Origins of the 3/5 Clause: Debates in Congress March 6 to April 18, 1783

March 6

The committee on Revenue made a report which was ordered printed for each member, and to be taken up on Monday next.

March 7

Printed copies of the Report above-mentioned were delivered to each member, as follows, viz. . . .

(11) That as a more convenient and certain rule of ascertaining the proportions to be supplied by the States respectively to the common Treasury, the following alteration in the articles of confederation and perpetual union between these States, be and the same is hereby, agreed to in Congress, & the several States are advised to authorize their respective delegates to subscribe and ratify the same, as part of the said instrument of Union, in the words following, to wit.

(12) "So much of the 8th of the Articles of Confederation & perpetual Union between the thirteen States of America as is contained in the words following to wit 'All charges of war &c (to the end of the paragraph)'—is hereby revoked and made void, and in place thereof, it is declared and Concluded, the same having been agreed to in a Congress of the United States, that all charges of war, and all other expences that shall be incurred for the common defence or general welfare and allowed by the U.S. in Congress assembled shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the number of inhabitants of every age, sex & condition, except Indians not paying taxes in each State; which number shall be triennially taken & transmitted to the U.S. in Congress assembled, in such mode as they shall direct and appoint; provided always that in such numeration no persons shall be included who are bound to servitude for life, according to the laws of the State to which they belong, other than such as may be between the ages of ___."

March 27

Theodorick Bland (Va.) opposed it: said that the value of land was the best rule, and that at any rate no change should be attempted untill its practicability should be tried.

James Madison (Va.) thought the value of land could never be justly or satisfactorily obtained; that it would ever be a source of contentions among the States, and that as a repetition of the valuation would be within the course of the 25 years, it would unless exchanged for a more simple rule mar the whole plan.

Nathaniel Gorham (Mass.) was in favor of the paragraph. He represented in strong terms the inequality & clamors produced by valuations of land in the State of Massachusetts & the probability of the evils being increased among the States themselves which were less tied together & more likely to be jealous of each other.

Hugh Williamson (N.C.) was in favor of the paragraph.

James Wilson (Pa.) was strenuous in favor of it, said he was in Congress when the Articles of Confederation directing a value of land was agreed to, that it was the effect of the impossibility of compromising the different ideas of the Eastern and Southern States as to the value of Slaves compared with the Whites, the alternative in question.

Abraham Clark (N.J.) was in favor of it. He said that he was also in Congress when this article was decided; that the Southern States would have agreed to numbers, in preference to the value of land if one-half their Slaves only should be included; but that the Eastern States would not concur in that proportion.

It was agreed on all sides that, instead of fixing the proportion by ages, as the report proposed, it would be best to fix the proportion in absolute numbers. With this view & that the blank might be filled up, the clause was recommitted.

March 28

The Committee last mentioned reported that two blacks be rated as equal to one freeman.

Oliver Wolcott (Conn.) was for rating them as 4 to 3.

Daniel Carrol (Md.) as 4 to 1.

Hugh Williamson (N.C.) said he was principled against slavery; and that he thought slaves an incumbrance to Society instead of increasing its ability to pay taxes.

Stephen Higginson (Mass.) as 4 to 3.

John Rutledge (S.C.) said, for the sake of the object he would agree to rate Slaves as 2 to 1, but he sincerely thought 3 to I would be a juster proportion.

Samuel Holten (Mass.) as 4 to 3.

Samuel Osgood (Mass.) said he could not go beyond 4 to 3.

On a question for rating them as 3 to 2 the votes were N.H. ay, Mass. no, R.I. divided, Conn. ay, N.J. ay, Penn. ay, Del. ay, Md. no, Va. no, N.C. no, S.C. no (5 to 5, with 1 divided).

The paragraph was then postponed by general consent, some wishing for further time to deliberate on it; but it appearing to be the general opinion that no compromise would be agreed to.

After some further discussions on the report in which the necessity of some simple and practicable rule of apportionment came fully into view, Mr. Madison said that in order to give a proof of the sincerity of his professions of liberality, he would propose that Slaves should be rated as 5 to 3. Mr. Rutledge seconded the motion.

James Wilson (Pa.) said he would sacrifice his opinion to this compromise.

Arthur Lee (Va.) was against changing the rule, but gave it as his opinion that two slaves were not equal to one freeman.

On the question for 5 to 3 it passed in the affirmative N.H. ay, Mass. divided, R.I. no, Conn. no, N.J. ay, Penn. ay, Md. ay, Va. ay, N.C. ay, S.C. ay (7 to 2, with 1 divided).

A motion was then made by Mr. Bland, seconded by Mr. Lee to strike out the clause so amended and on the question "shall it stand" it passed in the negative; N.H. ay, Mass. no, R.I. no,

Conn. no, N.J. ay, Penn. ay, Del. no, Md. ay, Va. ay, N.C. ay, S.C. no (6 to 5); so the clause was struck out.

The arguments used by those who were for rating slaves high were, that the expence of feeding & cloathing them was as far below that incident to freemen as their industry & ingenuity were below those of freemen; and that the warm climate within which the States having slaves lay, compared with the rigorous climate & inferior fertility of the others, ought to have great weight in the case & that the exports of the former States were greater than of the latter. On the other side it was said that Slaves were not put to labour as young as the children of laboring families—that, having no interest in their labor, they did as little as possible, & omitted every exertion of thought requisite to facilitate & expedite it; that if the exports of the States having slaves exceeded those of the others, their imports were in proportion, slaves being employed wholly in agriculture, not in manufactures; & that in fact the balance of trade formerly was much more against the Southern States than the others.

April 1

Congress resumed the Report on Revenue &c. Alexander Hamilton who had been absent when the last question was taken for substituting numbers in place of the value of land, moved to reconsider that vote. He was seconded by Mr. Osgood. Those who voted differently from their former votes were influenced by the conviction of the necessity of the change and despair on both sides of a more favorable rate of the slaves. The rate of 3/5 was agreed to without opposition.

April 18

The plan of Revenue was then passed as it had been amended.

"That as a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively to the common treasury, the following alteration in the Articles of Confederation and perpetual union, between these states be, and the same is hereby agreed to in Congress; and the several states are advised to authorise their respective delegates to subscribe and ratify the same as part of the said instrument of union, in the words following, to wit:

"So much of the 8th of the Articles of Confederation and perpetual union, between the thirteen states of America, as is contained in the words following, to wit:

" 'All charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint,' is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, that 'all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians, not

paying taxes, in each State; which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint.' "

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