full number allotted to the States may be expected to attend & the lowest possible quorum sh^d. not therefore be considered. The interests of their constituents will urge their attendance too strongly for it to be omitted: and he supposed the Genl. Legislature would not sit more than 6 or 8 weeks ~~in~~ the year.

On the Question for doubling the number, it passed in the negative.

Mas^ts. no. Con^t. no. N. Y. no. N. J. no. P^a. no. Del. ay. M^d. no. V^a. ay. N. C. no. S. C. no. Geo. no.

On the question for agreeing to the ~~Reported~~ apportionment of Rep^s. as amended by the last committee, it passed in the affirmative.

Mas. ay. Con^t. ay. N. Y. ay. N. J. ay. P^a. ay. Del. ay. M^d. ay. V^a. ay. N. C. ay. S. C. no. Geo. no.

Mr. Broom gave notice to the House that he had concurred with a reserve to himself of ~~the~~ ~~right~~ an intention to claim for his State an equal voice in the 2^d. branch: which he thought could not be denied after this concession of the small States as to the first branch.

Mr. Randolph moved as an amendment to the report of the Comm^t. of five that in order to ascertain the alterations in the population & wealth of the several States the Legislature should be required to cause a census, and estimate to be taken within one year after its first meeting; and every years thereafter, and that the Legisl^re. arrange the Representation accordingly."

Mr. Govr. Morris opposed it as fettering the Legislature too much. Advantage may be taken of it in time of war, or the apprehension of it, by new States to extort particular favors. If the mode was to be fixed for taking a census, it might certainly be extremely inconvenient: if unfixt the Legislature may use such a mode as will defeat the object: and perpetuate the inequality. He was always ag^st. ~~such~~ shackles on the Legisl^re. They had been found very pernicious in most of the State Constitutions. He dwelt much on the danger of throwing such a preponderancy into the Western Scale, suggesting that in time the Western people w^d. outnumber the Atlantic States. He wished therefore to put it in the power of the latter to keep a majority of votes in their own hands. It was objected, he said, that if the Legisl^re. are left at liberty, they will never readjust the Representation. He admitted that this was possible; but he did ~~it~~ not think it probable unless the reasons ag^st. a revision of it were very urgent & ~~that~~ in this case, it ought not to be done.

It was moved to postpone the ~~motion~~ proposition of Mr. Randolph in order to take up the following viz. "that the Committee of Eleven, to whom was referred the report of the Committee of five on the subject of Representation, be requested to furnish the Convention with the principles on which they grounded the Report." which was disagreed to: S. C. only voting in the affirmative.

Adjourned

Wednesday July 11. in Convention

Mr. Randolph's motion requiring the Legisl^re. to take a periodical census for the purpose of redressing inequalities in the Representation, was resumed.

Mr. Sherman was ag^st. shackling the Legislature too much. We ought to choose wise & good men, and then confide in them.

Mr. Mason. The greater the difficulty we find in fixing a proper rule of Representation, the more unwilling ought we to be, to throw the task from ourselves on the Genl. Legisl^re. He did not object to the conjectural ratio which was to prevail in the outset; but considered a Revision from time to time according to some permanent & precise standard as essential to y^e. fair representation required in the 1st. branch. According to the present population of America, the North^n. part of it had a right to preponderate, and he could not deny it. But he wished it not to preponderate hereafter when the reason no longer continued. From the nature of man we may be sure that those who have power in their hands will not give it up while they can retain it. On the contrary we know they will always when they can rather increase it. If the S. States therefore should have 3/4 of the people of America within their limits, the Northern will hold fast the majority of Representatives. 1/4 will govern the 3/4. The S. States will complain: but they may complain from generation to generation without redress. Unless some principle therefore which will do justice to them hereafter shall be inserted in the Constitution, disagreeable as the declaration was to him, he must declare he could neither vote for the system here, nor support it, in this State. Strong objections had been drawn from the danger to the Atlantic interests from new Western States. Ought we to sacrifice what we know to be right in itself, lest it should prove favorable to States which are not yet in existence. If the Western States are to be admitted into the Union as they arise, they must, he w^d. repeat, be treated as equals, and subjected to no degrading discriminations. They will have the same pride & other passions which we have, and will either not unite with or will speedily revolt from the Union, if they are not in all respects placed on an equal footing with their brethren. It has been said they will be poor, and unable to make equal contributions to the general Treasury. He did not know but that in time they would be both more numerous & more wealthy than their Atlantic brethren; ~~the~~

