



# CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > The Founding Period and Slavery > The Southern States Debate Slavery and the Constitution > Debates Over the Foreign Slave Trade

## A Native of Virginia: Observations upon the Proposed Plan of Federal Government, 2 April 1788 (excerpts)

*Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. . . .*

Every free person counts one, every five slaves count three. By this regulation our consequence in the Union is increased, by an increase of numbers in the Congress. But some objectors argue that this arrangement is unjust; and that it bears hard upon the southern States, who have been accustomed to consider their slaves merely as property; as a subject for, not as agents to taxation; and therefore by adding three fifths of our slaves to the free persons, our numbers are increased; and consequently by how much is that increase, by so much is the increase of our federal burthen. It is true, that slaves are property,—but are they not persons too? Does not their labour produce wealth? And is it not by the produce of labour, that all taxes must be paid? The Convention justly considered them in the light of persons, rather than property: But at the same time conceiving their natural forces inferior to those of the whites; knowing that they require freemen to overlook them, and that they enfeeble the State which possesses them, they equitably considered five slaves only of equal consequence with three free persons. What rule of federal taxation so equal, and at the same time so little unfavourable to the southern States, could the Convention have established, as that of numbers so arranged? Suppose the value of the lands in the respective States had been adopted as the measure: Let us see what then would have been the consequence. The northern States are comparatively small to the southern, and are very populous; whilst to the southward, the inhabitants are scattered over a great extent of territory. Any given number of men in the latter States possess much greater quantities of land, than the like number in the former. It is true the lands to the northward sell for a greater price than those to the southward, but the difference in price is by no means adequate to the difference in quantity; consequently an equal number of men to the southward would have to pay a much greater federal tax than the like number to the northward.

By the 8th article of Confederation, the value of lands is made the measure of the federal quotas. Virginia in consequence is rated something above Massachusetts, whose number of white inhabitants is nearly double.

After all, this point is perhaps of no great consequence. The Congress probably will rarely, if ever, meddle with direct taxation, as the impost duties will in all likelihood answer all the purposes of government, or at any rate the post-office, which is daily increasing, and a tax upon instruments of writing, will supply any deficiency. . . .

Sect. 9. *The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*

This clause is a proof of deference in the members of the Convention, to each other, and of concession of the northern to the southern States. There is no doubt but far the greater part of that Convention hold domestic slavery in abhorrence. But the members from South-Carolina and Georgia, thinking slaves absolutely necessary for the cultivation and melioration of their States, insisted upon this clause. But it affects not the law of Virginia which prohibits the importation of slaves. . . .

*No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.*

The convenience, justice, and utility, of these sections, are obvious.

At present, slaves absconding and going into some of the northern States, may thereby effect their freedom: But under the Federal Constitution they will be delivered up to the lawful proprietor.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. IX: Virginia [2] (Madison, Wis.: Wisconsin Historical Society Press, 1990), 662–63, 675, 687.