

Notes of Proceedings in the Continental Congress

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in the Continental Congress
[7 June to 1 August 1776]

Friday June 7. 1776. the Delegates from Virginia moved in obedience to instructions from their constituents that the Congress should declare that these United colonies are & of right ought to be free & independant states, that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is & ought to be totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together.

The house being obliged to attend at that time to some other business, the proposition was referred to the next day when the members were ordered to attend punctually at ten o'clock.

Saturday June 8. they proceeded to take it into consideration and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day & Monday the 10th. in debating on the subject.

It was argued by Wilson, Robert R. Livingston, E. Rutlege, ~~Dickinson and others.~~

That tho' they were friends to the measures themselves, and saw the impossibility that we should ever again be united with Gr. Britain, yet they were against adopting them at th is time:

That the conduct we had formerly observed was wise & proper now, of deferring to take any capital step till the voice of the people drove us into it:

That they were our power, & without them our declarations could not be carried into effect:

That the people of the middle colonies (Maryland, Delaware, Pennsylv., the Jersies & N. York) were not yet ripe for bidding adieu to British connection but that they were fast ripening & in a short time would join in the general voice of America:

That the resolution entered into by this house on the 15th. of May for suppressing the exercise of all powers derived from the crown, had shewn, by the ferment into which it had thrown these middle colonies, that they had not yet accomodated their minds to a separation from the mother country:

That some of them had expressly forbidden their delegates to consent to such a declaration, and others had given no instructions, & consequently no powers to give such consent:

That if the delegates of any particular colony had no power to declare such colony independent, certain they were the others could not declare it for them; the colonies being as yet perfectly independent of each other:

That the assembly of Pennsylvania was now sitting above stairs, their convention would sit within a few days, the convention of New York was now sitting, & those of the Jerseys & Delaware counties would meet on the Monday following & it was probable these bodies would take up the question of Independance & would declare to their delegates the voice of their state:

That if such a declaration should now be agreed to, these delegates must retire & possibly their colonies might secede from the Union:

That such a secession would weaken us more than could be compensated by any foreign alliance:

That in the event of such a division, foreign powers would either refuse to join themselves to our fortunes, or having us so much in their power as that desperate declaration would place us, they would insist on terms proportionably more hard & prejudicial:

That we had little reason to expect an alliance with those to whom alone as yet we had cast our eyes:

That France & Spain had reason to be jealous of that rising power which would one day certainly strip them of all their American possessions:

That it was more likely they should form a connection with the British court, who, if they should find themselves unable otherwise to extricate themselves from their difficulties, would agree to a partition of our territories, restoring Canada to France, & the Floridas to Spain, to accomplish for themselves a recovery of these colonies:

That it would not be long before we should receive certain information of the disposition of the French court, from the agent whom we had sent to Paris for that purpose:

That if this disposition should be favourable, by waiting the event of the present campaign, which we all hoped would be successful, we should have reason to expect an alliance on better terms:

That this would in fact work no delay of any effectual aid from such ally, as, from the advance of the season & distance of our situation, it was impossible we could receive any assistance during this campaign:

That it was prudent to fix among ourselves the terms on which we would form alliance, before we declared we would form one at all events:

And that if these were agreed on & our Declaration of Independance ready by the time our Ambassadors

should be prepared to sail, it would be as well, as to go into that Declaration at this day.

On the other side it was urged by J. Adams, Lee, Wythe and others

That no gentleman had argued against the policy or the right of separation from Britain, nor had supposed it possible we should ever renew our connection: that they had only opposed it's being now declared:

That the question was not whether, by a declaration of independance, we should make ourselves what we are not; but whether we should declare a fact which already exists:

That as to the people or parliament of England, we had always been independant of them, their restraints on our trade deriving efficacy from our acquiescence only & not from any rights they possessed of imposing them, & that so far our connection had been federal only, & was now dissolved by the commencement of hostilities:

That as to the king, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the late act of parliament, by which he declares us out of his protection, and by his levying war on us, a fact which had long ago proved us out of his protection; it being a certain position in law that allegiance & protection are reciprocal, the one ceasing when the other is withdrawn:

That James the II. never declared the people of England out of his protection yet his actions proved it & the parliament declared it:

No delegates then can be denied, or ever want, a power of declaring an existent truth:

That the delegates from the Delaware counties having declared their constituents ready to join, there are only two colonies Pennsylvania & Maryland whose delegates are absolutely tied up, and that these had by their instructions only reserved a right of confirming or rejecting the measure: That the instructions from Pennsylvania might be accounted for from the times in which they were drawn, near a twelvemonth ago, since which the face of affairs has totally changed:

That within that time it had become apparent that Britain was determined to accept nothing less than a carte blanche, and that the king's answer to the Lord Mayor Aldermen & common council of London, which had come to hand four days ago, must have satisfied every one of this point:

That the people wait for us to lead the way :

That they are in favour of the measure, tho' the instructions given by some of their representatives are not:

That the voice of the representatives is not always consonant with the voice of the people, and that this is remarkably the case in these 5 middle colonies:

That the effect of the resolution of the 15th. of May has proved this, which, raising the murmurs of some

in the colonies of Pennsylvania & Maryland, called forth the opposing voice of the freer part of the people, & proved them to be the majority, even in these colonies:

That the backwardness of these two colonies might be ascribed partly to the influence of proprietary power & connections, & partly to their having not yet been attacked by the enemy:

That these causes were not likely to be soon removed, as there seemed no probability that the enemy would make either of these the seat of this summer's war:

That it would be vain to wait either weeks or months for perfect unanimity, since it was impossible that all men should ever become of one sentiment on any question:

That the conduct of some colonies from the beginning of this contest, had given reason to suspect it was their settled policy to keep in the rear of the confederacy, that their particular prospect might be better even in the worst event:

That therefore it was necessary for those colonies who had thrown themselves forward & hazarded all from the beginning, to come forward now also, and put all again to their own hazard:

That the history of the Dutch revolution, of whom three states only confederated at first proved that a secession of some colonies would not be so dangerous as some apprehended:

That a declaration of Independance alone could render it consistent with European delicacy for European powers to treat with us, or even to receive an Ambassador from us:

That till this they would not receive our vessels into their ports, nor acknowledge the adjudications of our courts of Admiralty to be legitimate, in cases of capture of British vessels:

That tho' France & Spain may be jealous of our rising power, they must think it will be much more formidable with the addition of Great Britain; and will therefore see it their interest to prevent a coalition; but should they refuse, we shall be but where we are; whereas without trying we shall never know whether they will aid us or not:

That the present campaign may be unsuccessful, & therefore we had better propose an alliance while our affairs wear a hopeful aspect:

That to wait the event of this campaign will certainly work delay, because during this summer France may assist us effectually by cutting off those supplies of provisions from England & Ireland on which the enemy's armies here are to depend; or by setting in motion the great power they have collected in the West Indies, & calling our enemy to the defence of the possessions they have there:

That it would be idle to lose time in settling the terms of alliance, till we had first determined we would enter into alliance: That it is necessary to lose no time in opening a trade for our people, who will want clothes, and will want money too for the payment of taxes:

And that the only misfortune is that we did not enter into alliance with France six months sooner, as besides opening their ports for the vent of our last year's produce, they might have marched an army into Germany and prevented the petty princes there from selling their unhappy subjects to subdue us. It appearing in the course of these debates that the colonies of N. York, New Jersey, Pennsylvania, Delaware & Maryland & South Carolina were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1. but that this might occasion as little delay as possible, a committee was appointed to prepare a declaration of independance. the Commee. were J. Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston & myself. committees were also appointed at the same time to prepare a plan of confederation for the colonies, and to state the terms proper to be proposed for foreign alliance. the committee for drawing the declaration of Independance desired me to do it. *it was accordingly done and being approved by them, I reported it to the house on Friday the 28th. of June when it was read and ordered to lie on the table. on Monday the 1st. of July the house resolved itself into a commee. of the whole & resumed the consideration of the original motion made by the delegates of Virginia, which being again debated through the day, was carried in the affirmative by the votes of N. Hampshire, Connecticut, Massachusets, Rhode island, N. Jersey, Maryland, Virginia, N. Carolina, & Georgia. S. Carolina and Pennsylvania voted against it. Delaware having but two members present, they were divided: the delegates for New York declared they were for it themselves, & were assured their constituents were for it, but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. they therefore thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them. the Commee. rose & reported their resolution to the house. Mr. Rutlege of S. Carolina then requested the determination might be put off to the next day, as he beleived his colleagues, tho' they disapproved of the resolution, would then join in it for the sake of unanimity. the ultimate question whether the house would agree to the resolution of the committee was accordingly postponed to the next day, when it was again moved and S. Carolina concurred in voting for it. in the mean time a third member had come post from the Delaware counties and turned the vote of that colony in favour of the resolution. members of a different sentiment attending that morning from Pennsylvania also, their vote was changed, so that the whole 12. colonies, who were authorized to vote* at all, gave their voices for it; and within a few days the convention of N. York approved of it and thus supplied the void occasioned by the withdrawing of their delegates from the vote.*

