

Addendum
to
The Meaning of “Regulate Commerce” to the Constitution’s Ratifiers

by

Robert G. Natelson

Fragments from the *Documentary History of the Ratification of the Constitution* containing the target terms that provide defining information on those terms.

1 DH 180: Resolution of the Virginia Legislature, 21 January, 1786:

. . . shall meet such Commissioners as may be appointed by the other States in the Union at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situations and trade of the said States; to consider how far a uniform system in their *commercial regulations* may be necessary to their common interest and their permanent harmony;

1 DH 180: Edmund Randolph to the Executives of the States, Richmond, 19 February, 1786:

It is impossible for me to decide how far the uniform system in *commercial regulations*, which is the subject of that resolution, may or may not be attainable.

1 DH 181: Governor Patrick Henry to the Executives of the States, Richmond, 23 February³

The General Assembly have appointed . . .for the purpose of framing such regulations of trade as may be judged necessary to promote the general interest.

1 DH 182-85: Proceedings and Report of the Commissioners at Annapolis, Maryland, 11-14 September 1786

Thursday Sept. 14th. 1786
Met agreeable to Adjournment.

The meeting resumed the Consideration of the draft of the Report and after some time spent therein, and amendments made, the same was unanimously agreed to, and is as follows, to wit.

To the Honorable, the Legislatures of Virginia, Delaware Pennsylvania, New Jersey, and New York—

The Commissioners from the said States, respectively assembled at Annapolis, humbly beg leave to report.

That, pursuant to their several appointments, they met at Annapolis in the State of Maryland, on the eleventh day of September Instant, and having proceeded to a Communication of their powers; they found that the States of New York, Pennsylvania, and Virginia, had, in substance, and nearly in the same terms, authorised their respective Commissioners “to meet such Commissioners as were, or might be, appointed by the other States in the Union, at such time and place, as should be agreed upon by the said Commissioners to take into consideration the trade and Commerce of the United States, to consider how far an uniform system in their *commercial intercourse and regulations* might be necessary to their common interest and permanent harmony, and to report to the several States, such an Act, relative to this great object, as when unanimously ratified by them would enable the United States in Congress assembled effectually to provide for the same”

That the State of Delaware, had given similar powers to their Commissioners, with this difference only that the Act to be framed, in virtue of those powers, is required to be reported “to the United States in Congress Assembled, to be agreed to by them, and confirmed by the Legislatures of every State.”

That the State of New Jersey had enlarged the object of their Appointment, empowering their Commissioners, “to consider how far an uniform system in their *commercial regulations* and other important matters, might be necessary to the common interest and permanent harmony of the several States.” and to report such an Act on the subject, as when ratified by them “would enable the United States in Congress—Assembled, effectually to provide for the exigencies of the Union.”

That appointments of Commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom however have attended; but that no information has been received by your Commissioners of any appointment having been made by the States of Connecticut, Maryland, South Carolina or Georgia.

That the express terms of the powers to your Commissioners supposing a

deputation from all the States, and having for object the Trade and commerce of the United States, Your Commissioners did not conceive it advisable to proceed on the business of their mission, under the Circumstance of so partial and defective a representation.

Deeply impressed however with the magnitude and importance of the object confided to them on this occasion, Your Commissioners cannot forbear to indulge an expression of their earnest and unanimous wish. that speedy measures may be taken, to effect a general meeting, of the States, in a future Convention, for the same, and such other purposes, as the situation of public affairs, may be found to require.

If in expressing this wish or in intimating any other sentiment, Your Commissioners should seem to exceed the strict bounds of their appointment, they entertain a full confidence, that a conduct, dictated by an anxiety for the welfare, of the United States, will not fail to receive an indulgent construction.

In this persuasion, Your Commissioners submit an opinion, that the Idea of extending the powers of their Deputies, to other objects than those of Commerce which has been adopted by the State of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future Convention, they are the more naturally led to this conclusion, as in the course of their reflections on the subject, they have been induced to think, that the power of regulating trade is of such comprehensive extent, and will enter so far into the general System of the foederal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits may require a correspondent adjustment of other parts of the Foederal System.

That there are important defects in the system of the Foederal Government is acknowledged. by the Acts of all those States, which have concurred in the present Meeting; That the defects, upon a closer examination, may be found greater and more numerous, than even these acts imply, is at least so far probable, from the embarrassments which characterise the present State of our national affairs—foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode, which will unite the Sentiments and Councils of all the States. In the choice of the mode your Commissioners are of opinion,—that a Convention of Deputies from the different States, for the special and sole purpose of entering into this investigation and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference from considerations which will occur, without being particularised.

Your Commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future Convention with more

enlarged powers, is founded; as it would be an useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed. They are however of a nature so serious, as, in the view of your Commissioners to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all the members of the Confederacy.

Under this impression, Your Commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Foederal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress Assembled, as when agreed to, by them, and afterwards confirmed by the Legislatures of every State will effectually provide for the same.

Though your Commissioners could not with propriety—address these observations and sentiments to any but the states they have the honor to Represent, they have nevertheless concluded from motives of respect, to transmit Copies of this report to the United States in Congress assembled, and to the executives of the other States.