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~~perhaps~~

~~perhaps not before they might choose to become a separate people~~. The extent & fertility of their soil, made this probable: and though Britain might for a time deprive them of the natural outlet for their productions, yet she will, because she must, finally yield to their demands. He urged that numbers of inhabitants, though not always a precise Standard of wealth, was sufficiently so for every substantial purpose.

Mr. Williamson was for making it the duty of the Legislature to do what was right & not leaving it to their liberty to do or not do it. He moved that Mr. Randolph's proposition be postponed in order to consider the following "that in order to ascertain the alterations that may happen in the population & wealth of the several States, a census shall be taken of the free white inhabitants and 3/5ths of those of other descriptions on the 1st. year after this Government shall have been adopted and every [illegible] year thereafter; and that the Representation be regulated accordingly."

Mr. Randolph agreed that Mr. Williamson's proposition should stand in the place of his. He observed that the ratio first for the 1st. meeting was a mere conjecture, that it placed the power in the hands of that part of America, which could not always be entitled to it, that this power would not be voluntarily renounced; and that it was consequently the duty of the Convention to secure its renunciation when justice might require, by some constitutional provisions. If equality between great & small States be inadmissible, because in that case unequal numbers of Constituents wd. be represented by equal number of votes; was it not equally inadmissible that a larger & more populous district of America should hereafter have less representation than a smaller & less populous district. If a fair representation of the people be not secured, the injustice of the Govt. will shake it to its foundations. This is ingeniously stated by the celebrated Montesquieu, as a fundamental article in Republican Govts. If the danger suggested by Mr. Govr. Morris be real, of advantage being taken of the Legislature in peeping moments, it was an additional reason, for tying their hands in such a manner that they could not sacrifice their trust to momentary considerations. Congs. have pledged the public faith to New States, that they shall be admitted on equal terms. They never would nor ought to accede on any other. The census must be taken under the direction of the General

Legislature

Wednesday July 11. cont.

Legislature. The States will be too much interested to take an impartial one for themselves.

Mr Butler & Genl Pinkney insisted that blacks be excluded on the rule of Representation equally with the Whites: and for that purpose moved that the words "three fifths" be struck out.

Mr. Gerry thought that 3/5 of them was to say the least the full proportion that could be admitted.

Mr. Sherman. This ratio was fixed by Congs as a rule of taxation. Then it was urged by the Delegates representing the States having slaves that the blacks were still more inferior to the freemen at present than the ratio of representation is to be established, we are assured that they are equal to freemen. The arguments on the former occasion had convinced him that 3/5 was pretty near the just proportion and he should vote according to the same opinion now.

Mr. Butler asserted that the labour of a slave in S. Carol. was as productive & valuable as that of a freeman in Mass. that as wealth was the great means of defence and utility to the Nation they were equally valuable to it with freemen; and that consequently an equal representation ought to be allowed for them in a Government which was instituted principally for the protection of property, and was itself to be supported by property.

Mr. Sharon could not agree to the motion, notwithstanding it was favorable to Massa. because he thought it unjust. It was certain that the slaves were valuable as they raised the value of land, increased the exports & imports, and of course the revenue, would supply the means of feeding & supporting an army, and might in case of emergency become themselves soldiers. So in these important respects they were useful to the community at large. they ought not to be excluded from the estimate of Representation. He could not however regard them as equal to freemen and could not vote for them as such. He added as worthy of remark, that the Southern States have this peculiar species of property, over & above the other species of property common to all the States.

Mr. Williamson reminded Mr. Sharman that if the South. States contended for the inferiority of blacks to whites when taxation was in view, the Eastern States on the same occasion contended for their equality. He did not however either then or now concur in either extreme, but approved of the ratio of 3/5.

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On Mr. Butlers motion for considering blacks as equal to Whites in the apportionment of Representation

Masts. no. Con.t no. N. Y. not in House N. J. no. Pa. no. Del. ay. Md. no. Virg.a no. N. C. no. S. C. ay. Geo. ay.

