected every man to do his duty was as real a being to the humblest sailor in Nelson's fleet as the Mother that bore him. That is what has made England! That is what has made Massachusetts! That is what has made little Rhode Island! That is what has inspired their children with filial love!

This is a matter, as I said, of immense practical importance to this generation. The attempt lately made to substitute for the State, with its moral quality, and its moral being, and its individual history, meeting with its forty-four or fifty fellows to govern this Republic in national matters, a mere aggregation of numbers—to have two popular branches, both elected by the people, differing only in the size of the constituency, is the first, and most insidious, and most dangerous attempt to overthrow

the Constitution. Other amendments have been amendments of mere mechanism, or have been amendments designed to secure individual and personal rights. But this proposed amendment of the constitution of the Senate goes deeper, and is the first great change ever proposed in the principle on which the Constitution is founded. The Senate and the Supreme Court of the United States are the two great contributions of this country to human progress, as far as it is written and secured in constitutional governments. I hope and I confidently believe that this generation will not throw away either.

Senator Hoar then presented a paper containing correspondence between himself and the Honorable Henry Cabot Lodge, and extracts from the Madison Papers showing the share taken by Roger Sherman and Oliver Ellsworth respectively, in the adoption of the Connecticut Compromise.

ISLES OF SHOALS, July 28th, 1902.

MY DEAR COLLEAGUE:

I suppose that as a writer and student of American history, dwelling in Boston, you have been often bothered by the claims of your contemporaries in behalf of their Grandfathers. On the other hand as a Bostonian with an illustrious Great-grandfather of your own you must have learned to sympathize with the feeling.

So I make no apology for calling your attention to the question whether Mr. Ellsworth can be justly credited with having designed the existing distribution of political power between the States and the Nation in National Legislation, or of having caused the adoption of the same by his efforts in the Convention that framed the Constitution, or whether on the other hand Mr. Sherman be not justly entitled to that credit.

The question is not of very great importance to the fame of either. Each of them rendered enough distinguished public service to bear the subtraction of that from his credit without any serious impairment of his fame. That is specially true of Oliver Ellsworth, who gained so great distinction in diplomacy, in jurisprudence, in legislation, and as a builder of the Constitution.

I heard your address at New Haven. It was one of the delights of my life. No man was ever better paid for a day's journey than I was by hearing that. The subject was very dear to me indeed. I have always felt toward Oliver Ellsworth as you might feel

toward a very dear Uncle, or, except for the difference in time, as toward an elder Brother. He was my Grandfather's dearest and closest friend. My Mother was constantly in his household, and his Daughter was my Mother's dearest friend in her youth, and his children were her playmates. So I heard stories about the Ellsworths, or to use my Mother's phrase what "Judge Ellsworth used to say" as you heard stories doubtless from your parents of your grandparents. Ellsworth's great service has been too much neglected by historians. Save the excellent, but of course brief, tribute to him by Mr. Bancroft, there has been no adequate tribute to him until yours.

But I think you will agree that the chief credit of the Connecticut Compromise, as it has been called, does not belong to him.

I have drawn off from the Madison papers everything which was said or done by either of them in regard to this subject. Of all this I send you a copy. The dates are given. The pages referred to are those of the edition just published by Congress in what is called the Documentary History of the Constitution of the United States, which I have no doubt you have at hand.

What Mr. Ellsworth said and did in the matter is this. June 11th, he seconded Roger Sherman's motion. This motion was that the proportion of suffrage in the first branch should be according to numbers, and that in the second branch each State should have one vote and no more. That motion was, after debate, lost. June 29th, Mr. Ellsworth moved that the rule of suffrage in the second branch be the same with that established by the articles of confederation. He made an able speech, briefly reported, in which he said that he hoped that this would become a ground of compromise, in regard to the second branch, and that Massachusetts was the only State to the Eastward that would agree to a plan which did not contain this provision. That motion also was lost. June 30th he made another able speech in favor of that proposition. June 25th, he made another able speech on the same subject.

July 2nd, he was elected to the Committee on Representation in the Senate. He did not serve on the Committee, but was replaced by Mr. Sherman. July 5th, he said he was ready to accede to the compromise they had reported. July 14th, he asked two very searching and pregnant questions of Mr. Wilson and Mr. Madison, the answers to which tended to destroy the force of Mr. Wilson's argument against the compromise. August 8th, Mr. Ellsworth did not think the clause as to originating money bills of any consequence, but as it was thought of consequence by some of the members from the larger States he was willing that it should stand.

So, to sum up Mr. Ellsworth's work in the matter: he made a motion which was lost, covering a part of the plan. He seconded Mr. Sherman's original motion which was lost. He

made another motion substantially to the same effect which was lost, and made three strong speeches and put two pertinent questions on the side of the measure. He was put on the Grand Committee, but did not serve, but afterward expressed his acquiescence in the report, and was obliged to leave the Convention before it adjourned without signing the Constitution.