3 DH 145

“A Jerseyman,” *To the Citizens of New Jersey*, Trenton Mercury, Nov. 6, 1786

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The great advantages which would be the result of the adoption of the proposed Constitution would be almost innumerable. I will mention a few among the many. In the first place, the proper *regulation of our commerce* would be insured; the imposts on all foreign merchandise imported into America would still effectually aid our Continental treasury. This power has been heretofore held back by some states on narrow and mistaken principles. The amount of the duties, since the peace, would probably by this time have nearly paid our national debt. By the proper regulation of our commerce, our own manufactures would be also much promoted and encouraged; heavy duties would discourage the consumption of articles of foreign growth.

This would induce us more to work up our raw materials and prevent European manufacturers from dragging them from us in order to bestow upon them their own labor and a high price before they are returned into our hands. Agriculture and population will also find improvement and increase. Agriculture is natural to America and will always serve as an increasing source of commerce, while the produce of our farms furnishes so considerable a proportion of it. Induced by the goodly prospects of a happy and durable government, by which life, religion, freedom, and property would be well secured, America will teem with those who will fly from the slavery, persecution, tyranny, and wars of Europe. The civil commotions of Holland will soon open a wide door to let her citizens, and those of Germany, into America.

3b DH 37: The New Jersey Legislature and the Appointment of Delegates to the Annapolis Convention 14-21 March 1786

p. 38:
Assembly Proceedings, Tuesday 20 March

Resolved, That the Legislature, in a Joint-Meeting of both Houses, will appoint Commissioners who, or any one of whom, shall meet such Commissioners as may be appointed by the other States in the Union at a Time and Place to be agreed on, to take into Consideration the Trade of the United States: to examine the relative Situation and Trade of the said States; to consider how far an uniform System in their *commercial Regulations* and other important Matters may be necessary to their common Interest and permanent Harmony;

2 DH 167: James Wilson's Speech in the State House Yard, Philadelphia, 6 October, 1787

p.168:
For instance, the liberty of the press, which has been a copious source of declamation and opposition, what control can proceed from the federal government to shackle or destroy that sacred palladium of national freedom? If indeed, a power similar to that which has been granted for the *regulation of commerce*, had been granted to regulate literary publications, it would have been as necessary to stipulate that the liberty of the press should be preserved inviolate, as that the impost should be general in its operation.

4 DH 225: **Hanno, Massachusetts Gazette, 13 November, 1787**

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That *commercial regulations*, particularly a navigation-act, will be beneficial, is agreed on all hands: but great attention is necessary to perfect a system of trade and revenue, which shall operate equally on all parts of the empire.

4 DH 342: **Agrippa III, Massachusetts Gazette, 30 November, 1787:**

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The other class of citizens to which I alluded was the ship-carpenters. All agree that their business is dull; but as nobody objects against a system of *commercial regulations* for the whole continent, that business may be relieved without subverting all the ancient foundations and laws which have the respect of the people. It is a very serious question whether giving to Congress the unlimited right to regulate trade would not injure them still further. It is evidently for the interest of the state to encourage our own trade as much as possible. But in a very large empire, as the whole states consolidated must be, there will always be a desire of the government to increase the trade of the capital, and to weaken the extremes. We should in that case be one of the extremes

4 DH 393: **Candidus I, Independent Chronicle, 6 December, 1787:**

The plain truth of the case is, these States finding the necessity of adopting a Federal plan to *regulate their commerce*, promote their agriculture and manufactures, chose from each State a number of respectable characters to meet for the above purposes.—They accordingly met, and after four months deliberation, they matured the plan now offered for our consideration.

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Those nations laid these duties to promote their own fishery, &c. and let us adopt what mode of government we please, they will , pursue their own politicks respecting our imports and exports, unless we can check them by some *commercial regulations*

But it may be said, that such *commercial regulations* will take place after we have adopted the Constitution, and that the northern States would then become carriers for the Southern. The great question then is, whether it is necessary in order to obtain these purposes, for every State to give up their whole power of legislation

and taxation, and become an unweildy republick, when it is probable the important object of our commerce could be effected by a uniform navigation act, and giving Congress full power to *regulate the whole commerce* of the States? This power, Congress have often said was sufficient to answer all their purposes. The circular letter from the Boston merchants and others, was urgent on this subject. Also the navigation act of this State,[?] was adopted upon similar principles, and which was declared by our Minister in England, to be the most effectual plan to promote our navigation, provided it had been adopted by the whole confederacy.

5 DH 493: **Candidus II, Independent Chronicle, 20 December, 1787**

But the advocates for the Constitution, have always assumed an advantage by saying, that their opposers have never offered any plan as a substitute; the following outlines are therefore submitted, not as originating from an individual, but as copied from former resolutions of Congress, and united with some parts of the Constitution proposed by the respectable Convention. This being the case, I presume it will not be invalidated by the cant term of antifederalism, viz. Ist. That the Legislature of each State, empower Congress to frame a navigation act, to operate uniformly throughout the States; reserving to Congress all necessary powers to *regulate our commerce* with foreign nations, and among the several States, and with the Indian tribes. The revenue arising

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from the impost to be subject to their appropriations, “to enable them to fulfil their public engagements with foreign creditors.”