Mr. Gov.r Morris said he had several objections to the proposition of Mr. Williamson. 1. It fettered the Legislature too much. 2. it would exclude some States altogether who would not have a sufficient number to entitle them to a single Representative. 3. it ille not consist with the Resolution passed on Saturday last authorizing the Legislature to adjust the Representation from time to time on the principles of population & wealth. If slaves were not to be considered as inhabitants, not as wealth, then the 1st Resolution would not be pursued: If as wealth, they why is no other wealth but slaves included? These objections may perhaps be removed by amendments. His great objection was that the number of inhabitants was not a proper standard of wealth. The amazing difference in the comparative numbers & wealth of different Countries, rendered all reasoning superfluous on the subject. Numbers might with greater propriety be deemed a measure of strength, than of wealth, yet the late defence made by G. Britain, against her numerous enemies proved in the clearest manner, that it is entirely fallacious even in this respect.

Mr. Sherg thought there was great force in the objections of Mr. Gov.r Morris: he would however accede to the proposition for the sake of doing something.

Mr. Rutledge contended for the admission of wealth in the estimate by which Representation should be regulated. The Western States will not be able to contribute in proportion to their numbers: they shd. not therefore be represented in that proportion. The Atlantic States will not concur in such a plan. He moved that "at the first end of years after the 1st meeting of the Legislature, and of every years thereafter, the Legislature shall proportion the Representation according to the principles of wealth & population"

Mr. Sherman thought the number of people alone the best rule for measuring wealth as well as representation: and that if the Legislature were to be governed by wealth, they would be obliged to estimate it by numbers. He was at first for leaving the matter wholly to the discretion of the Legislature; but he had been convinced by the observations of [Mr. Randolph & Mr. Mason] that the periods & the rule of revising the Representation ought to be fixed by the Constitution.

Mr. Read thought the Legislature ought not to be too much shackled. He would make

make the Constitution like Religious Creeds, embarassing to those bound to conform to it, & more likely to produce Dissatisfaction and Sedition, than Harmony and union.

Mr. Mason objected to Mr. Rutledge's motion, as requiring of the Legislature something too indefinite & impracticable, and leaving them a pretext for doing nothing.

Mr. Wilson had himself no objection to leaving the Legislature entirely at liberty. But considered wealth as an impracticable rule.

Mr. Ghorum. If the Convention who are comparatively so little biassed by local views are so much perplexed, How can it be expected that the Legislature hereafter will under the full biass of those views, will be able to settle a standard. He was convinced by the arguments of others & his own reflections, that the Convention ought to fix some standard or other.

Mr. Gov.r Morris. The arg.ts of others & his own reflections had led him to a very different conclusion. If we can't agree on a rule that will be just at this time, how can we expect to find one that will be just in all times to come. Surely those who come after us will judge better of things present, than we can of things future. He could not persuade himself that numbers would be a just rule at any time. The remarks of [Mr. Mason] relative to the western Country had not changed his opinion on that head. Among other objections it must be apparent they would not be able to furnish men equally enlightened, to share in the administration of our common interests. The Burgish haunts of men not the resort of wilderness, was the proper School of political talents. Another objection with him ag.st admitting the blacks into the estimate of census, was that the people of Pena would revolt at the idea of being put on a footing with slaves. They would reject any plan that was to have such an effect. Two objections had been raised ag.st leaving the adjustment of the Representation from time to time, to the discretion of the Legislature. 1. was they would be unwilling to revise it at all. The 2 that by referring to wealth they would

If the western people get the power into their hands they will ruin the Atlantic interests. The Back members are always most averse to the best measures. He mentioned the case of Pen.a & Virginia. The Lower part of the State had got known in the first instance. This kept the upper lands & the Country round it. Later for it.

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would be bound by a rule which if willing, they would be unable to execute. The 1st obj.n distrusts their fidelity. But if their duty, their honor & their oaths will not bind them, let us not put into their hands our liberty, and all our other great interests: let us have no Gov.t at all.
2. If these ties will bind them, we need not distrust the practicability of the rule. It was followed in part by the Com.e in the apportionment of Representatives yesterday reported to the House. The best course that could be taken would be to leave the interests of the people to the Representatives of the people.

