

THURSDAY, JULY 12, 1787.

JOURNAL

Thursday July 12. 1787.

It was moved and seconded to add the following clause to the last resolution agreed to by the House, respecting the representation in the first branch of the Legislature of the U. S. — namely.

“Provided always that direct Taxation ought to be pro-
“portioned according to representation”

which passed unanimously in the affirmative.

It was moved and seconded to postpone the consideration of the first clause in the report from the first grand Committee

which passed in the affirmative

It was moved and seconded to add the following amendment to the last clause adopted by the House namely

“and that the rule of contribution by direct taxation for the support of the government of the United States shall be the number of white inhabitants, and three fifths of every other description in the several States, until some other rule that shall more accurately ascertain the wealth of the several States can be devised and adopted by the Legislature

The last amendment being withdrawn — it was moved and seconded to substitute the following, namely.

“And in order to ascertain the alteration in the representation which may be required from time to time by the changes in the relative circumstances of the States — Resolved that a Census be taken within two years from the first meeting of the Legislature of the United States, and once within the term of every years afterwards of all the inhabitants of the United States in the manner, and according to the ratio recommended by Congress in their resolution of. and that the Legislature of the United States shall arrange the representation accordingly.

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It was moved and seconded so to alter the last clause adopted by the House that together with the amendment proposed the whole should read as follows namely

“Provided always that representation ought to be proportioned according to direct Taxation, and in order to ascertain the alteration in the direct Taxation which may be required from time to time by the changes in the relative circumstances of the States — Resolved that a Census be taken within two years from the first meeting of the Legislature of the United States, and once within the term of every years afterwards of all the inhabitants of the United States in the manner and according to the ratio recommended by Congress in their resolution of April 18. 1783 — and that the Legislature of the United States shall proportion the direct Taxation accordingly”

It was moved and seconded to strike out the word “Two” and insert the word “Six”

which passed in the affirmative [Ayes—5; noes—4; divided—1.]

[To fill up the blank with the number “Twenty” in taking the Census. Ayes — 3; noes — 7.]¹

It was moved and seconded to fill up the blank with the word “Ten”

which passed in the affirmative [Ayes — 8; noes — 2.] It was moved and seconded to strike out the words “in the manner and according to the ratio recommended by Congress in their recommendation of April 18. 1783 — and to substitute the following namely “of every description and condition”

which passed in the negative. [Ayes — 2; noes — 8.]

The question being about to be put upon the clause as amended — The previous question was called for,

and passed in the negative. [Ayes—1; noes—8; divided—1.]

On the question to agree to the clause, as amended, namely

“Provided always that representation ought to be proportioned according to direct Taxation and in order to ascertain

¹ Vote 143, Detail of Ayes and Noes.

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the alteration in the direct Taxation which may be required from time to time by the changes in the relative circumstances of the States — Resolved that a Census be taken within six years from the first meeting of the Legislature of the United States and once within the term of every Ten years afterwards of all the inhabitants of the United States in the manner and according to the ratio recommended by Congress in their resolution of April 18. 1783 — and that the Legislature of the U. S. shall proportion the direct Taxation accordingly

[Ayes — 6; noes — 2; divided — 2.]

And then the House adjourned until to-morrow at 11 o'Clock. A. M.

DETAIL OF AYES AND NOES

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	Ayes	Noes	Divided
[142]	no	aye	aye	aye	aye	dd	aye	no	no	aye	no			To strike out the word "two" and insert the word "six" in taking the first census	5	4	1
[143]	no	aye	aye	aye	no	no	no	no	no	no	no			To fill up the blank with the number "Twenty" in taking the Census.	3	7	
[144]	aye	no	no	aye	aye	aye	aye	aye	aye	aye	aye			To fill up the blank with the number "Ten"	8	2	
[145]	no	no	no	no	no	no	no	no	no	aye	aye			To insert the words "of every description and condition"	2	8	
[146]	no	no	aye	no	dd	no	no	no	no	no	no			for the previous question	1	8	1
[147]	dd	aye	no	aye	no	aye	aye	aye	dd	aye	dd			To agree to the resolution which regulates the Census &c	6	2	2

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Thursday, July 12. In Convention

Mr. Govr. Morris moved to add to the clause empowering the Legislature to vary the Representation according to the

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principles of wealth & number of inhabts. a "proviso that taxation shall be in proportion to Representation".

Mr Butler contended again that Representation sd. be according to the full number of inhabts. including all the blacks; admitting the justice of Mr. Govr. Morris's motion.

Mr. Mason also admitted the justice of the principle, but was afraid embarrassments might be occasioned to the Legislature by it. It might drive the Legislature to the plan of Requisitions.