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The merchant and tradesman, might be waiting with earnest expectations for some *commercial regulations*, while Congress were busily engaged in framing other systems of legislation.

But should we adopt the plan proposed by Congress, in their resolves of the 18th April, 1783, (already mentioned) no extraordinary expences would arise, and Congress having but one object to attend, every *commercial regulation* would be uniformly adopted; the duties of impost and excise, would operate equally throughout the States; our shipbuilding and carrying trade, would claim their immediate attention: And in consequence thereof, our agriculture, trade and manufactures would revive and flourish.

5 DH 720: **Agrippa XII, Massachusetts Gazette, 15 January, 1788**

p. 723

By sect. 8, of article 1. Congress are to have the unlimited right to *regulate commerce*, external and internal, and may therefore create monopolies which have been universally injurious to all the subjects of the countries that have adopted them, excepting the monopolists themselves.

Surrender the rights of taxation and *commercial regulation*, and the - landed states at the southward will all be interested in draining our resources; for whatever can be got by impost on our trade and excises

p.724

on our manufactures, will be considered as so much saved to a state inhabited by planters.

6 DH 1294: **Theophilus Parsons: Notes of Convention Debates, 21 January, P.M. (1788)**

p. 1296:

Mr. Dawes:

They will be chosen by the people, and will feel as the people feel, and therefore will not abuse their power—necessary that Congress should have the power of imposts and excises—that they encourage agriculture by checking the importation and consumption of foreign produce—necessity of Congress having the *regulation of commerce*—talks about agriculture and manufactures—population from migration—convenient places for mills for manufacturing. But we cannot encourage manufactures until Congress have these powers— when they have these powers, Congress will have but little occasion for direct taxation—

6 DH 1287: **Extract from Dawes' speech**

Mr. Dawes said, he thought the powers in the paragraph under debate should be fully vested in Congress. We have suffered, said he, for want of such authority in the federal head. This will be evident if we take a short view of our agriculture, commerce and manufactures. Our agriculture has not been encouraged by the imposition of national duties on rival produce: nor can it be, so long as the several states may make contradictory laws. This has induced our farmers to raise only

what they wanted to consume in their own families; I mean however, after raising enough to pay their TAXES: For I insist, that upon the old plan, the land has borne the burden. For as Congress could not make laws whereby they could obtain a revenue, in their own way, from impost or excise, they multiplied their requisitions on the several states. When a state was thus called on, it would perhaps impose new duties on its own trade, to procure money for paying its quota of federal demands.

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This would drive the trade to such neighbouring states as made no such new impositions: Thus the revenue would be lost with the trade, and the only resort would be a direct tax.

As to commerce, it is well known that the different states now pursue different systems of duties in regard to each other. By this, and for want of general laws of prohibition through the union, we have not secured even our own domestick traffick, that passes from state to state. This is contrary to the policy of every nation on earth. Some nations have no other commerce. The great and flourishing empire of China has but little commerce beyond her own territories; and no country is better circumstanced than we, for an exclusive traffick from state to state: Yet even in this we are rivalled by foreigners—by those foreigners to whom we are the least indebted. A vessel from Roseway or Halifax finds as hearty a welcome with its fish and whale bone at the southern ports, as though it was built, navigated and freighted from Salem or Boston. And this must be the case, until we have laws comprehending and embracing alike all the states in the union.

But it is not only our coasting trade, our whole commerce is going to ruin. Congress has not had power to make even a trade law, which shall confine the importation of foreign goods to the ships of the producing or consuming country: If we had such a law, we should not go to England for the goods of other nations; nor would British vessels be the carriers of American produce from our sister states. In the states southward of the Delaware, it is agreed, that three fourths of the produce are exported, and three fourths of the returns are made in British bottoms. It is said, that for exporting timber one half the property goes to the carrier, and of the produce in general, it has been computed, that when it is shipped for London from a southern state, to the value of one million of dollars, the British merchant draws from that sum three hundred thousand dollars, under the names of freight and charges. This is money which belongs to the New-England States, because we can furnish the ships as well as, and much better, than the British. Our sister states are willing we should receive these benefits, and that they should be secured to us by national laws; but until that is done, their private merchants will, no doubt, for the sake of long credit, or some other such temporary advantage, prefer the ships of foreigners: And yet we have suffered these ignominious burthens, rather than trust

our own representatives with power to help us; and we call ourselves free and independent states? We are independent of each other, but we are slaves to Europe. We have no uniformity in duties, imposts, excises or prohibitions. Congress has no authority to withhold advantages from foreigners, in order to obtain advantages from them. By the

p.1289:

9th of the old articles, Congress may enter into treaties and alliances under certain provisos, but Congress cannot pledge, that a single state shall not render the whole treaty of commerce a nullity.