Now on the other hand see what Mr. Sherman had to do with it, both as to conceiving the plan, and as to promoting its adoption by the Convention after it had been twice rejected. First, you find in John Adams's diary that this same question occasioned a very earnest struggle in the Continental Congress. I have not the references at hand. But you will easily find them by looking at the index of John Adams's works. John Adams says that in 1776 the Congress being in Committee of the Whole on the articles of confederation, Mr. Sherman wanted to have the question taken both ways, the States once to vote according to numbers, and again on the principle of equality, and that no vote should be deemed to be carried unless it had a majority vote both ways.

This is in substance what Mr. Sherman moved first in the Constitutional Convention.

That this was a subject of great discussion and controversy in the Congress, and considered of the most vital importance is clear not only from the character of the question, but from Dr. Franklin's statement made in the Constitutional Convention as to what happened in the Continental Congress in 1774. Mr. Sherman was a member of that Congress as he was of the Congress in 1776. Mr. Ellsworth was not a member of the Continental Congress in either of those years, unless I am very much mistaken. I am sure I can trust my memory as to 1774 and I believe that is true as to 1776, although I am not able to refer to the authority here.

So Mr. Sherman had been through one great contest on this same question, and had himself devised the solution which was finally in substance adopted in the Constitution.

Next, Mr. Sherman made the first motion for the adoption of this principle in the Convention, June 11th. The relation of that motion to the old controversy in the Continental Congress appears clearly from the fact that Dr. Franklin's statement on that subject was made to the Convention the same day.

Also on the same day Mr. Sherman, having made his original proposition, moved that the question be taken upon it and declared that everything depended on that. He declared that the smaller States would never agree to the plan on any other principle than an equality of suffrage in this branch.

This, as appears above, was June 11th. Mr. Ellsworth took no part in the matter, except seconding Mr. Sherman's motion, until June 29th. June 20th, Mr. Sherman made a long and

strong speech in favor of the plan. June 28th, also, Mr. Sherman made another earnest speech in favor of the plan. So he had not only devised the scheme, but moved it in the Convention, and made three speeches in its favor before Mr. Ellsworth was heard from. Next when on July 2nd General Pinckney moved the Grand Committee to devise and report a compromise, Mr. Sherman spoke in favor of the motion. He said, "we are now at a full stop, and nobody he supposed meant that we should break up without doing something." Mr. Ellsworth took no part in that.

July 2nd, Mr. Ellsworth was elected on the Committee. But he went off the Committee alleging indisposition, and Mr. Sherman went on. The indisposition could not have been very serious because Mr. Ellsworth is found taking part in the proceedings of the Convention, I think, without intermission. He was present in the Convention and spoke July 5th, the first day of their meeting after the Committee was appointed. So it seems not unlikely that his indisposition was not only not very serious, but that he went off the Committee in order that Mr. Sherman who had shown such great interest in the matter should take his place. But this of course is mere conjecture and is not entitled to much weight.

Mr. Sherman then appears as moving in the Committee a further limitation on the power of the Senate, namely that while the House was to vote according to numbers, no measure should pass the Senate, unless there was a majority in the Senate as representing population and also a majority as representing the States in its favor. Mr. Madison says that that was not much deliberated upon or approved. It does not affect the point we are dealing with one way or the other. But it seems to me likely that Mr. Madison, who did not himself attend the meeting of the Committee, probably got his information from somebody who misapprehended the point, because it does not seem likely that that would have been proposed. If Mr. Sherman made any motion at all of the sort I should conjecture that it was one which was expected to take effect only in case the old plan of a single branch, or of amending the articles of confederation, which both he and Ellsworth as well as Patterson and some others had favored, were adopted. But this is all conjecture.

After the Committee had reported, Mr. Sherman on the 7th of July makes a speech at some length in favor of the plan. Mr. Ellsworth did nothing further except his speech and questions on July 14th. On July 14th, Mr. Rutledge moved to reconsider the two propositions touching the originating of money bills in the first and the equality of votes in the second branch. Mr. Sherman replied to him and objected, but the objection seems to have been waived, and Mr. Sherman made another speech, so

that he spoke twice on that day. Sept. 5th, Gouverneur Morris moved to postpone the clause concerning money bills which formed part of the compromise. Mr. Sherman replied to him that he was for giving immediate ease to those who looked on this clause as of great moment, and for trusting to their concurrence in other proper measures.

Now it seems to me from the foregoing summary that Mr. Sherman, besides having devised and proposed the measure and having made more speeches than any other person in its favor, may be fairly considered to have been the member who had the measure in charge. He undertakes to speak for the smaller States and whenever any question of postponing, or proceeding to consider or reconsider is made he rises to represent his side. Not only that, but when Mr. Morris tries to get rid of the clause about money bills which had been desired by the large States, and also was advocated later by General Washington in the only speech he made as to any provision of the Constitution as being of great importance, Mr. Sherman insisted that that should be disposed of and that those who favored it should be trusted to concur in other proper measures. But finally, and what seems to me a clincher, on the 15th of September when the provision as to amending the Constitution was up, Mr. Sherman moved, what nobody of the small States seems to have thought of before, to annex to the end of the article a further proviso that no State shall without its consent be affected in its internal police, or be deprived of its equal suffrage in the Senate. That was lost. Mr. Sherman then instantly moved to strike out the provision authorizing amendments to the Constitution altogether. That was lost. But there were such murmurs of discontent among the Representatives of the small States that the majority yielded, and Morris who had himself strenuously resisted the whole arrangement moved to annex Mr. Sherman's proviso that no State, without its consent, shall be deprived of its equal suffrage in the Senate. This was unanimously agreed to. This motion of Gouverneur Morris was only a repetition of Mr. Sherman's motion without the provision as to internal police. This was the last day of the Convention, and no further action was taken except the signature of the members.

