

FRIDAY, JULY 13, 1787.

JOURNAL

Friday July 13. 1787.

It was moved and seconded to postpone the consideration of that clause in the report of the grand Committee, which respects the originating of money bills in the first Branch — in order to take up the following, namely

“That in the second branch of the Legislature of the United-States each State shall have an equal vote”

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

“That from the first meeting of the Legislature of the United States until a Census shall be taken, all monies to be raised for supplying the public Treasury by direct Taxation shall be assessed on the inhabitants of the several States according to the number of their representatives respectively in the first Branch

It was moved and seconded to postpone the consideration of the amendment

which passed in the negative [Ayes — 4; noes — 6.]

On the question to agree to the amendment

it passed in the negative [Ayes — 5; noes — 5.]

It was moved and seconded to agree to the following amendment namely

That from the first meeting of the Legislature of the United States until a Census shall be taken, all monies for supplying the public Treasury by direct Taxation shall be raised from the several States according to the number of their representatives respectively in the first Branch

which passed in the affirmative¹ [Ayes— 5; noes— 4; divided — 1.]

¹ This amendment is not included in the compromise adopted on July 16 (see *Records* of that date) but it is among the Resolutions referred to the Committee of Detail.

Friday

JOURNAL

July 13

It was moved and seconded to reconsider the second clause of the report from the Committee of five — entered on the Journal of the 9th inst

which was unanimously agreed to.

It was moved and seconded to alter the second clause reported from the Committee of five, entered on the Journal of the 9th instant, so as to read as follows namely

“But as the present situation of the States may probably alter in the number of their inhabitants that the Legislature of the United States be authorised from time to time to apportion the number of representatives: and in case any of the States shall hereafter be divided, or any two or more States united, or any new States created within the limits of the United States, the Legislature of the U. S. shall possess authority to regulate the number of representatives in any of the foregoing cases upon the principle of their number of inhabitants, according to the provisions hereafter mentioned —

On the question to agree to the clause as amended

it passed in the affirmative [Ayes—9; noes—0; divided—1.]²

It was moved and seconded to add after the word “divided” the following words, namely

“or enlarged by addition of territory”

which passed unanimously in the affirmative [Ayes—10; noes—0.]

[To adjourn Ayes—6; noes—4.]³

and then the House adjourned until to-morrow at 11 o’Clock A M.

² Vote 151, Detail of Ayes and Noes, which notes that the amendment was “proposed by Mr. Randolph”.

³ Vote 153, Detail of Ayes and Noes.

Friday

MADISON

July 13

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
[148]	no	aye	aye	no	aye	no	aye	aye	no	no	no	no	no	To postpone the motion "That all monies shall be assessed until the Census be taken conformably to the number of repres: in ye first branch.	4	6	
[149]	aye	no	no	aye	no	no	no	aye	aye	aye	aye	aye	aye	To agree to the last Motion	5	5	
[150]	aye	no	no	dd	no	no	aye	aye	aye	aye	aye	aye	aye	To agree to a modification of the last motion	5	4	1
[151]	aye	aye	aye	aye	dd	aye	aye	aye	aye	aye	aye	aye	aye	To agree to the amend- ment proposed by Mr Randolph to ye second clause of ye report entered on ye journals of the 9 inst	9		1
[152]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	To add after the word "divided" the words "or enlarged by addition of territory"	10		
[153]	aye	aye	no	no	aye	aye	no	aye	aye	no	aye	aye	no	To adjourn	6	4	

MADISON

Friday, July 13. In Convention

⟨It being moved to postpone the clause in the Report of the Committee of Eleven as to the originating of money bills in the first branch, in order to take up the following — "that in the 2d branch each State shall have an equal voice."⟩⁴

Mr. Gerry, moved ⟨to add as an amendment to the last clause agreed to by the House⟩⁴ "That from the first meeting of the Legislature ⟨of the U. S⟩ till a census shall be taken all monies to be raised ⟨for supplying the public Treasury⟩ by direct taxation, shall be assessed on the inhabitants of the

⁴Taken from *Journal*.

Friday

MADISON

July 13

(several) States, according to the (number of their) Representatives (respectively) in the 1st. branch.”⁵ He said this would be as just before as after the Census: according to the general principle that taxation & Representation ought to go together.

Mr. Williamson feared that N. Hamshire will have reason to complain. 3 members were allotted to her as a liberal allowance for this reason among others, that she might not suppose any advantage to have been taken of her absence. As she was still absent, and had no opportunity of deciding whether she would chuse to retain the number on the condition, of her being taxed in proportion to it, he thought the number ought to be reduced from three to two, before the question on Mr. G’s motion

Mr. Read could not approve of the proposition. He had observed he said in the Committee a backwardness in some of the members from the large States, to take their full proportion of Representatives.^x He did not then see the motive. He now suspects it was to avoid their due share of taxation. He had no objection to a just & accurate adjustment of Representation & taxation to each other.