Our manufactures are another great subject, which has received no encouragement by national duties on foreign manufactures, and they never can by any authority in the old confederation. It has been said, that no country can produce manufactures until it be overstocked with inhabitants. It is true, the United States have employment, except in the winter, for their citizens in agriculture—the most respectable employment under heaven: But it is now to be remembered, that since the old confederation there is a great emigration of foreign artizans hither, some of whom are left here by the armies of the last war, and others, who have more lately sought the new world, from hopes of mending their condition—these will not change their employments. Besides this, the very face of our country leads to manufactures. Our numerous falls of water, and places for mills, where paper, snuff, gun powder, iron works, and numerous other articles are prepared—these will save us immense sums of money, that otherwise would go to Europe. The question is, have these been encouraged? Has Congress been able, by national laws to prevent the importation of such foreign commodities as are made from such raw materials as we ourselves raise. It is alledged, that the citizens of the United States have contracted debts within the last three years, with the subjects of Great-Britain, for the amount of near six millions of dollars, and that consequently our lands are mortgaged for that sum. So Corsica was once mortgaged to the Genoese merchants for articles which her inhabitants did not want, or which they could have made themselves, and she was afterwards sold to a foreign power. If we wish to encourage our own manufactures—to preserve our own commerce—to raise the value of our own lands, we must give Congress the powers in question. . . .

6 DH 1352: Mass. Convention Debates, 25 January, 1788

P. 1354 (Gorham)

They [the English] have a design in Nova-Scotia to rival us in the fishery, and our situation at present favours their design. From the abundance of our markets, we could supply them with beef, butter, pork, &c. but they lay what restrictions on them they please, which they dare not do, was there an adequate power lodged in

the general government to *regulate commerce*.

8 DH 93: Edward Carrington to Thomas Jefferson, New York, 23 October, 1787

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Madison writes you fully upon the objections from Virginia, and therefore I will not impose on your patience by repeating them; one, however, being merely local, and an old source of jealousy I will present to your consideration my opinion upon—this is the ability of a bare majority in the federal Government, to *regulate Commerce*.—it is supposed that a majority of the Union are carriers, and that it will be for the interest, and in the power, of that majority to form regulations oppressing, by high freights, the agricultural States.—it does not appear to me that this objection is well founded—in the first place it is not true that the majority are carriers, for Jersey and Connecticut who fall into the division, are by [no] means such—and New York & Pennsylvania, who also are within that division, are as much agricultural as Carrying States: but, admitting the first position to be true, I do not see that the supposed consequences would follow—no regulation could be made on other, than general & uniform principles—in that case every created evil would effect its own cure—the Southern States possess more materials for shipping than the Eastern, and if they do not follow the carrying business, it is because they are occupied in more lucrative pursuits—a rise of freight would make that an object, and they would readily turn to it; but the Competition amongst the eastern States themselves, would be sufficient to correct every abuse. A Navigation Act ought doubtless to be passed for giving exclusive benefits to American Ships—this would of course serve the eastern States, and such, in justice ought to be the case, as it may perhaps be shown, that no other advantage can result to them—from the Revolution—indeed, it is important to the interests of the southern States

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that the growth of a Navy be promoted, for the security of that wealth which is to be derived from their agriculture

9 DH 655: A Native of Virginia: Observations upon the Proposed Plan of Federal Government, 2 April, 1788

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To *regulate commerce* with foreign nations, and among the several States, and with the Indian tribes; The power of *regulating commerce* gives great alarm to the enemies of the Constitution. In this, as in most other instances, they forget that this is a government for thirteen States; and think only of the immediate interests of Virginia; as if she had a right to dictate to the other twelve, and as if her interests alone were to be consulted. Be not deceived my countrymen. However important we may be in the scale of Union, there are other States which are equally so. The consequence of this power, say they, will be, that the eastern and northern States will combine together, and not only oblige the southern to export their produce in their bottoms, by prohibiting foreign bottoms; but will also lay such duties upon foreign manufactures as will amount to a prohibition, in order to supply us themselves. Upon accurately investigating this point, we shall find the reasoning to be as false, as the supposition is illiberal. It is true the eastern States can build and equip ships, upon better terms than the southern: Nay, I believe I may go farther, and say, that they can upon better terms than any nation in Europe. This arises from their having all the materials for ship-building within themselves, except canvas and cordage, whilst most of the maritime powers of Europe, depend upon foreign countries, not only for these articles, but also for timber and masts. A great extent of sea coast, a cold climate, a barren soil, and above all, the fisheries, furnish an infinite number of seamen, who from necessity are willing to navigate for very moderate wages. If this be the case, is there any reason to suppose that the eastern States will not carry our produce upon as reasonable terms as any of the European powers? I believe it is a fact, that before the war, they were the principal carriers for the British West-Indies; so low were the terms upon which their vessels could be chartered. And the same causes still exists, why they should take freight upon terms equally moderate. But this is not all. The eastern States are not ignorant that the southern' possess even better materials for ship-building, than they do; and therefore will take care not to excite their jealousy, nor stimulate them to build ships and become their own carrie[r]s, by exacting unreasonable