So it seems to me clear that the plan was Mr. Sherman's, that the proposal of it in the Convention was Mr. Sherman's, that the first speech in its favor was Mr. Sherman's, that the parliamentary conduct of it was Mr. Sherman's, and that the final proposition which made it safe in the clause about amending the Constitution was Mr. Sherman's, and that he was on the Committee that reported it, and that he made more speeches in its favor than anybody else, and seems to have had the entire management or conduct of the measure.

On the other hand, Mr. Ellsworth's contribution was seconding

Mr. Sherman's first motion, making a similar motion himself, which was lost, and three or four powerful speeches in its favor.

Now I know very well that there are many cases where one man will move a measure, will propose and devise a measure, and will even have charge of a measure in a legislative body when the success of the measure is due to the powerful influence of another. I suppose if some resolution declaring the doctrine of Webster's reply to Hayne had been moved by Mr. Foot, or somebody else, and had been adopted by the Senate that Webster would have been the man to whom the securing of its adoption would be due. I suppose that the success of Hamilton's financial policy is due to him, and not to the men who introduced and supported it in either House of Congress.

You and I have seen many examples like the first in our own experience. I have prided myself a good deal on the provision for succession to the Executive power which was substituted for the old clumsy arrangement. But I should have been in very great danger of losing it by the adoption of an amendment which would have spoiled it by requiring a Presidential election to be had at once in the case that the bill provided for, but for Mr. Evarts coming to my help in a powerful speech which convinced and carried the Senate.

But I do not think that can be said as to the comparative influence of Mr. Sherman and Mr. Ellsworth, great as was the power of the latter.

Mr. Sherman, if he were remarkable for anything, was remarkable for his great tenacity in insisting on plans he had once devised, his great success in attaining his objects, and his great influence over the bodies to which he belonged, especially his great influence over the minds of the ablest men. I think he may be fairly compared to Alexander Hamilton in that particular. This is proved by abundant testimonials from his greatest contemporaries. I do not think such testimonials are in existence in regard to another of them, save Washington alone, with the possible exception of Dr. Franklin. I cite a few of them from memory. Theodore Sedgwick, who served with Mr. Sherman in Washington's first administration, said, "He was the man of the selectest wisdom he ever knew. His influence was such in the bodies to which he belonged that he never failed to carry every measure and every part of a measure which he advocated." I do not think the record will support this statement of Theodore Sedgwick's to its full extent, but it will support it almost to its full extent.

Fisher Ames said, "That if he happened to be out of his seat when a subject was discussed, and came in when the question was about to be taken, he always felt safe in voting as Mr. Sherman did; for he always voted right." Patrick Henry said that the first men in the Continental Congress were Washington,

Richard Henry Lee, and Roger Sherman. He said at another time that Roger Sherman and George Mason were the greatest statesmen he ever knew. This statement appears in Howe's "Historical Collections of Virginia," in the "Life of George Mason," and in the "Life of Patrick Henry." I took pains to verify it by writing to William Wirt Henry, Patrick Henry's grandson. I have his letter in my possession, in which he declares that there is no doubt about it. He has frequently heard his mother, who was Patrick Henry's daughter-in-law and in whose household Patrick Henry lived in his old age, state the fact, and especially he got from his mother an account of Howe's visit to his father and mother not long after Patrick Henry's death, when Mr. Howe received the statement from Patrick Henry's son and his wife, William Wirt Henry's parents.

John Adams said of him, that he "was one of the soundest and strongest pillars of the Revolution," and that he never knew two men more alike than Sherman and Ellsworth, except that the Chief Justice had the advantage of a liberal education. General Scott, who with all his foibles, was a very great master of Constitutional principles, said that he thought Roger Sherman was entitled to be considered as the fourth man in the transactions embracing the whole revolutionary period and the formation of the new government. John Adams spoke of him on another occasion in a letter to his wife, "as firm in the cause of American Independence as Mt. Atlas." Mr. Jefferson pointed him out to Dr. Spring and said, that is Mr. Sherman of Connecticut, a man who never said a foolish thing in his life.