Mr. Govr. Morris & Mr. M.(adison) answered that the charge itself involved an acquittal, since notwithstanding the augmentation of the number of members allotted to Masts. & Va. the motion for proportioning the burdens thereto was made by a member from the former State & was approved by Mr. M from the latter who was on the Come. Mr. Govr. Morris said that he thought Pa. had her (due) share in 8 members; and he could not in candor ask for more. Mr. M. said that having always conceived that the difference of interest in the U. States lay not between the large & small, but the N. & Southn. States, and finding that the number of

^x He alluded to the satisfaction expressed by Mr Govr. Morris at the number of 8 first allotted to Pena. and the desire expressed by Mr. Madison, that instead of augmenting the no of Va. N. Carol. & S. Carol. might receive an augmentation. The augmentation of the no of Masts. from 7 to 8 was made in ye. Come. at the instance of Mr. King, tho’ Mr. Read seemed to have supposed the contrary.⁶

⁵ Revised from *Journal*.

⁶ This note was later struck out by Madison.

Friday

MADISON

July 13

members allotted to the N. States was greatly superior, he should have preferred, an addition of two members to the S. States, to wit one to N & 1 to S. Carla. rather than of one member to Virga. He liked the present motion, because it tended to moderate the views both of the opponents & advocates for rating very high, the negroes.⁷

Mr. Elseworth hoped the proposition would be withdrawn. It entered too much into detail. The general principle was already sufficiently settled. As fractions can not be regarded in apportioning the *(no. of) representatives*, the rule will be unjust until an actual census shall be made. after that taxation may be precisely proportioned according to the principle established, to the *number of inhabitants*.

Mr. Wilson hoped the motion would not be withdrawn. If it shd. it will be made from another quarter. The rule will be as reasonable & just before, as after a Census. As to fractional numbers, the Census will not destroy, but ascertain them. And they will have the same effect after as before the Census: for as he understands the rule, it is to be adjusted not to the number of *inhabitants*, but of *Representatives*.

Mr. Sherman opposed the motion. He thought the Legislature ought to be left at liberty: in which case they would probably conform to the principles observed by Congs.

Mr. Mason did not know that Virga. would be a loser by the proposed regulation, but had some scruple as to the justice of it. He doubted much whether the conjectural rule which was to precede the census, would be as just, as it would be rendered by an actual census.

Mr. Elseworth & Mr. Sherman moved to postpone the motion (of Mr. Gerry), on ye. question, it passed in the negative

Mas. no. Cont. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. no. S. C. no. Geo. no. [Ayes — 4; noes — 6.]

Question on Mr. Gerry's motion, (it passed in the negative, the States being equally divided.)

⁷ Madison struck out his original ending to this sentence: "as they are to augment the proportion of representatives for the States possessing them."

Friday

MADISON

July 13

Mas. ay. Cont. no. N. J. no. *Pa. ay.* Del. no. Md. no. *Va.* no. N. C. ay. S. C. ay. Geo. ay. [Ayes — 5; noes — 5.]

Mr. Gerry finding that the loss of the question had proceeded from an objection with some, to the proposed assessment of direct taxes on the *inhabitants* of the States, which might restrain the legislature to a poll tax, moved his proposition again, but so varied as to authorize the assessment on the States, which wd. leave the mode to the Legislature (viz “that from the 1st meeting of the Legislature of the U. S. untill a census shall be taken, all monies for supplying the public Treasury by direct taxation shall be raised from the several States according to the number of their representatives respectively in the 1st. branch”)⁸

(On this varied question it passed in the affirmative)

Mas. ay. Cont. no. N. J. no. *Pa. divid.* Del. no. Md. no. *Va. ay.* N. C. ay. S. C. ay. Geo. ay. [Ayes — 5; noes — 4; divided — 1.]

On the motion of Mr. Randolph, the vote of saturday last authorizing the Legislr. to adjust from time to time, the representation upon the principles of *wealth* & numbers of inhabitants was (reconsidered by common consent in order to strike out “Wealth” and adjust the resolution to that requiring periodical revisions according to the number of whites & three fifths of the blacks: the motion was in the words following — “But as the present situation of the States may probably alter in the number of their inhabitants, that the Legislature of the U. S. be authorized from time to time to apportion the number of representatives: and in case any of the States shall hereafter be divided or any two or more States united or new States created within the limits of the U. S. the Legislature of U. S. shall possess authority to regulate the number of Representatives in any of the foregoing cases, upon the principle of their number of inhabitants; according to the provisions hereafter mentioned.”)⁹

Mr. Govr. Morris opposed the alteration as leaving still

⁸ Taken from *Journal*.