Mr. Madison, was not a little surprised to hear this implicit confidence urged by a member who on all occasions, had inculcated so strongly, the political depravity of men, and the necessity of checking one vice and interest by opposing to them another vice & interest. If the Representatives of the people would be bound by the ties he had mentioned, what need was then of a Senate? What of a Revisionary power? But his reasoning was not only inconsistent with his former reasoning, but with itself. At the same time that he recommended this implicit confidence to the Southern States in the Northern majority, he was still more zealous in exhorting all to a jealousy of the Western majority. To reconcile the gentl.n with himself it must be imagined that he determined the human character by the points of the compass. The truth was that all men having power ought to be distrusted to a certain degree. The case of Pen.a had been mentioned where it was admitted that those who were possessed of the power in the original settlement, never admitted the new settlem.ts to a due share of it. England was a still more striking example. The power there had long been in the hands of the boroughs, of the minority; who had opposed & defeated every reform which had been attempted. Virg.a was in a lesser degree another example. With regard to the Western States, he was clear & firm in opinion, that no unfavorable distinctions were admissible either in point of justice or policy. He thought also that the hope of contributions to the Treas.y from them had been much underrated. Future contributions it seemed to be understood on all hands would be principally levied on imports & exports. The extent and and fertility of the Western Soil would for a long time give to agriculture a preference over manufactures. Trials would be repeated till some articles could be raised from it that would bear a transportation to places where they could be exchanged for imported manufactures. Whenever the Mississ.pi should be opened to them, which would of necessity be ye case as soon as their population would subject them to any considerable share of the public burden, imposts on their trade could be collected with less expence & greater certainty, than on that of the Atlantic States. In the mean time, as their supplies must pass thro' the Atlantic States, their contributions would be levied in the same manner with those of the Atlantic States. He could not agree that any substantial

substantial objection lay ag^st fixing numbers for the perpetual Standard of Representation. It was said that Representation & taxation were to go together; that taxation and wealth ought to go together, that population & wealth were not measures of each other. ~~[illegible]~~. He admitted that in different climates, under different forms of Gov^t. and in different stages of civilization ~~[illegible]~~ the inference was perfectly just. He would admit that in no situation, ~~[illegible]~~ numbers of inhabitants were ~~[illegible]~~ an accurate measure of ~~[illegible]~~ wealth. He contended however that in the U. States it was sufficiently so for the object in contemplation. ~~[illegible]~~ Altho' the climate varied considerably, yet as the Gov^ts. ~~[illegible]~~ the laws, and the manners of all were nearly the same, and the intercourse between different parts perfectly free, population, industry, arts, and the value of labour, would constantly tend to equalize themselves. ~~[illegible]~~, The value of labour might be considered as the principal criterion of wealth and ability to support taxes; and this ~~[illegible]~~ would find its level in different places where the intercourse should be easy & free, with as much certainty as the value of money or any other thing. Wherever labour would yield most, people would resort, till the competition should destroy the inequality ~~[illegible]~~. Hence it is that the people are constantly swarming from the more to the less populous places - from Europe to Am^a. from the North^n. & Middle parts of R.U.S. ~~Am^a.~~ to the Southern & Western. They go where land is cheaper, because there labour is dearer. If it be true that the same quantity of produce raised ~~commodity~~ on the banks of the Ohio is of less value than on the Delaware, it is also true that the same labor will raise twice or thrice, the quantity in the former. ~~that~~ it will raise in the latter situation.

Col. Mason. Agreed with Mr. Govr. Morris that we ought to leave the interests of the people to the Representatives of the people. but the objection was that they Legislature would cease to be ~~the~~ the Representatives of the people. It would continue so no longer than the States now containing a majority of the people should retain that majority. As soon as the Southern & Western population should predominate, which must happen in a few years, the power w^d. be in their hands of the minority, and would never be yielded to the majority, unless provided for by the

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James Madison's Original Notes on Debates at the Federal Constitutional Convention, 1787. James Madison Papers. Manuscript Division, Library of Congress.