I hope you will not think that I quote these things from the vanity of a near relative. But it seems important to this particular question to see whether after all whatever might have been Mr. Sherman's original relation to the matter Mr. Ellsworth's superior strength and influence may not entitle him to the credit of its accomplishment. However, I do not think I need to cite much stronger evidence on this point than that of Judge Ellsworth himself, who paid to Mr. Sherman the high tribute you cite in your address, a tribute never paid by any public man to another on any other occasion that I know, that he had formed his own character on Mr. Sherman's model. It may possibly be worth while to add to what I have said that Mr. Sherman never during his long life failed of re-election to any public office that he held, except in the case of the Connecticut Legislature in the early days where the principle of rotation in office was firmly established. When after the Revolutionary War there was danger that a Tory would be elected the first Mayor of New Haven, Mr. Sherman though then absent, I think, at the Constitutional Convention, was chosen Mayor. Thereupon the Legislature passed a law that the office of Mayor should be held at the pleasure of the Legislature. That resulted,

as it was intended, in a life tenure of office for Mr. Sherman. He held the office of Mayor until he died, although Representative and Senator at the same time.

So while Mr. Ellsworth's great character and ability as shown by his other important public employments is unquestioned, it can hardly be claimed that he should have the credit of a measure otherwise apparently due to Mr. Sherman, by reason that his strength was needed to its success.

I hope I have not wearied you by this discussion, or trespassed too much on your good nature. But I think you will like to be sure, in publishing, what I am confident is to be a historical paper of very great and permanent value, and which seems to me unsurpassed of its kind, to get right in every detail.

I am with high regard,

Faithfully yours,

GEO. F. HOAR.

N. B. In summing up Ellsworth's and Sherman's contributions to this debate in this letter I only include speeches that bear on the point of the compromise, namely the voting according to the principle of equality in one branch and according to numbers in the other, and giving the House the exclusive power to originate money bills. There are several speeches by Ellsworth, as there are by Patterson of New Jersey, in favor of the equality of the States and in favor of engrafting the new provision on the old confederation. That also was the idea of Mr. Sherman before the Convention met. There is now in existence in his handwriting in the possession of my cousin at New Haven, the paper which he took with him to the Convention proposing his scheme of a Constitution. That is copied in Boutell's *Life of Roger Sherman*. I have in my possession a copy of the Constitution wholly in his handwriting, as it appeared shortly after the report of the Grand Committee. It was altered considerably after that time.

NAHANT, MASS., Aug. 1, 1902.

DEAR MR. HOAR:—

Many thanks for your letter about Ellsworth and the extracts of the debate, which I am very glad to read over in that compact form. Your letter seems to me most admirable, and I freely admit proves the case. I think I shall have a statement that the origin of the plan was with Sherman, but I think I may fairly say that Ellsworth shared with him the credit of compelling the adoption of the compromise. I shall print your letter as an appendix to my article, for it seems to me of great value historically. I hope you will have no objection to my doing so. I shall print it just as it is, omitting only the very kind things you say about my essay, which I value extremely, but it would

look rather vain for me to print them in my own book, though, I confess, I should like to do so.

Always sincerely yours,
H. C. LODGE.

Honorable GEORGE F. HOAR, United States Senator.

Ellsworth made the motion which was lost on the equal division, but it was that motion which embodied the compromise adopted.

WORCESTER, MASS., August 9, 1902.

MY DEAR COLLEAGUE:

I have not answered your letter about the Ellsworth paper because I have been moving home from the Isles of Shoals, and the papers I had there have been packed up. But I should be very happy and indeed much honored if you like to include my letter in your book. The abstracts from the Madison Papers and John Adams's diary of what was done by Sherman and Ellsworth in regard to the matter, I am afraid, would be rather too long for the book, though it would be worth while to have them printed somewhere.

You will observe that Mr. Sherman's first motion, June 11th, which is eighteen days before Mr. Ellsworth made his, includes both parts of the compromise as to representation, namely representation according to numbers in the first branch and equality of States in the second. That was seconded by Mr. Ellsworth. Mr. Ellsworth made no motion on the subject, if I mistake not, until June 29th, and that motion was limited to making the rule in the second branch the same as that established by the Articles of Confederation. But he said in his speech that he was not sorry that they had determined against that rule in the first branch and hoped it might become a ground of compromise.

Where the suggestion of yielding the power to the House to originate money bills first came from does not appear. Mr. Gerry moved on the 13th of June, to restrain the Senatorial branch from originating money bills. That was opposed by Mr. Butler, Mr. Madison, Mr. King, and Mr. Sherman. Mr. Reed favored the proposition, but would not extend the restraint to the case of amendments. Mr. Pinckney thought the question premature. He thought if the Senate was formed on the same principle as the House they should have equal power, otherwise a different principle should be introduced. But who suggested this as a part of the compromise does not appear. But as Mr. Sherman was on the committee that reported the compromise and as he insisted that that should be agreed to, trusting the majority to do what was right in the other matter, it seems quite likely that that was his suggestion. This however is mere guesswork. At any rate there is nothing to indicate that it was Ellsworth's.

I should hope if you include the letter at all in your book you

would not object to including what I have said about the value of your paper. It does not strike me that that would be considered in any way out of taste. Mr. Sumner, as you remember, edited his speeches himself, and includes in the appendix to each of them the complimentary letters which were written to him about them. This is a mere statement of the value of the historical paper. Most authors allow their publishers or editors in advertising their books, frequently on leaves bound up with the books, to include criticisms which to say the least are of a very flattering character. That cannot be said of my letter.

I am with high regard,

Faithfully yours,

GEO. F. HOAR.