⁹ Madison originally had recorded the substance of this but crossed it out, and copied the resolution from *Journal*.

Friday

MADISON

July 13

an incoherence. If Negroes were to be viewed as inhabitants, and the revision was to proceed on the principle of numbers of inhabts. they ought to be added in their entire number, and not in the proportion of $\frac{3}{4}$. If as property, the word wealth was right, and striking it out would. produce the very inconsistency which it was meant to get rid of. — The train of business & the late turn which it had taken, had led him he said, into deep meditation on it, and He wd. candidly state the result. A distinction had been set up & urged, between the Nn. & Southn. States. He had hitherto considered this doctrine as heretical. He still thought the distinction groundless. He sees however that it is persisted in; and that the Southn. Gentleman will not be satisfied unless they see the way open to their gaining a majority in the public Councils. The consequence of such a transfer of power from the maritime to the interior & landed interest will he foresees be such an oppression of commerce, that he shall be obliged to vote for ye. vicious principle of equality in the 2d. branch in order to provide some defence for the N. States agst. it. But to come now more to the point, either this distinction is fictitious or real: if fictitious let it be dismissed & let us proceed with due confidence. If it be real, instead of attempting to blend incompatible things, let us at once take a friendly leave of each other. There can be no end of demands for security if every particular interest is to be entitled to it. The Eastern States may claim it for their fishery, and for other objects, as the Southn. States claim it for their peculiar objects. In this struggle between the two ends of the Union, what part ought the Middle States in point of policy to take: to join their Eastern brethren according to his ideas. If the Southn. States get the power into their hands, and be joined as they will be with the interior Country they will inevitably bring on a war with Spain for the Mississippi. This language is already held. The interior Country having no property nor interest exposed on the sea, will be little affected by such a war. He wished to know what security the Northn. & middle States will have agst. this danger. It has been said that N. C. S. C. and Georgia only will in a little time have a majority of the

Friday

MADISON

July 13

people of America. They must in that case include the great interior Country, and every thing was to be apprehended from their getting the power into their hands.

Mr. Butler. The security the Southn. States want is that their negroes may not be taken from them which some gentlemen within or without doors, have a very good mind to do. It was not supposed that N. C. S. C & Geo. would have more people than all the other States, but many more relatively to the other States than they now have. The people & strength of America are evidently bearing Southwardly & S. westwdly.

Mr. Wilson. If a general declaration would satisfy any gentleman he had no indisposition to declare his sentiments. Conceiving that all men wherever placed have equal rights and are equally entitled to confidence, he viewed without apprehension the period when a few States should contain the superior number of people. The majority of people wherever found ought in all questions to govern the minority. If the interior Country should acquire this majority they will not only have the right, but will avail themselves of it whether we will or no. This jealousy misled the policy of G. Britain with regard to America. The fatal maxims espoused by her were that the Colonies were growing too fast, and that their growth must be stunted in time. What were the consequences? first. enmity on our part, then actual separation. Like consequences will result on the part of the interior settlements, if like jealousy & policy be pursued on ours. Further. if numbers be not a proper rule, why is not some better rule pointed out. No one has yet ventured to attempt it. Congs. have never been able to discover a better. No State as far as he had heard, has suggested any other. In 1783, after elaborate discussion of a measure of wealth all were satisfied then as they are now that the rule of numbers, does not differ much from the combined rule of numbers & wealth. Again he could not agree that property was the sole or the primary object of Govern. & Society. The cultivation & improvement of the human mind was the most noble object. With respect to this object, as well as to other *personal* rights, numbers were surely the natural & precise measure of Representation. And

Friday

MADISON

July 13

with respect to property, they could not vary much from the precise measure. In no point of view however could the establishmt. of numbers as the rule of representation in the 1st. branch vary his opinion as to the impropriety of letting a vicious principle into the 2d. branch. — On the question to strike out *wealth* & to make the change as moved by Mr. Randolph, (it passed in the affirmative —)

Mas. ay. Cont. ay. N. J. ay. Pa. ay. Del. divid. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 9; noes — 0; divided — 1.]

Mr Reed moved to insert after the word — “divided,” “or enlarged by addition of territory” which was agreed to nem. con. (his object probably was to provide for such cases as an enlargmt. of Delaware by annexing to it the Peninsula on the East Side of Chesapeake)

Adjourned ¹⁰

¹⁰ Manasseh Cutler records a visit on July 13 to Franklin, who showed him “a snake with two heads, preserved in a large vial. . . . He was then going to mention a humorous matter that had that day taken place in Convention, in consequence of his comparing the snake to America, . . . but the secrecy of Convention matters was suggested to him, which stopped him, and deprived me of the story.” See Appendix A, LXII.