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freightage. But admitting that the eastern Delegates should be so disoe honest as well as unwise, to combine against those of the south—I will venture to assert, that not a man in America, who is acquainted with 7 the middle States, can suppose that they would join in such a combination. New-York is rather a country of farmers than of sailors: It possesses large tracts of fertile soil, but no fisheries, and before the war, for one ship built in that State, either for freightage or sale, there were thirty in New-England. All that she will aim at, therefore, will be ships of her own, sufficient to carry her own produce. Her interests, — therefore will not induce her to enter into this formidable combination. Jersey, from her local situation, and a variety of peculiar circum- stances, has fewer ships and seamen than even any of the southern States. Her interests, therefore, will lead her to adhere to them. The same reasoning applies to Pennsylvania that does to New-York; and still more

emphatically; because this State is still more employed in husbandry. And as to the State of Delaware, it does not own six ships. Let us then see how this question will stand in point of numbers. The four eastern States will have seventeen voices, which will be opposed by the nineteen voices of the middle States and the twenty-nine of the southern. I will now endeavour to answer the other objection.—The fear of a northern combination to furnish the southern States with manufactures. This I conceive, has arisen either from ignorance of the subject, or an absolute enmity to all confederation. The only manufactures which the northern States possess and with which they can furnish others, are shoes, cotton cards, nails, hats, carriages, and perhaps paper and refined sugars may be added; and should the whale-fishery be ever revived, train oil and spermaceti candles. The two first articles may be in a great measure confined to Massachusetts. Their shoes are as good and as cheap as those imported from Great-Britain, at least as the sale shoes. And as to the second article, the exportation of them from thence is prohibited by act of Parliament. Both New-York and Pennsylvania manufacture leather in all its branches, and hats; but not more than sufficient for their own consumption. Connecticut has no manufactures to export; nor has New-York, unless perhaps some re- fined sugar. Jersey has only domestic manufactures. Pennsylvania manufactures nails, refined sugar, cotton cards, carriages, and, of late, : paper for exportation. The Delaware State has only domestic manufactures.) If Massachusetts can furnish us with shoes, cards, train oil, and spermaczti candles; Pennsylvania with nails, white sugar, carriages, and

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paper, as cheap as we can procure them from beyond the Atlantic, why should not such European articles be prohibited? There is no probability that either the northern or southern States, will in many years become extensive manufacturers. The price of labour and cheapness of land, will prevent it; and the daily migrations from all the States to the western parts of America, will keep up the one, and keep down the other. I have been informed, and I believe rightly informed, that the amount of the imports from Europe, is as great or greater in the eastern or middle States, as in the southern proportion to their numbers. This, to many, may appear doubtful; but I believe it, because I have good reason to think, that the domestic manufactures of the southern States, particularly of Virginia, are of greater value than the domestic manufactures of the northern and middle States, in the same proportion. This has arisen from the cultivation of cotton, which will not come to perfection to the northward; and that article is manufactured with much less labour than either flax or hemp. If this account be just, what have the southern States to fear? But admitting some of the eastern and middle States should enter into this illiberal, unjust, and impolitic combination: Let us see how the numbers would stand. New-Hampshire, Massachusetts, New-York, and Pennsylvania, the only manufacturing States, may combine: Their numbers will amount to twenty-five in one House, to be opposed by forty; and in the other the numbers will be eight, to be

opposed by sixteen. After all, suppose these objections are founded in fact: Had we not better submit to the slight inconveniencies which might arise from this combination, than the serious evils that must necessarily follow from disunion?

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9 DH 1092: The Virginia Convention, Tuesday, 10 June 1788 – James Monroe

p. 1108

Treaties, Sir, will not extend your commerce. Our object is the *regulation of commerce* and not treaties. Our treaties with Holland, Prussia, and other powers, are of no consequence. It is not to the advantage of the United States, to make any compact with any nation with respect to trade. Our trade is engrossed by a country with which we have no commercial treaty.

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9 DH 1142; The Virginia Convention, Wednesday, 11 June 1788

p. 1153, James Madison:

All agree that the General Government ought to have power for the *regulation of commerce*. I will venture to say, that very great improvements and very oeconomical regulations will be made. It will be a principal object to guard against smuggling, and such other attacks on the revenue as other nations are subject to. We are now obliged to defend against those lawless attempts, but from the interfering regulations of different States, with little success. There are regulations in different States which are unfavourable to the inhabitants of other States, and which militate against the revenue. New-York levies money from New-Jersey by her imposts. In New-Jersey, instead of co-operating with New-York, the Legislature favors violations on her regulations. This will not be the case when uniform regulations will be made.

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10 DH 1299: The Virginia Convention, Monday, 16 June 1788

p. 1316

Mr. Grayson then added, that the Northern States would be principally benefited by having a fleet. That a majority of the States could vote the raising a great navy, or enter into any other *commercial regulation* very detrimental to the other States. In the United Netherlands there was much greater security, as the commercial

interest of no State could be sacrificed without its own consent. The raising a fleet was the daily and favourite subject of conversation in the Northern States. He apprehended, that if attempted, it would draw us into a war with Great-Britain or France. As the American fleet would not be competent to the defence of all the States, the Southern States would be most exposed.