The Honorable

HENRY CABOT LODGE,
Nahant, Mass.

The relation of
Sherman and Ellsworth to the
Connecticut Compromise.
From Madison Papers.

Proceedings of the
Constitutional Convention.

The references are to the Documentary History of the Constitution of the United States.

OLIVER ELLSWORTH,
Seconded Roger Sherman's motion. 108. June 11th.

Objects to term National Government. 166.

Mr. Ellsworth moves to alter it so as to run "that the Government of the United States ought to consist of a supreme Legislative, Executive and Judiciary." This alteration he said would drop the word national, and retain the proper title "the United States." He could not admit the doctrine that a breach of any of the federal articles could dissolve the whole. It would be highly dangerous not to consider the Confederation as still subsisting. He wished also the plan of the Convention to go forth as an amendment to the articles of Confederation, since under this idea the authority of the Legislatures could ratify it. If they are unwilling, the people will be so too. If the plan goes forth to the people for ratification several succeeding Conventions within the States would be unavoidable. He did not like these conventions. They were better fitted to pull down than to build up Constitutions.

June 20th.

Argues in favor of election by Legislature and equality. 209, 210.

Mr. Ellsworth saw no reason for departing from the mode contained in the Reports. Whoever chooses the member, he will be a citizen of the State he is to represent and will feel the same spirit and act the same part whether he be appointed by the people or the Legislature. Every State has its particular views and prejudices, which will find their way into the general councils, through whatever channel they may flow. Wisdom was one of the characteristics which it was in contemplation to give the second branch. Would not more of it issue from the Legislatures; than from an immediate election by the people? He urged the necessity of maintaining the existence and agency of the States. Without their co-operation it would be impossible to support a Republican Government over so great an extent of Country. An army could scarcely render it practicable. The largest States are the worst governed. Virginia is obliged to acknowledge her incapacity to extend her Government to Kentucky. Massachusetts cannot keep the peace one hundred miles from her capitol and is now forming an army for its support. How long Pennsylvania may be free from a like situation cannot be foreseen. If the principles and materials of our Government are not adequate to the extent of these single States; how can it be imagined that they can support a single Government throughout the United States. The only chance of supporting a General Government lies in engrafting it on that of the individual States.

June 25th.

Favors payment of Senators by States. 221.

Mr. Ellsworth moved to strike out "to be paid out of the national Treasury" and insert "to be paid by their respective States." If the Senate was meant to strengthen the Government 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.

June 26th.

Mr. Ellsworth moved to postpone the residue of the clause and take up the 8th Resolution. 245.

Mr. Ellsworth moved that the rule of suffrage in the second branch be the same with that established by the articles of confederation. He was not sorry on the whole he said that the vote just passed had determined against this rule in the first branch. He hoped it would become a ground of compromise with regard to the second branch. We were partly national; partly federal. The proportional representation in the first branch was conformable to the national principle and would secure the large States against the small. An equality of voices was conformable to

the federal principle and was necessary to secure the small States against the large. He trusted that on this middle ground a compromise would take place. He did not see that it could on any other. And if no compromise should take place, our meeting would not only be in vain but worse than in vain. To the Eastward he was sure Massachusetts was the only State that would listen to a proposition for excluding the States as equal political Societies, from an equal voice in both branches. The others would risk every consequence rather than part with so dear a right. An attempt to deprive them of it, was at once cutting the body of America in two, and as he supposed would be the case, somewhere about this part of it. The large States he conceived would notwithstanding the equality of votes, have an influence that would maintain their superiority. Holland, as had been admitted had, notwithstanding a like equality in the Dutch Confederacy, a prevailing influence in the public measures. The power of self-defence was essential to the small States. Nature had given it to the smallest insect of creation. He could never admit that there was no danger of combinations among the large States. They will like individuals find out and avail themselves of the advantage to be gained by it. It was true the danger would be greater, if they were contiguous and had a more immediate common interest. A defensive combination of the small States was rendered more difficult by their greater number. He would mention another consideration of great weight. The existing confederation was founded on the equality of the States in the article of suffrage: was it meant to pay no regard to this antecedent plighted faith. Let a strong Executive, a Judiciary and Legislative power be created; but let not too much be attempted; by which all may be lost. He was not in general a half-way man, yet he preferred doing half the good we could, rather than do nothing at all. The other half may be added, when the necessity shall be more fully experienced.

June 29th.

The motion of Mr. Ellsworth resumed, for allowing each State an equal vote in the second branch. 248. June 30th.

Mr. Wilson said, "The Gentleman from Connecticut (Mr. Ellsworth) had pronounced that if the motion should not be acceded to, of all the States north of Pennsylvania one only would agree to any General Government." 248, 249. June 30th.