Congress proceeded the same day to consider the declaration of Independance, which had been reported and laid on the table the Friday preceding, and on Monday referred to a commee. of the whole. the pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. for this reason those passages which conveyed censures on the people of England were struck out, lest they should give them offence. the clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. our Northern brethren also I believe felt a little tender (on that) under those censures; for tho' their people have very few slaves themselves yet they had been pretty considerable carriers of them to others. the debates having taken up the greater parts of the 2d. 3d. and 4th. days of July were, in the evening of the last

closed. the declaration was reported by the commee., agreed to by the house, and signed by every member present except Mr. Dickinson. As the sentiments of men are known not only by what they receive, but what they reject also, I will state the form of the¹⁵ declaration as originally reported . the parts struck out by Congress shall be distinguished by a black line drawn under them; & those inserted by them shall be placed in the margin or in a concurrent column-

A Declaration by the representatives of the United states of America, in General Congress assembled

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate & equal station to which the laws of nature and of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident: that all men are created equal; that they are endowed by their creator with ?certain/ inherent and inalienable rights; that among these are life, liberty & the pursuit of happiness: that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying it's foundation on such principles, & organising it's powers in such form, as to them shall seem most likely to effect their safety & happiness. prudence indeed will dictate that governments long established should not be changed for light & transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. but when a long train of abuses & usurpations [begun at a distinguished period and] pursuing invariably the same object, evinces a design to reduce them under absolute despotism it is their right, it is their duty to throw off such government, & to provide new guards for their future security. such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to?alter/ [expunge] their former systems of government. the history of the present king of Great Britain is a history of ?repeated/ [unremitting] injuries & usurpations, [among which appears no solitary fact to contradict the uniform tenor of the rest but all have] ?all having/ in direct object the establishment of an absolute tyranny over these states. to prove this let facts be submitted to a candid world [for the truth of which we pledge a faith yet unsullied by falsehood.]

he has refused his assent to laws the most wholesome & necessary for the public good.

he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; & when so suspended, he has utterly neglected to attend to them.

he has refused to pass other laws for the accomodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, & formidable to tyrants only.

he has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his

measures.

he has dissolved representative houses repeatedly [& continually] for opposing with manly firmness his invasions on the rights of the people.

he has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the mean time exposed to all the dangers of invasion from without & convulsions within.

he has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, & raising the conditions of new appropriations of lands.

he has ?obstructed/ [suffered] the administration of justice [totally to cease in some of these states] ?by/ refusing his assent to laws for establishing judiciary powers.

he has made [our] judges dependant on his will alone, for the tenure of their offices, & the amount & payment of their salaries. he has erected a multitude of new offices [by a self assumed power] and sent hither swarms of new officers to harrass our people and eat out their substance.

he has kept among us in times of peace standing armies [and ships of war] without the consent of our legislatures.

he has affected to render the military independant of, & superior to the civil power.

he has combined with others to subject us to a jurisdiction foreign to our constitutions & unacknoleged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mocktrial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us ?in many cases/ of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging it's boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these ?colonies/ [states]; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, & declaring themselves invested with power to legislate for us in all cases whatsoever.

he has abdicated government here [withdrawing his governors, and declaring us out of his allegiance & protection]

he has plundered our seas, ravaged our coasts, burnt our towns, & destroyed the lives of our people.

he is at this time transporting large armies of 17 foreign mercenaries to compleat the works of death, desolation & tyranny already begun with circumstances of cruelty and perfidy?scarcely paralleled in the

most barbarous ages & totally unworthy the head of a civilized nation.

he has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends & brethren, or to fall themselves by their hands.

he has excited domestic insurrections amongst us & has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, & conditions [of existence.]

