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*at Yale Law School*

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

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**Wednesday July 11, 1787**

IN CONVENTION

**Mr. RANDOLPH's** motion requiring the Legislre. to take a periodical census for the purpose of redressing inequalities in the Representation, was resumed.

**Mr. SHERMAN** was agst. 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. Legislre. 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 ye. fair representation required in the 1st. branch. According to the present population of America, the Northn. 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 his 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 wd. 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 extent & fertility of their soil, made this probable; and though Spain 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 at liberty to do or not [FN1] 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  $\frac{3}{5}$  ths. of those of other descriptions on the 1st. year after this Government shall have been adopted and every 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 fixed 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 so 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 [FN2] 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. What relates to suffrage is justly 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 pressing moments, it was an additional reason, for tying their hands in such a manner that they could not sacrifice their trust to momentary considerations. Congress 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. The States

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

**Mr. BUTLER** & Genl. PINKNEY insisted that blacks be included in 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. GHORUM.** 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 freemen. At present when the ratio of representation is to be established, we are assured that they are equal to freemen. The arguments on ye. 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** insisted that the labour of a slave in S. Carola. was as productive & valuable as that of a freeman in Massts., 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. MASON**, could not agree to the motion, notwithstanding it was favorable to Virga. 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 Southn. 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.

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

Massts. no. Cont. no. [N. Y. not on floor.] N. J. no. Pa. no. Del. ay. Md. no. Va. no

N. C. no. S. C. ay. Geo. ay. [FN3]

**Mr. Govr. MORRIS** said he had several objections to the proposition of Mr. Williamson. 1. [FN4] It fettered the Legislature too much. 2. [FN5] it would exclude some States altogether who would not have a sufficient number to entitle them to a single Representative. 3. [FN6] it will not consist with the Resolution passed on Saturday last authorising the Legislature to adjust the Representation from time to time on the principles of population & wealth or [FN7] with the principles of equity. If slaves were to be considered as inhabitants, not as wealth, then the sd.. Resolution would not be pursued. If as wealth, then 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 between 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, agst. her numerous enemies proved in the clearest manner, that it is entirely fallacious even in this respect.

**Mr. KING** thought there was great force in the objections of Mr. Govr. Morris: he would however accede to the proposition for the sake of doing something.

**Mr. RUTLIDGE** 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 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 fixt by the Constitution

**Mr. REID** thought the Legislature ought not to be too much shackled. It would make the Constitution like Religious Creeds, embarrassing to those bound to conform to them & more likely to produce dissatisfaction and scism, than harmony and union.

**Mr. MASON** objected to Mr. Rutlidge 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 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. Govr. MORRIS.** The argts. 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 Busy haunts of men not the remote wilderness, was the proper school of political Talents. 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 Pena. formerly. The lower part of the State had ye. power in the first instance. They kept it in yr. own hands & the Country was ye. better for it. Another objection with him agst. admitting the blacks into the 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 agst. leaving the adjustment of the Representation from time, to time, to the discretion of the Legislature. The 1. [FN8] was they would be unwilling to revise it at all. The 2. [FN8] that by referring to wealth they would be bound by a rule which if willing, they would be unable to execute. The 1st. objn. 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 Govt. at all. 2 [FN9] If these ties will bind them, we need not distrust the practicability of the rule. It was followed in part by the Come. 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 there 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 [FN10] Western Majority. To reconcile the gentln. 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 Pena. had been mentioned where it was admitted that those who were possessed of the power in the original settlement, never admitted the new settlemts. 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. Virga. was in a lesser [FN11] 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 Treasy. 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 Mississipi 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 burdin, 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 objection lay agst. fixig 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 different climates, under different forms of Govt. and in different stages of civilization the inference was perfectly just. He would admit that in no situation, numbers of inhabitants were an accurate measure of wealth. He contended however that in the U. States it was sufficiently so for the object in contemplation. Altho' their climate varied considerably, yet as the Govts. 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. The value of labour, might be considered as the principal criterion of wealth and ability to support taxes; and this 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. Hence it is that the people are constantly swarming from the more to the less populous places-from Europe to Ama. from the Northn. & Middle parts of the U. S. 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 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 the Legislature would cease to be 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 wd. be in the hands of the minority, and would never be yielded to the majority, unless provided for by the Constitution

On the Question for postponing Mr. Williamson's motion, in order to consider that of Mr. Rutledge it passed in the negative.

Massts. ay. Cont. no. N. J. no. Pa. ay. Del. ay. Md. no. Va. no. N. C. no. S. C. ay. Geo. ay. [FN12]

On the question on the first clause of Mr. Williamson's motion as to taking a census of the free inhabitants; it passed in the affirmative Massts. ay. Cont. ay. N. J. ay. Pa. ay. Del. no. Md. no. Va. ay. N. C. ay. S. C. no. Geo. no. [FN13] the next clause as to 3/5 of the negroes [FN14] considered.

**Mr. KING.** being much opposed to fixing numbers as the rule of representation, was particularly so on account of the blacks. He thought the admission of them along with Whites at all, would excite great discontents among the States having no slaves. He had never said as to any particular point that he would in no event acquiesce in & support it; but he wd. say that if in any case such a declaration was to be made by him, it would be in this. He remarked that in the temporary allotment of Representatives made by the Committee, the Southern States had received more than the number of their white & three fifths of their black inhabitants entitled them to.

**Mr. SHERMAN.** S. Carola. had not more beyond her proportion than N. York & N. Hampshire, nor either of them more than was necessary in order to avoid fractions or reducing them below their proportion. Georgia had more; but the rapid growth of that State seemed to justify it. In general the allotment might not be just, but considering all circumstances, he was satisfied with it.