Mr. Ellsworth said the capital objection of Mr. Wilson, "That the minority will rule the majority," is not true. The power is given to the few to save them from being destroyed by the many. If an equality of votes had been given to them in both branches, the objection might have had weight. Is it a novel thing that the few should have a check on the many? Is it not the case in the British Constitution the wisdom of which so many gentlemen have united in applauding? Have not the

House of Lords, who form so small a proportion of the nation a negative on the laws, as a necessary defence of their peculiar rights against the encroachments of the Commons? No instance of a Confederacy has existed in which an equality of voices has not been exercised by the members of it. We are running from one extreme to another. We are razing the foundations of the building, when we need only repair the roof. No salutary measure has been lost for want of a majority of the States to favor it. If security be all that the great States wish for the first branch secures them. The danger of combinations among them is not imaginary. Altho' no particular abuses could be foreseen by him, the possibility of them would be sufficient to alarm him. But he could easily conceive cases in which they might result from such combinations. Suppose that in pursuance of some commercial treaty or arrangement, three or four ports and no more were to be established, would not combinations be formed in favor of Boston, Philadelphia and some port in Chesapeake? A like concert might be formed in the appointment of the great officers. He appealed again to the obligations of the federal pact which was still in force, and which had been entered into with so much solemnity, persuading himself that some regard would still be paid to the plighted faith under which each State, small as well as great, held an equal right of suffrage in the general Councils. His remarks were not the result of particular or local views. The State he represented (Connecticut) held a middle rank. 251, 252. June 30th.

Mr. Ellsworth assured the House that whatever might be thought of the Representatives of Connecticut the State was entirely federal in her disposition. He appealed to her great exertions during the War, in supplying both men and money. The muster rolls would show she had more troops in the field than Virginia. If she had been delinquent, it had been from inability, and not more so than other States. 255. June 30th.

Elected to the Committee on Representation in the Senate. 269. July 2nd.

Replaced by Sherman on Committee on Representation in the Senate. 270. Note. July 5th.

Mr. Ellsworth said he had not attended the proceedings of the Committee, but was ready to accede to the compromise they had reported. Some compromise was necessary; and he saw none more convenient or reasonable. 277. July 5th.

Favors Senators voting per capita. 412. July 23rd.

July 14th, page 343, Mr. Ellsworth asked two questions. One of Mr. Wilson, whether he had ever seen a good measure fail in Congress for want of a majority of States in its favor? He had himself never known of such an instance. The other of Mr. Madison, whether a negative lodged with a majority of the States, even the smallest, could be more dangerous than the

qualified negative proposed to be lodged in a single Executive Magistrate, who must be taken from some one State:

Mr. Ellsworth did not think the clause as to originating money bills of any consequence, but as it was thought of consequence by some of the members from the larger States, he was willing it should stand. 480. August 8th.

Mr. Wilson, Mr. Ellsworth and Mr. Madison¹ urged that it was of no advantage to the larger States and that it might be a dangerous source of contention between the two Houses. All the principal powers of the National Legislature had some relation to money. 482, 483. August 9th.

ROGER SHERMAN.

Mr. Sherman's plan for the Constitution which he drew up beforehand was to make changes in the articles of confederation.

See also his report to the Connecticut Legislature.

In Convention June 1st, page 31, Mr. Sherman favored the election of one member by each of the State Legislatures.

June 7th, page 80, Mr. Sherman seconded Mr. Dickinson's motion that the members of the second branch should be elected by the individual Legislatures, observing that the particular States would thus become interested in supporting the National Government, and that a due harmony between the two Governments would be maintained. He admitted that the two ought to have separate and distinct jurisdictions, but that they ought to have a mutual interest in supporting each other.

June 7th, page 86, Mr. Sherman opposed elections by the people in districts, as not likely to produce such fit men as elections by the State Legislatures.

June 11th, page 101, the clause concerning the rule of suffrage in the National Legislature postponed on Saturday was resumed. Mr. Sherman proposed that the proportion of suffrage in the first 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.

June 11th, page 102, Dr. Franklin's paper was read, in which he states on the authority of his colleague, Mr. Wilson, that the

¹ It seems pretty clear that the joining of Mr. Ellsworth with Mr. Wilson and Mr. Madison in this statement is a clerical error. Probably Madison wrote Ellsworth by a slip of the pen and substituted Wilson. Mr. Ellsworth had said the day before that he was contented with the clause, although he thought it of no consequence.

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 September 6th, 1774. The words are "Resolved that in determining questions in this Congress each Colony or province shall have one vote: the Congress not being possessed of or at present able to procure materials for ascertaining the importance of each Colony."

June 11th, the same day with his previous proposition, page 107, Mr. Sherman moved that a question be taken whether each State shall have one vote in the second branch. Everything, 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. Ellsworth seconded the motion. On the question for allowing each State one vote in the second branch, lost five to six.

June 13th, page 120, the Committee of the Whole on Mr. Randolph's propositions reported that the members of the second branch of the National Legislature ought to be chosen by the individual Legislatures.

8. Resolved that the right of suffrage in the second branch of the National Legislature ought to be according to the rule established for the first. That was in substance the rule now existing for the House of Representatives.

June 14th, page 123, Mr. Patterson observed to the Convention that it was the wish of several deputations, particularly that of New Jersey, that further time might be allowed to contemplate the plan reported from the Committee of the Whole, and to digest one purely federal.

Hoped to have one ready tomorrow.

The Convention adjourned for that purpose.

June 15th, page 124, it was agreed to refer the plan to a Committee of the Whole, and in order to place the two plans in comparison to commit the other.

