

Wednesday July 11. in Convention

Mr. Randolph's motion requiring the Legisl<sup>rs</sup> to take a <sup>periodical</sup> census for the purpose of redressing inequalities in the Representation <sup>was</sup> resumed.

Mr. Sherman was ag<sup>t</sup> shackling the Legisl<sup>rs</sup> 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 said Legisl<sup>rs</sup>. 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 a fair representation required in the 1<sup>st</sup> branch. according to the present population of America, the North<sup>rn</sup> 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 <sup>the</sup> 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 come, they must, he w<sup>d</sup>. repeat, be treated as equals, and subjected to no degrading discriminations. They will have the same pride & selfishness 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.

full number allotted to the States may be expected to attend. The interests of their constituents will urge <sup>their attendance</sup> too strongly <sup>for it</sup> to be omitted: and he supposed the said 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.

Mef<sup>rs</sup> no. Con<sup>ts</sup> no. N. Y. no. N. J. no. P<sup>a</sup> no. Del. ay. M<sup>d</sup> no. Va. ay. N. C. no. S. C. no. Geo. no.   
 by the last committee

On the question for agreeing to the ~~Report~~ <sup>the</sup> apportionment of Rep<sup>s</sup> as amended, it passed in the affirmative.

Mef. ay. Con<sup>ts</sup> ay. N. Y. ay. N. J. ay. P<sup>a</sup> ay. M<sup>d</sup> ay. Va. ay. N. C. ay. S. C. no. Geo. no.

Mr. Broom gave notice to the House that he had concurred with a resolve to himself of ~~the~~ <sup>an intention</sup> to claim for his State an equal voice in the 2<sup>d</sup> branch: which he thought could not be denied after his conception of the small States <sup>as to</sup> the first branch.   
 Mr. Randolph moved <sup>as an amendment to the report of the Committee of five</sup> that in order to ascertain the alterations in the population & wealth of the small States the Legislature should be required to cause a census, and estimate to be taken within one year after its first meeting; and every <sup>year</sup> years thereafter, and that <sup>the</sup> Legisl<sup>rs</sup> <sup>should</sup> average the Representation accordingly.

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

It was moved to postpone the <sup>proposition</sup> of Mr. Randolph in order to take up the following viz. that the Committee of Revision <sup>to whom was referred the report of the Committee of five on the subject of Representation,</sup> 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

perhaps not before they might choose to become a separate people. The extent & fertility of their soil, made this probable; and though Spain might for time deprive them of ~~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 <sup>of wealth</sup> ~~for representation~~ 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 ~~tot~~ <sup>do</sup> ~~liberly~~ to <sup>do</sup> 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 <sup>that may happen</sup> in the population & wealth of the several States, a census shall be taken of the free white inhabitants and  $\frac{3}{5}$  <sup>of those of other descriptions on the 1<sup>st</sup> year ~~of its meeting~~ <sup>after this Government shall have been adopted</sup> and every <sup>the Legislature shall</sup> year thereafter; and ~~that~~ <sup>the</sup> Representation <sup>be regulated</sup> accordingly."</sup>

Mr. Randolph agreed that Mr. Williamson's proposition should stand in the place of his. He showed that the ratio first for the 1<sup>st</sup> 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 remuneration when justice might require, by some constitutional provisions. If equality between great & small States be inadmissible, because in that case unequal numbers of Constituents w<sup>d</sup>. be represented by equal number of votes; was it not equally inadmissible that a larger & more populous district of America should <sup>hereafter have less</sup> ~~be represented~~ in superior representation than a smaller & less populous district. If a fair representation of the people be not secured, the injustice of the 3<sup>rd</sup> will shake it to its foundations. ~~This~~ <sup>is</sup> unjustly stated by the celebrated Montesquieu, as a fundamental article in Republican Gov<sup>ts</sup>. If the danger suggested by Mr. Gov<sup>r</sup>. Morris be real, of advantage being taken of the Legislature in passing moment, it was an additional reason, for tying their hands in such a manner that they could not sacrifice their trust to momentary considerations. Cong<sup>s</sup> 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

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

Mr Butler & Gen Pinkney <sup>insisted</sup> ~~insisted~~ that blacks be included <sup>in the</sup> ~~in~~ rule of Representation equally with the Whites: and for that purpose moved that the words "three fifths" be struck out.

Mr Gerry thought that  $\frac{3}{5}$  of them was to say the least the full proportion that could be admitted.