**Mr. GHORUM.** supported the propriety of establishing numbers as the rule. He said that in Massts. estimates had been taken in the different towns, and that persons had been curious enough to compare these estimates with the respective numbers of people; and it

had been found even including Boston, that the most exact proportion prevailed between numbers & property. He was aware that there might be some weight in what had fallen from his colleague, as to the umbrage which might be taken by the people of the Eastern States. But he recollected that when the proposition of Congs. for changing the 8th. art: of Confedn. was before the Legislature of Massts. the only difficulty then was to satisfy them that the negroes ought not to have been counted equally with [FN15] whites instead of being counted in the ratio of three fifths only. [FN16]

**Mr. WILSON** did not well see on what principle the admission of blacks in the proportion of three fifths could be explained. Are they admitted as Citizens? then why are they not admitted on an equality with White Citizens? are they admitted as property? then why is not other property admitted into the computation? These were difficulties however which he thought must be overruled by the necessity of compromise. He had some apprehensions also from the tendency of the blending of the blacks with the whites, to give disgust to the people of Pena. as had been intimated by his Colleague [Mr. Govr. Morris]. But he differed from him in thinking numbers of inhabts. so incorrect a measure of wealth. He had seen the Western settlemts. of Pa. and on a comparison of them with the City of Philada. could discover little other difference, than that property was more unequally divided among individuals [FN17] here than there. Taking the same number in the aggregate in the two situations he believed there would be little difference in their wealth and ability to contribute to the public wants.

**Mr. Govr. MORRIS** was compelled to declare himself reduced to the dilemma of doing injustice to the Southern States or to human nature, and he must therefore do it to the former. For he could never agree to give such encouragement to the slave trade as would be given by allowing them a representation for their negroes, and he did not believe those States would ever confederate on terms that would deprive them of that trade.

On [FN18] Question for agreeing to include 3/5 of the blacks Massts. no. Cont. ay. N. J. no. Pa. no. Del. no. Md. [FN19] no. Va. ay. N. C. ay. S. C. no. Geo. ay [FN21].

On the question as to taking [FN18] census "the first year after [FN18] meeting of the Legislature"

Masts. ay. Cont. no. N. J. ay. Pa. ay. Del. ay. Md. no. Va. ay. N. C. ay. S. ay. Geo. no [FN22]

On filling the blank for the periodical census, with 15 years," Agreed to nem. con.

**Mr. MADISON** moved to add after "15 years," the words "at least" that the

Legislature might anticipate when circumstances were likely to render a particular year inconvenient.

On this motion for adding "at least," it passed in the negative the States being equally divided.

Mas. ay. Cont. no. N. J. no. Pa. no. Del. no. Md. no. Va. ay. N. C. ay. S. C. ay. Geo. ay. [\[FN23\]](#)

A Change of [\[FN24\]](#) the phraseology of the other clause so as to read; "and the Legislature shall alter or augment the representation accordingly" was agreed to nem. con.

On the question on the whole resolution of Mr. Williamson as amended.

Mas. no. Cont. no. N. J. no. Del. no. Md. no. Va. no. N. C. no. S. C. no. Geo. no. [\[FN25\]](#), [\[FN26\]](#)

FN1 The word "to" is here inserted in the transcript.

FN2 The transcript uses the word "number" in the plural.

FN3 In the transcript the vote reads: "Delaware, South Carolina, Georgia, aye- 3; Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, no-7; New York not on the floor."

FN4 The figure "1" is changed to "In the first place" in the transcript.

FN5 The figure "2" is changed to "In the second place" in the transcript.

FN6 The figure "3" is changed to "In the third place" in the transcript.

FN7 The word "or" is changed to "nor" in the transcript.

FN8 The figures "1" and "2" are changed to "first" and "second" in the transcript.

FN9 The figure "2" is changed to "In the second place" in the transcript.

FN10 The word "a" is here inserted in the transcript.

FN11 The word "lesser" is changed to "less" in the transcript.

FN12 In the transcript the vote reads: "Massachusetts, Pennsylvania, Delaware, South Carolina, Georgia, aye-5; Connecticut, New Jersey, Maryland, Virginia, North Carolina,

no-5."

FN13 In the transcript the vote reads: "Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, aye-6; Delaware, Maryland, South Carolina, Georgia, no-4."

FN14 The word "being" is here inserted in the transcript.

FN15 The word "the" is here inserted in the transcript.

FN16 They were then to have been a rule of taxation only.

FN17 The words "among individuals" are omitted in the transcript.

FN18 The word "the" is ere inserted in the transcript.

FN19 [Mr Carrol Sd.. in explanation of the vote of Md. that he wished the phraseology **[FN20]** to be so altered as to obviate if possible the danger which had been expressed of giving umbrage to the Eastern & Middle States.]

FN20 The transcript italicizes the word "phraseology."

FN21 In the transcript the vote reads: Connecticut, Virginia, North Carolina, Georgia, aye-4; Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, **[FN19]** South Carolina, no-6."

FN22 In the transcript the note reads: "Massachusetts, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, aye-7; Connecticut, Maryland, Georgia, no-3."

FN23 In the transcript the vote reads: "Massachusetts, Virginia, North Carolina, South Carolina, Georgia, aye-5; Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, no-5."

FN24 The word "in" is substituted in the transcript for "of."

FN25 In the transcript the vote reads: "Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, no-9; so it was rejected unanimously."

FN26 the word "Adjourned" is here inserted in the transcript.

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