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11 DH 196: Luther Martin: Genuine Information VIII, Baltimore Maryland Gazette, 22 January 1788

It was urged that by this system, we were giving the general government full and absolute power to *regulate commerce*, under which general power it would have a right to restrain, or totally prohibit the slave trade—it must appear to the world absurd and disgraceful to the last degree, that we should except from the exercise of that power, the only branch of commerce, which is unjustifiable in its nature, and contrary to the rights of mankind—That on the contrary, we ought rather to prohibit expressly in our constitution, the further importation of slaves; and to authorize the general government from time to time, to make such regulations as should be thought most advantageous for the gradual abolition of slavery, and the emancipation of the slaves which are already in the States.

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11 DH 404: Baltimore Maryland Journal, 18 March 1788, ANTIFEDERAL DISCOVERIES

p. 405

III.

That Congress could oblige all vessels bound to Maryland (for example) to enter at George-Town, under pretext of collecting the revenue with more certainty, and at less expence, which would necessarily induce the merchants who resided out of George-Town, to make their entries at Norfolk in Virginia, to the great advantage of that state, and the prejudice of Maryland in general, and Baltimore in particular. This discovery looked very well till some body remarked, that the constitution had expressly provided “that no preference shall be given by any *regulation of commerce* or revenue to the ports of one state over those of another.”

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11 DH 456: Luther Martin: Address No. III, Maryland Journal, 28 March 1788

p. 458

The principal question in which the state interests had any material effect, were those which related to representation, and the number in each branch of the legislature, whose concurrence should be necessary for passing navigation acts, or making *commercial regulations*

12 DH 659: Address of the Antifederalist Minority of the Maryland Convention, 1 May 1788

p. 666

That no *regulation of commerce*, or navigation act, shall be made, unless with the consent of two thirds of the members of each branch of congress.

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12 DH 736: Antoine de la Forest to Comte de la Luzerne, New York, 16 May 1788

The Maryland Convention, after having adopted the proposed constitution by a majority of 63 votes to 11, named a committee of 13 of its members to draft the necessary alterations; it resolved at the same time that it would take into consideration only those that would be presented to it by this committee, which was composed of partisans and enemies of the new System. The latter wanted to make a last effort to destroy the system's power. They first proposed 13 restrictive amendments that were agreed to; they then added 15 others to them, the most notable of which, because it best characterizes the fears of the Southern States, stated that no *regulation of commerce* and navigation could take place except with the consent of two-thirds of the members of each branch of congress.

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13 DH 112: Baltimore Maryland Gazette, 22 May, 1788

To revise the confederation, and to fall upon a system of *commercial regulations*, which upon the whole may tend to the revival and establishment of our credit, and the encouragement of our trade and manufactures, are objects of such magnitude, as require the united wisdom of the continent—and from the respectable names of the gentlemen, deputed to this arduous business, we have reason to be assured, the greatest exertions will be made, and the best measures adopted, to render the constitution of the federal Government, adequate to the exigencies of the union.

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13 DH 191: **Pennsylvania Gazette, 29 August, 1787**

Trading and manufacturing companies suspend their voyages and manufactures, till they see how far their commerce will be protected and promoted by a national system of *commercial regulations*.

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13 DH 215: **North Carolina Delegates to Governor Richard Caswell, Philadelphia, 18 September, 1787**

p. 216

A navigation Act or the Power to *regulate Commerce* in the Hands of the National Government by which American Ships and Seamen may be fully employed is the desirable weight that is thrown into the Northern Scale. This is what the

p. 217

Southern States have given in Exchange for the Advantages we Mentioned above; but we beg leave to Observe in the Course of this Interchange North Carolina does not Appear to us to have given any thing; for we are doubtless the most independent of the Southern States; we are able to carry our own Produce and if the Spirit of Navigation and Ship building is cherished in our State we Shall Soon be able to carry for our Neighbours

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14 DH 55: **Centinel III, Philadelphia Independent Gazetteer, 8 November, 1788**

p. 57

Experience having shewn great defects in the present confederation, particularly in the *regulation of commerce* and [*sic*] maritime affairs; it became the universal wish of America to grant further powers, so as to make the federal government adequate to the ends of its institution. The anxiety on this head was greatly increased, from the impoverishment and distress occasioned by the excessive importations of foreign merchandise and luxuries and consequent drain of specie, since the peace: thus the people were in the disposition of a drowning man, eager to catch at any thing that promised relief, however delusory.

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14 DH 130: **Publius: The Federalist 7, New York Independent Journal, 17 November, 1787**

p. 133

The opportunities, which some States would have of rendering others tributary to them, by *commercial regulations*, would be impatiently submitted to by the tributary States. The relative situation of New-York, Connecticut and New-Jersey, would afford an example of this kind. New-York, from the necessities of revenue, must lay duties on her importations.