Mr. Ghorum. This <sup>was</sup> ~~ratio~~ <sup>fixed</sup> by Cong<sup>s</sup> 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 when 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  $\frac{3}{5}$  was pretty near the just proportion and he should vote according to the same opinion now.

Mr. Butler insisted that the labour of a slave in S. Carol<sup>a</sup> was as productive & valuable as that of a freeman in Mass<sup>t</sup>. That as <sup>wealth</sup> ~~money~~ 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. Mason could not agree to the motion, notwithstanding it was favourable to Virg<sup>a</sup> 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 cases of emergency become themselves soldiers. As 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. Ghorum that if the South<sup>n</sup> States contended for the inferiority of <sup>blacks</sup> ~~slaves~~ to whites when taxation was in view, the Eastern <sup>States</sup> on the same occasion contended for their equality. He did <sup>not</sup> however either then or now concur in either extreme, but approved of the ratio of  $\frac{3}{5}$ .

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On Mr. Butler's motion for considering blacks as equal to whites in <sup>the</sup> apportionment of Representation  
the 1<sup>st</sup> us. Con. 1<sup>st</sup> us. (N. Y. not on floor) N. J. no. P. no. Del. ag. M. no. <sup>was</sup> N. C. no. S. C. ag. Geo. ag.

Mr. Gov<sup>r</sup> Morris said he had several objections <sup>to</sup> 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 num-  
ber to entitle <sup>them</sup> to a single Representative. 3. it will 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 <sup>or with the principle of</sup> considered as white slaves, not as wealth, then the 1<sup>st</sup> Resolution would not  
be pursued: If as wealth, they are in no other wealth but slaves included? These objections may perhaps  
be removed by amend<sup>ing</sup> acts. His great objection was that <sup>the</sup> number of white slaves was not a proper  
standard of wealth. ~~That might be a measure of strength~~ The amazing difference <sup>in</sup> wealth between the compari-  
tive number & wealth of different countries, render all reasoning superfluous on the subject. Num-  
ber might with greater propriety be deemed a measure of strength, than of wealth, yet the late defence  
made by G. Britain, ag<sup>t</sup> her numerous enemies proved in the clearest manner, that it is entirely fal-  
lacious <sup>even</sup> in this respect.

Mr. King thought there was great force in the objections of Mr. Gov<sup>r</sup> 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 Represen-  
tation should be regulated. The western States will not be able to contribute in proportion to their number;  
they sh<sup>d</sup> 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 <sup>years</sup> after the 1<sup>st</sup> meeting of the Legislature, and of every  
year thereafter, the Legislature shall proportion the Representation according to the prin-  
ciples of wealth & population"

Mr. Sherman thought the number of people <sup>alone</sup> the best rule for measuring wealth  
as well as representation; and <sup>that</sup> 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 period & the rule of revising the Representation ought to be fixed by the Constitution

Mr. Rad thought the Legislature ought not to be too much shackled. It would  
make

make the Constitution like Religious Credo, entreprising to those bound to conform to <sup>it</sup> &  
more likely to produce Displeasur and Scism, than harmony and union.

Mr. Mason objected to Mr. Rutledge's motion, <sup>requiring</sup> 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. Sherman. If the Convention who are comparatively so little biased by local  
views are so much perplexed, How can it be expected that the Legislature hereafter will  
under the full bias of their 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<sup>r</sup> Morris. The arg<sup>ts</sup> of others & his own reflections had left him to a very  
different conclusion. If we can't agree on a rule that <sup>will</sup> 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 enlight-  
ened, to share in the administration of our common interests. The Back members are always most averse to the best measures

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  
remembering the case of Penn & Maryland, the former part of the 1<sup>st</sup> Congress had it, know in the present Congress. This kept it out of our hands; if the country was not better for it,  
not the remote wilderness, was the proper school of political talents; Another objection  
with him ag<sup>t</sup> admitting the blacks into the electoral census, was that the people of Penn-  
sylv 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<sup>t</sup> leaving the  
adjustment of the Representation from time to time, to the discretion of the Legislature. The  
1. was they would be unwilling to revise it at all. The 2 that by referring to wealth they  
would