[he has incited treasonable insurrections of our fellow-citizens, with the allurements of forfeiture & confiscation of our property.

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain. determined to keep open a market where Men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the Liberties of one people, with crimes which he urges them to commit against the lives of another.] In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries. a prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people [who mean to be free. future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad & so undisguised for tyranny over a people fostered & fixed in principles of freedom.]

Nor have we been wanting in attentions to our British brethren. we have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us [these our states.] we have reminded them of the circumstances of our emigration & settlement here, [no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited and,] we have appealed to their native justice and magnanimity and we have conjured them by [as well as to] the ties of our common kindred to disavow these usurpations which would inevitably [were likely to] interrupt our connection and correspondence. they too have been deaf to the voice of justice & of consanguinity, [and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. at this very time too they are permitting their chief magistrate to send over not only souldiers of our common blood, but Scotch & foreign

mercenaries to invade & destroy us. these facts have given the last stab to agonizing affection, and manly spirit bids us to renounce for ever these unfeeling brethren. we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind enemies in war, in peace friends. we might have been a free and a great people together; but a communication of grandeur & of freedom it seems is below their dignity. be it so, since they will have it. the road to happiness & to glory is open to us too. we will tread it apart from them, and]we must therefore/ acquiesce in the necessity which denounces our [eternal] separation?and hold them as we hold the rst of mankind enemies in war in peace friends/ !We therefore the representatives of the United states of America in General Congress assembled do in the name, & by the authority of the good people of these [states reject & renounce all allegiance & subjection to the kings of Great Britain & all the good people of these colonies, others who may hereafter claim by, through or under them: we utterly dissolve all political connection which may heretofore have subsisted between us & the people or parliament of Great Britain: & finally we do assert & declare these colonies to be free & independant states,] & that as free & independant states, they have full power to levy war, conclude peace, contract alliances, establish commerce, & to do all other acts & things which independant states may of right do. and for the support of this declaration we mutually pledge to each other our lives, our fortunes & our sacred honour.

We therefore the representatives of the United states of America in General Congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name, & by the authority of the good people of these colonies, solemnly publish & declare that these United colonies are & of right ought to be free & independant states; that they are absolved from all allegiance to the British crown, and that all political connection between them & the state of Great Britain is, & ought to be, totally dissolved; & that as free & independant states they have full power to levy war, conclude peace, contract alliances, establish commerce & to do all other acts & things which independant states may of right do. and for the support of this declaration, with a firm reliance on the protection of divine providence we mutually pledge to each other our lives, our fortunes & our sacred honour.

On Friday July 12. the Committee appointed to draw the articles of confederation reported them and on the 22d. the house resolved themselves into a committee to take them into consideration. on the 30th. and 31st. of that month & 1st. of the ensuing, those articles were debated which determined the proportion or quota of money which each state should furnish to the common treasury, and the manner of voting in Congress, The first of these articles was expressed in the original draught in these words. 'Art. xi. All charges of war & all other expences that shall be incurred for the common defence, or general welfare, and allowed by the United states assembled, shall be defrayed out of a common treasury, which shall be supplied by the several colonies in proportion to the number of inhabitants of every age, sex & quality, except Indians not paying taxes, in each colony, a true account of which, distinguishing the white inhabitants, shall be triennially taken & transmitted to the assembly of the United states.'

Mr. Chase moved that the quotas should be fixed, not by the number of inhabitants of every condition, but by that of the 'white inhabitants.' He admitted that taxation should be always in proportion to property; that this was in theory the true rule, but that from a variety of difficulties it was a rule which could never be adopted in practice. the value of the property in every state could never be estimated justly & equally. Some other measur e for the wealth of the state must therefore be devised, some standard referred to which would be more simple. he considered the number of inhabitants as a tolerably good criterion of

property, and that this might always be obtained. he therefore thought it the best mode which we could adopt, with one exception only. he observed that negroes are property, and as such cannot be distinguished from the lands or personalities held in those states where there are few slaves, that the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses &c. whereas a Southern farmer lays out that same surplus in slaves. there is no more reason therefore for taxing the Southern states on the farmer's head, & on his slave's head, than the Northern ones on their farmer's heads & the heads of their cattle. that the method proposed would therefore tax the Southern states according to their numbers & their wealth conjunctly, while the Northern would be taxed on numbers only: that Negroes in fact should not be considered as members of the state more than cattle & that they have no more interest in it.