Mr. Govr. Morris, admitted that some objections lay agst. his motion, but supposed they would be removed by restraining the rule to *direct* taxation. With regard to indirect taxes on *exports* & imports & on consumption, the rule would be inapplicable. Notwithstanding what had been said to the contrary he was persuaded that the imports & consumption were pretty nearly equal throughout the Union.

General Pinkney liked the idea. He thought it so just that it could not be objected to. But foresaw that if the revision of the census was left to the discretion of the Legislature, it would never be carried into execution. The rule must be fixed, and the execution of it enforced by the Constitution. He was alarmed at what was said yesterday,^x concerning the Negroes. He was now again alarmed at what had been thrown out concerning the taxing of exports. S. Carola. has in one year exported to the amount of £600,000 Sterling all which was the fruit of the labor of her blacks. Will she be represented in proportion to this amount? She will not. Neither ought she then to be subject to a tax on it. He hoped a clause would be inserted in the system restraining the Legislature from a taxing Exports.

Mr. Wilson approved the principle, but could not see how it could be carried into execution; unless restrained to direct taxation.

Mr. Govr. Morris having so varied his motion by inserting the word "direct". It passd. (nem. con. as follows — 'pro-

^x By Mr Govr Morris.²

² Possibly a later insertion.

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vided always that direct taxation ought to be proportioned to representation".³

Mr. Davie, said it was high time now to speak out. He saw that it was meant by some gentlemen to deprive the Southern States of any share of Representation for their blacks. He was sure that N. Carola. would never confederate on any terms that did not rate them at least as $\frac{3}{8}$. If the Eastern States meant therefore to exclude them altogether the business was at an end.

Dr. Johnson, thought that wealth and population were the true, equitable rule of representation; but he conceived that these two principles resolved themselves into one; population being the best measure of wealth. He concluded therefore that ye. number of people ought to be established as the rule, and that all descriptions including blacks *equally* with the whites, ought to fall within the computation. As various opinions had been expressed on the subject, he would move that a Committee might be appointed to take them into consideration and report thereon.

Mr. Govr. Morris. It has been said that it is high time to speak out. As one member, he would candidly do so. He came here to form a compact for the good of America. He was ready to do so with all the States: He hoped & believed that all would enter into such a Compact. If they would not he was ready to join with any States that would. But as the Compact was to be voluntary, it is in vain for the Eastern States to insist on what the Southn States will never agree to. It is equally vain for the latter to require what the other States can never admit; and he verily belived the people of Pena. will never agree to a representation of Negroes. What can be desired by these States more than has been already proposed; that the Legislature shall from time to time regulate Representation according to population & wealth.

Gen. Pinkney desired that the rule of wealth should be ascertained and not left to the pleasure of the Legislature;

³Taken from *Journal*. There seem to be at least two later and one contemporary series of corrections in Madison's notes of this day, and it is not possible always to distinguish positively between them.

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and that property in slaves should not be exposed to danger under a Govt. instituted for the protection of property.

(The first clause in the Report of the first Grand Committee was postponed)⁴

Mr. Elseworth. In order to carry into effect the principle established, moved (to add to the last clause adopted by the House the words following “and that the rule of contribution by direct taxation for the support of the Government of the U. States shall be the number of white inhabitants, and three fifths of every other description in the several States, until some other rule that shall more accurately ascertain the wealth of the several States can be devised and adopted by the Legislature”)⁴

Mr. Butler seconded the motion in order that it might be committed.

Mr. Randolph was not satisfied with the motion. The danger will be revived that the ingenuity of the Legislature may evade (or pervert the rule so as to) perpetuate the power where it shall be lodged in the first instance. He proposed in lieu of Mr. Elseworth’s motion, “that in order to ascertain the alterations (in Representation) that may be required from time to time by changes in the relative circumstances of the States, a census shall be taken within two years (from) the 1st. meeting of the Genl. Legislature (of the U. S.), and once within (the term of) every year afterwards, of (all) the inhabitants (in the manner &) according to the (ratio recommended by Congress in their resolution) of the (18th) day of (Apl. 1783; (rating the blacks at $\frac{3}{5}$ of their number)) and that the Legislature of the U. S. shall arrange the Representation accordingly.”⁵—He urged strenuously that express security ought to be provided for including slaves in the ratio of Representation. He lamented that such a species of property existed. But as it did exist the holders of it would require this security. It was perceived that the design was entertained by some of excluding slaves altogether; the Legislature therefore ought not to be left at liberty.

⁴ Taken from *Journal*.

⁵ Revised from *Journal*.

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Mr. Elseworth withdraws his motion & seconds that of Mr. Randolph.

