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Debates in the South Carolina General Assembly, 16–17 January 1788 (excerpts)

16 January

Mr. [Rawlins] *Lowndes* believed the gentlemen that went from this state to represent us in the late convention, possessed as much wisdom, as much integrity, and stood as high in point of character as any gentlemen that could have been selected; and he believed, that they had procured for us as great a proportion in the interest of this new government as possible: but the very little which they had obtained, proved that in future we might expect still less; and that the influence of the northern states would be so predominant against us, as to divest us of even the shadow of a republic. In the first place, what reason was there for jealousy of our negro trade? Why confine it to a limited period, or rather why lay any restriction? There is a stroke aimed at the prohibition of our negro trade by an ungenerous limitation of twenty years, and this under the specious pretext of humanity. For his part, he thought this sort of traffic justifiable on the principles of religion, humanity and justice, for certainly to translate a set of human beings from a bad country to a better, was fulfilling every part of those principles. But they don't like our slaves, because they have none themselves, and therefore want to exclude us from this great advantage. But should the southern states allow of this without the consent of nine states? (Judge Pendleton observed, that only three states, Georgia, South Carolina, and North Carolina, allowed the importation of negroes, Virginia, and Maryland, even before the war, he believed, were against it. To this Mr. Lowndes said, well, so have we a law prohibiting the importation of slaves for three years, a law he greatly approved of, but that is no reason why the southern states may not wish to alter their conduct, and open their ports for the importation of negroes.) He went on to observe, that without negroes this state would degenerate into one of the most contemptible in the union, and cited an expression that fell from general [Charles Cotesworth] Pinckney, on a former debate, that whilst there remained one acre of swamp land in South Carolina, he should raise his voice against restricting the importation of negroes. Even in granting the importation for twenty years, care had been taken to make us pay for this indulgence, each negro being liable on importation to pay duty not exceeding ten dollars per head, and in addition to this were liable to a capitation tax. Negroes were our wealth, our only natural resource, yet behold how our kind friends in the north were determined soon to tie up our hands, and in the mean time to drain us of what we had. The Eastern states drew their means of subsistence in a great measure from their shipping, and on this head they had been obviously careful against imposing any burthen—were not to pay tonnage, or duties, no not even the ceremony of clearing out—all ports were free and open to them! Why then call this a reciprocal bargain, which took all away from one party to bestow it on the other?

(Major Butler observed, that they were to pay 5 per cent. impost) That will fall upon the consumer. They are to be the carriers, we pay freightage, they receive it. . . .

Mr. E[dward] *Rutledge*: The gentleman had complained of the inequality of the taxes between the northern and southern states—that ten dollars a head was imposed on the importation of negroes, and that those negroes were afterwards taxed. To this it was answered, that the ten dollars per head, was an equivalent to the 5 per cent. on imported articles; and as to their being afterwards taxed, the advantage is on our side; or, at least not against us. In the northern states the labor is performed by white people, in the southern by black. All the free people, (and there are few others) in the northern states, are to be taxed by the new constitution; whereas only the free people and two-fifths [i.e., three-fifths] of the slaves in the southern states are to be rated in the apportioning of taxes. . . .

17 January

Gen. [Charles Cotesworth] *Pinckney*: As we found it necessary to give very extensive powers to the federal government both over the persons and estates of the citizens, we thought it right to draw one branch of the legislature immediately from the people, and that both wealth and numbers should be considered in the representation. We were at a loss for some time for a rule to ascertain the proportionate wealth of the states; at last we thought that the productive labour of the inhabitants was the best rule for ascertaining their wealth; in conformity to this rule, joined to a spirit of concession, we determined that representatives should be apportioned among the several states, by adding to the whole number of free persons three fifths of the slaves. We thus obtained a representation for our property, and I confess I did not expect that we should have been told on our return, that we had conceded too much to the Eastern states when they allowed us a representation for a species of property which they have not among them. . . .

. . . The general then said he would make a few observations on the objections which the gentleman had thrown out on the restrictions that might be laid on the African trade after the year 1808—On this point your delegates had to contend with the religious and political prejudices of the Eastern and middle states, and with the interested and inconsistent opinion of Virginia, who was warmly opposed to our importing more slaves. I am of the same opinion now as I was two years ago, when I used the expressions the gentleman has quoted, that while there remained one acre of swamp land uncleared in South Carolina I would raise my voice against restricting the importation of negroes. I am as thoroughly convinced as that gentleman is, that the nature of our climate; and the flat, swampy situation of our country oblige us to cultivate our lands with negroes, and that without them S. Carolina would soon be a desert waste. You have so frequently heard my sentiments on this subject that I need not now repeat them. It was alledged by some of the members who opposed an unlimited importation, that slaves increased the weakness of any state who admitted them; that they were a dangerous species of property that an invading enemy could easily turn against ourselves & the neighbouring states, and that as we were allowed a representation for them in the house of representatives, our influence in government would be increased in proportion as we were less able to defend ourselves. Shew some period, said the members from the Eastern states when it may be in our power to put a stop, if we please, to the importation of this weakness, and we will endeavor for your convenience, to restrain the religious and political prejudices of our people on this subject. The middle states and Virginia made us no such proposition; they were for an immediate and total prohibition. We endeavored to obviate the objections that were made in the best manner we could, and assigned reasons for our insisting on the

importation, which there is no occasion to repeat, as they must occur to every gentleman in the house: A committee of the states was appointed in order to accommodate this matter, and after a great deal of difficulty; it was settled on the footing recited in the constitution.

By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued—we have a security that the general government can never emancipate them, for no such authority is granted, and it is admitted on all hands, that the general government has no powers but what are expressly granted by the constitution; and that all rights not expressed are reserved by the several states. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have made better if we could, but on the whole I do not think them bad.

Mr. [Robert] *Barnwell*: I now come to the last point for consideration, I mean the clause relative to the negroes; and here I am particularly pleased with the constitution; it has not left this matter of so much importance to us open to immediate investigation; no, it has declared that the United States shall not at any rate consider this matter for 21 years, and yet gentlemen are displeased with it. Congress has guaranteed this right for that space of time, and at its expiration may continue it as long as they please. This question then arises, what their interest will lead them to do; the Eastern states, as the honorable gentleman says, will become the carriers of America, it will therefore certainly be their interest to encourage exportation to as great extent as possible; and if the quantum of our products will be diminished by the prohibition of negroes, I appeal to the belief of every man, whether he thinks those very carriers will themselves dam up the sources from whence their profit is derived. To think so is so contradictory to the general conduct of mankind that I am of opinion, that without we ourselves put a stop to them that the traffic for negroes will continue for ever.

Mr. Barnwell concluded by declaring that this constitution was, in his opinion, like the laws of Solon, not the best possible to be formed, but the best that our situation will admit of—He considered it as the Panacea of America, whose healing power will pervade the continent, and sincerely believed that its ratification is *a consummation devoutly to be wished*.

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