Mr. John Adams observed that the numbers of people were taken by this article as an index of the wealth of the state & not as subjects of taxation. that as to this matter it was of no consequence by what name you called your people, whether by that of freemen or of slaves. that in some countries the labouring poor were called freemen, in others they were called slaves; but that the difference as to the state was imaginary only. what matters it whether a landlord employing ten labourers in his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand. the ten labourers add as much wealth annually to the state, increase it's exports as much in the one case as the other. certainly 500 freemen produce no more profits, no greater surplus for the payment of taxes than 500 slaves. therefore the state in which are the labourers called freemen should be taxed no more than that in which are those called slaves. suppose by any extraordinary operation of nature or of law one half the labourers of a state could in the course of one night be transformed into slaves: would the state be made the poorer or the less able to pay taxes? that the condition of the labouring poor in most countries, that of the fishermen particularly of the Northern states is as abject as that of slaves. it is the number of labourers which produce the surplus for taxation, and numbers therefore indiscriminately are the fair index of wealth. that it is the use of the word 'property' here, & it's application to some of the people of the state, which produces the fallacy. how does the Southern farmer procure slaves? either by importation or by purchase from his neighbor. if he imports a slave, he adds one to the number of labourers in his country, and proportionably to it's profits & abilities to pay taxes. if he buys from his neighbor, it is only a transfer of a labourer from one farm to another, which does not change the annual produce of the state, & therefore should not change it's tax. that if a Northern farmer works ten labourers on his farm, he can, it is true, invest the surplus of ten men's labour in cattle: but so may the Southern farmer working ten slaves. that a state of 100,000 freemen can maintain no more cattle than one of 100,000 slaves. therefore they have no more of that kind of property. that a slave may indeed from the custom of speech be more properly called the wealth of his master, than the free labourer might be called the wealth of his employer: but as to the state both were equally it's wealth, and should therefore equally add to the quota of it's tax.

Mr. Harrison proposed a compromise, that two slaves should be counted as one freeman. he affirmed that slaves did not do so much work as freemen, and doubted if two effected more than one. that this was proved by the price of labor, the hire of a labourer in the Southern colonies being from 8. to £12, while in the Northern it was generally £24.

Mr. Wilson said that if this amendment should take place the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burthen. that slaves increase the profits of a state, which the Southern states mean to take to themselves; that they also increase the burthen of defence, which would of course fall so much the heavier on the Northern. that slaves occupy the places of freemen and eat their food. dismiss your slaves & freemen will take their places. it is our duty to lay every discouragement on the importation of slaves; but this amendment would give the jus trium liberorum to him who would import slaves. that other kinds of property were pretty equally distributed thro' all the colonies: there were as many cattle, horses, & sheep in the North as the South, & South as the North: but not so as to slaves. that experience has shewn that those colonies have been alwais able to pay most which have the most inhabitants, whether they be black or white. and the practice of the Southern colonies has alwais been to make every farmer pay poll taxes upon all his labourers whether they be black or white. he acknoleges indeed that freemen work the most; but they consume the most also. they do not produce a greater surplus for taxation. the slave is neither fed nor clothed so expensively as a freeman. again white women are exempted from labour generally, which negro women are not. in this then the Southern states have an advantage as the article now stands. it has sometimes been said that slavery is necessary because the commodities they raise would be too dear for market if cultivated by freemen; but now it is said that the labor of the slave is the dearest.

Mr. Payne urged the original resolution of Congress, to proportion the quotas of the states to the number of souls.

Dr. Witherspoon was of opinion that the value of lands & houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. this is the true barometer of wealth. the one now proposed is imperfect in itself, and unequal between the states. it has been objected that negroes eat the food of freemen & therefore should be taxed. horses also eat the food of freemen; therefore they also should be taxed. it has been said too that in carrying slaves into the estimate of the taxes the state is to pay, we do no more than those states themselves do, who alwais take slaves into the estimate of the taxes the individual is to pay. but the cases are not parallel. in the Southern colonies slaves pervade the whole colony; but they do not pervade the whole continent. that as to the original resolution of Congress to proportion the quotas according to the souls,²⁵ it was temporary only, & related to the monies heretofore emitted: whereas we are now entering into a new compact and therefore stand on original ground.