Mr. Wilson observed that less umbrage would perhaps be taken agst. an admission of the slaves into the Rule of representation, if it should be so expressed as to make them indirectly only an ingredient in the rule, by saying that they should enter into the rule of taxation: and as representation was to be according to taxation, the end would be equally attained. He accordingly (moved & was 2ded so to alter the last clause adopted by the House, that together with the amendment proposed the whole should read as follows — provided always that the representation ought to be proportioned according to direct taxation, and in order to ascertain the alterations in the direct taxation which may be required from time to time by the changes in the relative circumstances of the States. Resolved that a census be taken within two years from the first meeting of the Legislature of the U. States, and once within the term of every years afterwards of all the inhabitants of the U. S. in the manner and according to the ratio recommended by Congress in their Resolution of April 18 1783; and that the Legislature of the U. S. shall proportion the direct taxation accordingly”)*

Mr. King. Altho' this amendment varies the aspect somewhat, he had still two powerful objections agst. tying down the Legislature to the rule of numbers. 1. they were at this time an uncertain index of the relative wealth of the States. 2. if they were a just index at this time it can not be supposed always to continue so. He was far from wishing to retain any unjust advantage whatever in one part of the Republic. If justice was not the basis of the connection it could not be of long duration. He must be short sighted indeed who does not foresee that whenever the Southern States shall be more numerous than the Northern, they can & will hold a language that will awe them into justice. If they threaten to separate now in case injury shall be done them, will their threats be less urgent or effectual, when force shall

* Taken from *Journal*.

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back their demands. Even in the intervening period there will no point of time at which they will not be able to say, do us justice or we will separate. He urged the necessity of placing confidence to a certain degree in every Govt. and did not conceive that the proposed confidence as to a periodical readjustment of the representation exceeded that degree.⁷

Mr. Pinkney moved to amend Mr. Randolph's motion so as to make "blacks equal to the whites in the ratio of representation". This he urged was nothing more than justice. The blacks are the labourers, the peasants of the Southern States: they are as productive of pecuniary resources as those of the Northern States. They add equally to the wealth, and considering money as the sinew of war, to the strength of the nation. It will also be politic with regard to the Northern States as taxation is to keep pace with Representation.

Genl. Pinkney moves to insert 6 years instead of two, as the period (computing from 1st meeting of ye Legis —) within which the first census should be taken. On this question for (inserting six instead of two" in the proposition of Mr. Wilson, it passed in the affirmative)

Masts. no. Ct. ay. N. J. ay. Pa. ay. Del. divd. Mayd. ay. Va. no. N. C. no. S. C. ay. Geo. no. [Ayes — 5; noes — 4; divided — 1.]

On a question for filling the blank for ye. periodical census with 20 years, (it passed in the negative)

Masts. no. Ct. ay. N. J. ay. P. ay. Del. no. Md. no. Va. no. N. C. no. S. C. no. Geo. no. [Ayes — 3; noes — 7.]

On a question for 10 years, (it passed in the affirmative.)

Mas. ay. Cont. no. N. J. no. P. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 8; noes — 2.]

On Mr. Pinkney's motion for rating blacks as equal to whites instead of as $\frac{3}{5}$.

Mas. no. Cont. no. (Dr Johnson ay) N. J. no. Pa. no. (3 agst. 2) Del. no. Md. no. Va. no. N. C. no. S. C. ay. Geo — ay. [Ayes — 2; noes — 8.]

⁷ See King's own note below.

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Mr. Randolph's proposition (as varied by Mr. Wilson being) read for question on the whole.

Mr. Gerry, urged that the principle of it could not be carried into execution as the States were not to be taxed as States. With regard to taxes in imports, he conceived they would be more productive — Where there were no slaves than where there were; the consumption being greater —

Mr. Elseworth. In case of a poll tax there wd. be no difficulty. But there wd. probably be none. The sum allotted to a State may be levied without difficulty according to the plan used by the State in raising its own supplies.⁸ On the question on ye. whole proposition; (as proportioning representation to direct taxation & both to the white & $\frac{3}{8}$ of black inhabitants, & requiring a census within six years — & within every ten years afterwards.)⁹

Mas. divd. Cont. ay. N. J. no. Pa. ay. Del. no. Md. ay. Va. ay. N. C. ay. S. C. divd. Geo. ay. [Ayes — 6; noes — 2; divided — 2.]¹⁰

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But if after the taking of the Census, experience shall evince that the foregoing Rule of Taxation is not in a just proportion to the relative Wealth and population of the several States, that the Legislature be authorised to devise & adopt such other Rule or Ratio, as may bear a more direct proportion to the relative Wealth & population of the States in Union — ¹²

⁸ The Journal records here that the "previous question" was called for and defeated.

⁹ On the adoption of this resolution, see Appendix A, CXV, CLXXII, CCXII, CCLXI, CCLXV, CCXCVIII, CCCXXVII, CCCXXXVI.

¹⁰ See further, Appendix A, LXI.

¹¹ Found among the King papers, and only ascribed to this day's records because it corresponds to a speech by King.

¹² [Endorsed:] Proposal in case the Census shd. not represent the wealth of the Country