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14 DH 436: **Publius: The Federalist 22 , New York Packet, 14 December, 1787**

p. 437

The want of a power to *regulate commerce* is by all parties allowed to be of the number. The utility of such a power has been anticipated under the first head of our inquiries; and for this reason as well as from the universal conviction entertained upon the subject, little need be added in this place. It is indeed evident, on the most superficial view, that there is no object, either as it respects the interests of trade or finance that : more strongly demands a Foederal superintendence. The want of it has already operated as a bar to the formation of beneficial treaties with foreign powers; and has given occasions of dissatisfaction between the States. No nation acquainted with the nature of our political association would be unwise enough to enter into stipulations with the United States, by which they conceded privileges of any importance to them, while they were apprised that the engagements on the part of the Union, might at any moment be violated by its members; and while they found from experience that they might enjoy every advantage they desired in our markets, without granting us any return, but such as their momentary convenience might suggest. It is not therefore to be wondered at, that Mr. Jenkinson in ushering into the House of Commons a bill for regulating the temporary intercourse between the two countries, should preface its introduction by a declaration that similar provisions in former bills had been found to answer every purpose to the commerce of Great Britain, & that it would be prudent to persist in the plan until it should appear whether the American government was likely or not to acquire greater consistency.

Several States have endeavoured by separate prohibitions, restrictions and exclusions, to influence the conduct of that kingdom in this particular; but the want of concert, arising from the want of a general authority, and from clashing, and dissimilar views in the States, has hitherto frustrated every experiment of the kind; and will continue to do so as long as the same obstacles to an uniformity of

measures continue to exist.

The interfering and unneighbourly regulations of some States, contrary to the true spirit of the Union, have in different instances given just _ cause of umbrage and complaint to others; and it is to be feared that examples of this nature, if not restrained by a national controul, would be multiplied and extended till they became not less serious sources of animosity and discord, than injurious impediments to the intercourse between the different parts of the confederacy. “The commerce of the German empire is in continual trammels from the multiplicity of the duties which the several Princes and States exact upon the merchan

p. 438

dizes passing through their territories; by means of which the fine streams and navigable rivers with which Germany is so happily watered, are rendered almost useless.” Though the genius of the people of this country might never permit this description to be strictly applicable to us, yet we may reasonably expect, from the gradual conflicts of State regulations, that the citizens of each, would at length come to be considered and treated by the others in no better light than that of foreigners and aliens.

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**15 DH 165: An American: To Richard Henry Lee, 28 December 1787-3
January 1788**

p. 168

By way of a general review of this subject, I shall give you the substance and nearly the words of a late publication on “the principles of a commercial system for the United States,” addressed to the federal convention, during their late sitting, by a merchant (not a landholder) of Philadelphia.

Just opinions (says this writer) on our general affairs, must necessarily precede such a wise system of *commercial regulations*, as will extend our trade as far as it can be carried without affecting unfavorably our other weighty interests. It may therefore be useful to take a comparative view of the two most important objects in the United States: our agriculture and commerce.

In a country blest with a fertile soil and a climate admitting steady labor, where the cheapness of land tempts the European from his home, and the manufacturer from his trade, we are led by a few moments of reflexion to fix on agriculture, as the great leading interest. From this we shall find most of our other advantages result, so far as they arise from the nature of our affairs, and where they are not produced by the coercion of laws: the fisheries are the principal exception. In order to make a

true estimate of the magnitude of agriculture, we must remember, that it is encouraged by few or no duties on the importation of rival produce—that, with a small exception in favor of our fisheries, it furnishes outward cargoes not only for all our own ships, but those also which foreign nations send to our ports, or in other words that it pays for all our importations—that it supplies a part of the cloathing of our people, and the food of them and their cattle—that what is consumed at home, including the materials for manufacturing, is four or five times the value of what is exported, that the number of people employed in agriculture, is at least nine parts in ten of the inhabitants of America, that therefore the planters and farmers form the body of the militia, the bulwark of the nation—that the value of property occupied by agriculture, is manifold greater than that of the property employed in every other way—that the settlement of our waste lands, and subdividing our improved farms is every year—encreasing the pre-eminence of the agricultural interest, that the resources we derive from it are at all times certain and indispensibly necessary—and lastly, that the rural life promotes health and morality by its active nature, and by keeping our people from the luxuries and vices of the towns. In short, agriculture appears to be the spring of our commerce, and the parent of our manufactures.

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15 DH 362: **Samuel Blachley Webb to Joseph Barrell, New York, 13 January, 1788**

p. 363

think a War in Europe would be advantageous to our Politics, tho: our *commercial regulations* are so bad (or rather the want of any general regulations) that I am fearfull the Mercantile Interest would not be able to take the advantages which would be presented to us.

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15 DH 427: **Publius: The Federalist 42 (Madison), New York Packet, 22 January, 1788**

p. 428

The *regulation of foreign commerce*, having fallen within several views which have been taken of this subject, has been too fully dis

p. 429

cussed to need additional proofs here of its being properly submitted to, the foederal administration.

It were doubtless to be wished that the power of prohibiting the importation of slaves, had not been postponed until the year 1808, or rather that it had been suffered to have immediate operation. But it is not difficult to account either for this restriction on the general government, or for the manner in which the whole clause is expressed. It ought to be considered as a great point gained in favor of humanity, that a period of twenty years may terminate for ever within these States, a traffic which has so long and so loudly upbraided the barbarism of modern policy; that within that period it will receive a considerable discouragement from the federal Government, and may be totally abolished by a concurrence of the few States which continue the unnatural traffic, in the prohibitory example which has been given by so great a majority of the Union. Happy would it be for the unfortunate Africans, if an equal prospect lay before them, of being redeemed from the oppressions of their European brethren!