Aug. 1. the question being put the amendment proposed was rejected by the votes of N. Hampshire, Massachusetts, Rhodeisland, Connecticut, N. York, N. Jersey, & Pennsylvania, against those of Delaware, Maryland, Virginia, North & South Carolina. Georgia was divided. The other article was in these words. 'Art. xvii. In determining questions each colony shall have one vote.'

July 30. 31. Aug. 1. present 41. members. Mr. Chase observed that this article was the most likely to divide us of any one proposed in the draught then under consideration. that the larger colonies had threatened they would not confederate at all if their weight in congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against an union if they did not retain an equal vote for the protection of their rights. that it was of the utmost consequence

to bring the parties together, as should we sever from each other, either no foreign power will ally with us at all, or the different states will form different alliances, and thus increase the horrors of those scenes of civil war and bloodshed which in such a state of separation & independance would render us a miserable people. that our importance, our interests, our peace required that we should confederate, and that mutual sacrifices should be made to effect a compromise of this difficult question. he was of opinion the smaller colonies would lose their rights, if they were not in some instances allowed an equal vote; and therefore that a discrimination should take place among the questions which would come before Congress. that the smaller states should be secured in all questions concerning life or liberty & the greater ones in all respecting property. he therefore proposed that in votes relating to money, the voice of each colony should be proportioned to the number of it's inhabitants.

Dr. Franklin thought that the votes should be so proportioned in all cases. he took notice that the Delaware counties had bound up their Delegates to disagree to this article. he thought it a very extraordinary language to be held by any state, that they would not confederate with us unless we would let them dispose of our money. certainly if we vote equally we ought to pay equally: but the smaller states will hardly purchase the privilege at this price. that had he lived in a state where the representation, originally equal, had become unequal by time & accident he might have submitted rather than disturb government: but that we should be very wrong to set out in this practice when it is in our power to establish what is right. that at the time of the Union between England and Scotland the latter had made the objection which the smaller states now do. but experience had proved that no unfairness had ever been shewn them. that their advocates had prognosticated that it would again happen as in times of old that the whale would swallow Jonas, but he thought the prediction reversed in event and that Jonas had swallowed the whale, for the Scotch had in fact got possession of the government and gave laws to the English. he reprobated the original agreement of Congress to vote by colonies, and therefore was for their voting in all cases according to the number of taxables .

Dr. Witherspoon opposed every alteration of the article. all men admit that a confederacy is necessary. should the idea get abroad that there is likely to be no union among us, it will damp the minds of the people, diminish the glory of our struggle, & lessen it's importance, because it will open to our view future prospects of war & dissension among ourselves. if an equal vote be refused, the smaller states will become vassals to the larger; & all experience has shewn that the vassals & subjects of free states are the most enslaved. he instanced the Helots of Sparta & the provinces of Rome. he observed that foreign powers discovering this blemish would make it a handle for disengaging the smaller states from so unequal a confederacy. that the colonies should in fact be considered as individuals; and that as such in all disputes they should have an equal vote. that they are now collected as individuals making a bargain with each other, & of course had a right to vote as individuals. that in the East India company they voted by persons, & not by their proportion of stock. that the Belgic confederacy voted by provinces. that in questions of war the smaller states were as much interested as the larger, & therefore should vote equally; and indeed that the larger states were more likely to bring war on the confederacy, in proportion as their frontier was more extensive <, and> he admitted that equality of representation was an excellent principle, but then it must be of things which are co-ordinate; that is, of things similar & of the same nature: that nothing relating to individuals could ever come before Congress; nothing but what would respect colonies. he distinguished between an incorporating & a federal union. the union of

England was an incorporating one; yet Scotland had suffered by that union: for that it's inhabitants were drawn from it by the hopes of places & employments. nor was it an instance of equality of representation; because while Scotland was allowed nearly a thirteenth of representation, they were to pay only one fortieth of the land tax. he expressed his hopes that in the present enlightened state of men's minds we might expect a lasting confederacy, if it was founded on fair principles.