would be bound by a rule which if willing, they would be unable to execute. The 1<sup>st</sup> obj<sup>n</sup> distrust to 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<sup>t</sup> at all; 2. If their ties will bind them, we need not distrust the practicality of the rule. It was followed in part by the Com<sup>o</sup> in the apportionment of Representatives yesterday reported to the House. The best course that could be taken would be to leave the interest 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 manifested 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 men-  
tioned, what need was <sup>then</sup> of a Senate? What of a Veto 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 Southern majority, he was still more zealous in exhorting all to a jealousy of the Western majority. To remind the ~~South~~ South with himself it ~~is~~ must be imagined that he ~~estimated~~ <sup>determined</sup> the human character by the points of the compass. The truth was that all men having power ought to be ~~both distrustful & confident in a certain degree~~ ~~of those cases says~~ ~~in~~ ~~it~~ ~~is~~ ~~not~~ ~~at~~ ~~all~~ ~~in~~ ~~different~~ ~~situations~~ ~~and~~ ~~that~~ ~~of~~ ~~various~~ ~~degrees~~ ~~of~~ ~~trust~~ ~~between~~ ~~them~~ ~~in~~ ~~the~~ ~~different~~ ~~situations~~ ~~mentioned~~, distrustful to a certain degree. The case of Penn<sup>a</sup> had been mentioned <sup>where it</sup> was admitted that those who were possessed of the power in the original settlements, never admitted the new settlers 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. ~~The Representatives~~ Virg<sup>a</sup> was in a lesser degree another example. With regard to the Western States, he was clear & firm in ~~the~~ opinion, that no unfavorable distinctions ought ~~to~~ be admissible either in point of justice or policy. He thought also that the hopes of contributions ~~to~~ the Treasury 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 Mississippi should be opened to them, which would of necessity be the case as soon as ~~the~~ <sup>their population would subject</sup> ~~the~~ ~~Government~~ ~~should~~ ~~be~~ ~~obliged~~ ~~to~~ ~~open~~ ~~it~~ ~~to~~ ~~them~~ ~~to~~ ~~pay~~ ~~a~~ ~~considerable~~ ~~share~~ ~~of~~ ~~the~~ ~~public~~ ~~burden~~ ~~on~~ ~~imports~~ ~~on~~ ~~their~~ ~~trade~~ ~~could~~ ~~be~~ ~~collected~~ ~~with~~ ~~less~~ ~~expense~~ ~~&~~ ~~greater~~ ~~certainty~~ ~~than~~ ~~on~~ ~~that~~ ~~of~~ ~~the~~ ~~Atlantic~~ ~~States~~, in the mean time, as their supplies must pass thro' the Atlantic States, <sup>then</sup> ~~they~~ ~~would~~ ~~be~~ ~~levied~~ ~~in~~ ~~the~~ ~~same~~ ~~manner~~ ~~with~~ ~~those~~ ~~of~~ ~~the~~ ~~Atlantic~~ ~~States~~. He could not agree that any sub-

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substantial objection lay, as <sup>at</sup> 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. ~~He admitted that in~~ He admitted that in different climates, under different forms of gov<sup>t</sup> and in different stages of civilization ~~the~~ <sup>the inference</sup> was perfectly just. He would admit that in no situation, ~~and particularly in that~~ ~~the wealth of a great number of people might be very unequal, and very unequal~~ ~~of the~~ ~~number~~ of inhabitants were ~~not~~ an accurate measure of ~~the~~ wealth. He contended however that in the U. States it was sufficiently so for the object in contemplation. ~~But throughout~~ altho' the climate varied considerably, yet as the gov<sup>t</sup> of all were the laws and the manners of all were nearly the same, and the intercourse between different parts perfectly <sup>free</sup>, population, industry, arts, and the value of labour, would constantly tend to equalize themselves. ~~It is~~ ~~the~~ value of labour, might be considered as the principal criterion of wealth and ability to support taxes; and this ~~value~~ would find its level in different places when the intercourse should be easy & free, with as much certainty as the value of money or any other thing. Whenever labour would yield most, people would resort, till the competition should destroy the <sup>inequality</sup> ~~inequality~~. Hence it is that ~~the~~ people are constantly swarming from the more to the less populous places - from Europe to Am<sup>a</sup> from the North<sup>W.</sup> & Middle parts of <sup>N. & S.</sup> ~~land~~ to the Southern & Western. They go where land is cheaper, because New labour is dearer. If it be true that the same <sup>quantity of produce raised</sup> ~~concern~~ 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. Gov<sup>r</sup>. Morris that we ought to leave the interests of the people to the Representatives of the people; but the objection was that they Legislative 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 is <sup>to</sup> be in their hands of the minority, and would never be yielded to the majority, unless provided for by