Mr. Madison adds that this plan had been concerted among the deputations or members thereof, from Connecticut, New York, New Jersey, Delaware, and perhaps Mr. Martin from Maryland who made with them common cause on different principles. Connecticut and New York were against a departure from the principle of the Confederation, wishing rather to add a few new powers to Congress than to substitute a National Government.

The States of New Jersey and Delaware were opposed to a National Government because its patrons considered a proportional representation of the States as the basis of it. The eagerness displayed by the members opposed to a National Government from these different motives began now to produce serious anxiety for the result of the Convention. Mr. Dickinson said to Mr. Madison you see the consequence of pushing things too

far. Some of the members from the small States wish for two branches in the General Legislature, and are friends to a good National Government; but we would sooner submit to a foreign power than submit to be deprived of an equality of suffrage, in both branches of the Legislature, and thereby be thrown under the domination of the large States.

Mr. Patterson's report above referred to, was for the amendment of the articles of confederation by giving the Legislature chosen in the existing fashion, the States being equal therein, larger powers.

June 19th, page 162, on question whether Committee rise and report Randolph's plan rather than Patterson's, Connecticut voted *aye*.

June 20th, page 167, Mr. Lansing moved the powers of Legislation be vested in Congress. Mr. Sherman, page 173, seconded and supported Mr. Lansing's motion. He admitted two branches to be necessary in the State Legislatures, but saw no necessity for them in a Confederacy of States. The examples were all, of a single Council. Congress carried us thro' the war, and perhaps as well as any Government could have done. The complaints at present are not that the views of Congress are unwise or unfaithful, but that their powers are insufficient for the execution of their views. The National debt and the want of power somewhere to draw forth the National resources, are the great matters that press. All the States were sensible of the defect of power in Congress. He thought much might be said in apology for the failure of the State Legislatures to comply with the confederation. They were afraid of bearing too hard on the people, by accumulating taxes; no constitutional rule had been or could be observed in the quotas,—the accounts also were unsettled and every State supposed itself in advance, rather than in arrears. For want of a general system, taxes to a due amount had not been drawn from trade, which was the most convenient resource. As almost all the States had agreed to the recommendation of Congress on the subject of an impost, it appeared clearly that they were willing to trust Congress with power to draw a revenue from trade. There is no weight therefore in the argument drawn from a distrust of Congress, for money matters being the most important of all, if the people will trust them with power as to them, they will trust them with any other necessary powers. Congress indeed by the confederation have in fact the right of saying how much the people shall pay, and to what purpose it shall be applied; and this right was granted to them in the expectation that it would in all cases have its effect. If another branch were to be added to Congress to be chosen by the people, it would serve to embarrass. The people would not much interest themselves in the elections, a few designing men in the large districts would carry their points, and the people would have no

more confidence in their new representatives than in Congress. He saw no reason why the State Legislatures should be unfriendly, as had been suggested, to Congress. If they appoint Congress and approve of their measures, they would be rather favorable and partial to them. The disparity of the States in point of size he perceived was the main difficulty. But the large States had not yet suffered from the equality of votes enjoyed by the small ones. In all great and general points, the interests of all the States were the same. The State of Virginia, notwithstanding the equality of votes, ratified the Confederation without, or even proposing any alteration. Massachusetts also ratified without any material difficulty, etc. In none of the ratifications is the want of two branches noticed or complained of. To consolidate the States as some had proposed would dissolve our treaties with foreign nations, which had been formed with us as confederated States. He did not however suppose that the creation of two branches in the Legislature would have such an effect. If the difficulty on the subject of representation cannot be otherwise got over, he would agree to have two branches, and a proportional representation in one of them, provided each State had an equal voice in the other. This was necessary to secure the rights of the lesser States; otherwise three or four of the large States would rule the others as they please. Each State like each individual had its peculiar habits, usages and manners, which constituted its happiness. It would not therefore give to others a power over this happiness, any more than an individual would do, when he could avoid it.

June 20th, page 177, Connecticut voted to take up Mr. Lansing's motion, four ayes, six noes, one divided.

June 21st, page 181, Connecticut voted aye on motion that Legislature consist of two branches. Carried.

June 28th, page 233, on the motion that the seventh article should read that the rights of suffrage in the first branch ought to be according to the rule established by the Confederation, Mr. Sherman made the following speech: The question is not what rights naturally belong to men; but how they may be most equally and effectually guarded in Society. And if some give up more than others in order to obtain this end, there can be no room for complaint. To do otherwise, to require an equal concession from all, if it would create danger to the rights of some, would be sacrificing the end to the means. The rich man who enters into Society along with the poor man, gives up more than the poor man. Yet with an equal vote he is equally safe. Were he to have more votes than the poor man in proportion to his superior stake the rights of the poor man would immediately cease to be secure. This consideration prevailed when the articles of confederation were formed.

July 2nd, page 264, General Pinckney moved that a Committee

of one from each State be appointed to revise and report some compromise. Mr. Sherman said we are now at a full stop, and nobody he supposed meant that we should break up without doing something. A Committee he thought most likely to hit on some expedient.