John Adams advocated the voting in proportion to numbers. he said that we stand here as the representatives of the people. that in some states the people are many, in others they are few; that therefore their vote here should be proportioned to the numbers from whom it comes. reason, justice, & equity never had weight enough on the face of the earth to govern the councils of men. it is interest alone which does it, and it is interest alone which can be trusted. that therefore the interests within doors should be the mathematical representatives of the interests without doors. that the individuality of the colonies is a mere sound. does the individuality of a colony increase it's wealth or numbers? if it does; pay equally. if it does not add weight in the scale of the confederacy, it cannot add to their rights, nor weight in argument. A. has £50. B. £500. C. £1000 in partnership. is it just they should equally dispose of the monies of the partnership? it has been said we are independant individuals making a bargain together. the question is not what we are now, but what we ought to be when our bargain shall be made. the confederacy is to make us one individual only; it is to form us, like separate parcels of metal, into one common mass. we shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the Confederacy. therefore all those reasons which prove the justice & expediency of equal representation in other assemblies, hold good here. it has been objected that a proportional vote will endanger the smaller states. we answer that an equal vote will endanger the larger. Virginia, Pennsylvania, & Massachusetts are the three greater colonies. consider their distance, their difference of produce, of interests, & of manners, & it is apparent they can never have an interest or inclination to combine for the oppression of the smaller. that the smaller will naturally divide on all questions with the larger. Rhode isld. from it's relation, similarity & intercourse will generally pursue the same objects with Massachusetts; Jersey, Delaware & Maryland with Pennsylvania. Dr. Rush took notice that the decay of the liberties of the Dutch republic proceeded from three causes. 1. the perfect unanimity requisite on all occasions. 2. their obligation to consult their constituents. 3. their voting by provinces. this last destroyed the equality of representation, and the liberties of Great Britain also are sinking from the same defect. that a part of our rights is deposited in the hands of our legislatures. there it was admitted there should be an equality of representation. another part of our rights is deposited in the hands of Congress: why is it not equally necessary there should be an equal representation there? were it possible to collect the whole body of the people together, they would determine the questions submitted to them by their majority. why should not the same majority decide when voting here by their representatives? the larger colonies are so providentially divided in situation as to render every fear of their combining visionary. their interests are different, & their circumstances dissimilar. it is more probable they will become rivals & leave it in the power of the smaller states to give preponderance to any scale they please. the voting by the number of free inhabitants will have one excellent effect, that of inducing the colonies to discourage slavery & to encourage the increase of their free inhabitants.

Mr. Hopkins observed there were 4 larger, 4 smaller & 4 middlesized colonies. that the 4. largest would contain more than half the inhabitants of the Confederating states, & therefore would govern the others

as they should please. that history affords no instance of such a thing as equal representation. the Germanic body votes by states. the Helvetic body does the same; & so does the Belgic confederacy. that too little is known of the antient confederations to say what was their practice.

Mr. Wilson thought that taxation should be in proportion to wealth, but that representation should accord with the number of freemen. that government is a collection or result of the wills of all. that if any government could speak the will of all it would be perfect; and that so far as it departs from this it becomes imperfect, it has been said that Congress is a representation of states; not of individuals. I say that the objects of it's care are all the individuals of the states. it is strange that annexing the name of 'State' to ten thousand men, should give them anequal right with forty thousand. this must be the effect of magic, not of reason. as to those matters which are referred to Congress, we are not so many states; we are one large state. we lay aside our individuality whenever we come here. the Germanic body is a burlesque on government: and their practice on any point is a sufficient authority & proof that it is wrong. the greatest imperfection in the constitution of the Belgic confederacy is their voting by provinces. the interest of the whole is constantly sacrificed to that of the small states. the history of the war in the reign of Q. Anne sufficiently proves this. it is asked Shall nine colonies put it into the power of four to govern them as they please? I invert the question and ask Shall two millions of people put it in the power of one million to govern them as they please? it is pretended too that the smaller colonies will be in danger from the greater. speak in honest language & say the minority will be in danger from the majority. and is there an assembly on earth where this danger may not be equally pretended? the truth is that our proceedings will then be consentaneous with the interests of the majority, and so they ought to be. the probability is much greater that the larger states will disagree than that they will combine. I defy the wit of man to invent a possible case or to suggest any one thing on earth which shall be for the interests of Virginia, Pennsylvania & Massachusets, and which will not also be for the interest of the other states.