Mr. Madison opposed the commitment.

July 2nd, page 269, the Committee elected by ballot, were Mr. Gerry, Mr. Ellsworth, Mr. Yates, Mr. Patterson, Dr. Franklin, Mr. Bedford, Mr. Martin, Mr. Mason, Mr. Davy, Mr. Rutledge, Mr. Baldwin.

Mr. Ellsworth went off Committee and Mr. Sherman went on, page 270, note. Mr. Madison states in the same note, a motion was made by Mr. Sherman in the Committee to the following effect "that each State should have an equal vote in the second branch; provided that no decision therein should prevail unless the majority of States concurring should also comprise a majority of the inhabitants of the United States." This motion was not much deliberated on nor approved in the Committee. A similar proviso had been proposed in the debates on the articles of confederation in 1777, to the articles giving certain powers to "nine States." It is to be observed that Mr. Madison was not a member of the Committee. The motion was probably the same made by Mr. Sherman in the Continental Congress when the articles of confederation were under discussion, as reported by John Adams. While Mr. Sherman may have thought fit to make this proposal as regards the second branch it is not likely that he expected to insist on it if his previous suggestion of an equal vote in one branch and representation according to population in the other were accepted, as it was accepted by the Committee and the Convention.

July 5th, page 277, Mr. Ellsworth said that he had not attended the proceedings of the Committee, but was ready to accede to the compromise they had reported. Some compromise was necessary; and he saw none more convenient or reasonable.

July 5th, page 289, on question whether clause relating to money bills should stand there were five ayes, three noes, three divided.

July 7th, page 290, on the question whether that vote should be entered in the affirmative there were nine ayes, two noes.

On the question "Shall the clause allowing each State one vote in the second branch, stand as part of the Report," Mr. Sherman said that he supposed that it was the wish of every one that some General Government should be established. An equal vote in the second branch would, he thought, be most likely to give it the necessary vigor. The small States have more vigor in their Governments than the large ones, the more influence therefore the large ones have, the weaker will be the Government. In the large States it will be the most difficult to collect the real and fair

sense of the people. Fallacy and undue influence will be practiced with most success: and improper men will most easily get into office. If they vote by States in the second branch, and each State has an equal vote, there must be always a majority of States as well as a majority of the people on the side of public measures, and the Government will have decision and efficacy. If this be not the case in the second branch there may be a majority of the States against public measures, and the difficulty of compelling them to abide by the public determination, will render the Government feebler than it has ever yet been.

July 9th, page 296, Mr. Sherman moved to refer the report apportioning the Representatives to a Committee of one from each State. Adopted.

July 9th, page 299, Mr. Sherman placed on Committee.

July 14th, page 333, Mr. Rutledge proposed to reconsider the two propositions touching the originating of money bills in the first and the equality of votes in the second branch.

Mr. Sherman was for the question on the whole at once. It was he said a conciliatory plan, it had been considered in all its parts, a great deal of time had been spent on it, and if any part should now be altered, it would be necessary to go over the whole ground again.

Afterward the reconsideration being agreed to, Mr. Sherman urged the equality of votes not so much as a security for the small States; as for the State Governments which could not be preserved unless they were represented and had a negative in the General Government. He had no objection to the members in the second branch voting per capita, as had been suggested by (Mr. Gerry).

July 14th, page 343, Mr. Ellsworth and Mr. Sherman both spoke. Mr. Ellsworth put two very pregnant questions, one to Wilson and one to Madison.

Mr. Sherman signified that his expectation was that the General Legislature would in some cases act on the federal principle, of requiring quotas. But he thought it ought to be empowered to carry their own plans into execution, if the States should fail to supply their respective quotas.

July 16th, page 344, a vote being taken on the agreeing to the whole report passed in the affirmative, five ayes, four noes, one divided. It will be observed that the plan did not command a majority of the entire Convention; but in accordance with what seems to have been the rule the vote of a State that was divided was treated as if it had not voted.

July 16th, page 347, there was a meeting of the members from the large States at which several members from the smaller States attended, but there seems to have been no result beyond conversation.

Sept. 5th, page 677, Gouverneur Morris moved to postpone the

clause concerning money bills. Mr. Sherman was for giving immediate ease to those who looked on this clause of great moment, and for trusting to their concurrence in other proper measures.

September 15th, page 756, the provisions in regard to amending the Constitution being taken up Mr. Sherman moved to annex to the end of the article a further proviso that no State shall without its consent be affected in its internal police, or deprived of its equal suffrage in the Senate.

This was lost eight to three.

Mr. Sherman then moved to strike out article five, that authorizing amendments, altogether.

This was lost eight to two, one divided.

Gouverneur Morris then moved to annex a further proviso that no State, without its consent shall be deprived of its equal suffrage in the Senate, being a repetition of Mr. Sherman's motion without the provision as to internal police. Mr. Madison adds this motion being dictated by the circulating murmurs of the small States was agreed to without debate, no one opposing it, or on the question saying no.

It will be observed that this was the last of the Convention. No further action was taken, except the signature by the members. General Washington, Dr. Franklin, and one or two others made remarks.

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