The defect of power in the existing confederacy, to *regulate the commerce* between its several members, is in the number of those

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which have been clearly pointed out by experience. To the proofs and remarks which former papers have brought into view on this subject, it may be added, that without this supplemental provision, the great and essential power of *regulating foreign commerce*, would have been incomplete, and ineffectual. A very material object of this power was the relief of the States which import and export through other States, from the improper contributions levied on them by the latter. Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out, to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter, and the consumers of the former: We may be assured by past experience, that such a practice would be introduced by future contrivances; and both by that and a common knowledge of human affairs, that it would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public tranquility. To those who do not view the question through the medium of passion or of interest, the desire of the commercial States to collect in any form, an indirect revenue from their uncommercial neighbours, must appear not less impolitic than it is unfair; since it would stimulate the injured party, by resentment as well as interest, to resort to less convenient channels for their foreign trade. But the mild voice of reason, pleading the cause of an enlarged and permanent interest, is but too often drowned before public bodies as well as individuals, by the clamours of an impatient avidity for immediate and immoderate gain.

The necessity of a superintending authority over the reciprocal trade of

confederated States has been illustrated by other examples as well as our own. In Switzerland, where the Union is so very slight, each Canton is obliged to allow to merchandizes, a passage through its' jurisdiction into other Cantons, without an augmentation of the tolls. In Germany, it is a law of the empire, that the Princes and States shall not lay tolls or customs on bridges, rivers, or passages, without the consent of the Emperor and Diet; though it appears from a quotation in an antecedent paper,' that the practice in this as in many other instances in that confederacy, has not followed the law, and has produced there the mischiefs which have been foreseen here. Among the restraints imposed by the Union of the Netherlands, on its members, one is, that they shall not establish imposts disadvantageous to their neighbors, without the general permission. The *regulation of commerce* with the Indian tribes is very properly unfettered from two limitations in the articles of confederation, which render the provision obscure and contradictory. The power is there restrained to Indians, not members of any of the States, and is not to violate or infringe the legislative right of any State within its own limits.

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What description of Indians are to be deemed members of a State, is not yet settled; and has been a question of frequent perplexity and contention in the Foederal Councils. And how the trade with Indians, though not members of a State, yet residing within its legislative jurisdiction, can be regulated by an external authority, without so far intruding on the internal rights of legislation, is absolutely incomprehensible.

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16 DH 11: Gaspard Joseph Amand Ducher to Comte de la Luzerne, Wilmington, N.C., 2 February, 1788

p. 13

Will not the commercial interest of the five southern states be sacrificed to that of the 8 other states? by my nos. 3, 8 and 20 from portsmouth, I explained that the purpose of the annapolis Congress was to Consider the Relative state of the Commerce of the 13. Republics and to what point a uniform System in their commercial laws was necessary for the continuation of their union, that the Navigation acts of the states of Newhampshire and massachusetts had been suspended because the other states did not wish to proclaim similar ones, designed to punish england for its strictness against american Commerce, that the annapolis congress having Recog- nized that the general Commercial interest of the 13 united states required the Reform of some of the articles of the present Confederation, a convention was to take place at philadelphia, that a uniform commercial Bill would make the new englanders the principal navigators of the Continent, that it was

difficult to apportion the votes, the contributions, to take away from Each state in matters of Commerce custom duties, rebates, and bounties, to Give a new congress more energy without destroying the sovereignty of the 13. states, that england would plot against all uniform *Commercial regulations* in the 13. states because its flag and its commodities were not submitted to the same Restrictions that the flag and goods of . the united states were in the english possessions, &c.

The Circumstances explained, My Lord, in the 3. Nos. from portsmouth were perceived as a lost Cause, it is said, by the delegates of the southern states at the philadelphia convention. it is claimed here that the new constitution is all to the advantage of the northern states which would always have the Majority in the new congress. the southern delegates were not able to obtain a resolve that a navigation act could be Made only by two thirds of the two houses.’ all the workers employed in Shipbuilding, all the sailors, all the merchants of the northern states will build, navigate carry the Commerce for the southern states some of which by tonnage duties and Rebates import duties aided the private Construction and Manufacture in these states. The Builders and navigators of the northern states, independent of the large coastal trade that they carry from one state to another, tie the Commerce of the five southern states to that of the west indies; I have seen at savannah, charleston, here New-england Built and

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16 DH 152 Harry Innes to John Brown, Danville, Ky., 20 February, 1788

All *commercial regulations* “are to be vested in the General Congress”. Our interests and the interests of the Eastern states are so diametrically opposite to each other that there cannot be a ray of hope left to the Western Country to suppose that when once that interest clashes we shall

p. 153

have justice done us. There is no such idea as justice in a Political society when the interests of 59/60 are to be injured thereby and that this will be the case as soon as we have the liberty of exportation, is self evident. Is , there an article that the Eastern States can export except Fish oil & rice that we shall not abound in. I say not one. So long therefore as Congress , hath this sole power & a majority have the right of deciding on those grand questions we cannot expect to enjoy the navigation of the Mississippi, but another evil equally great will arise from the same point. If ever we are a great and happy people, it must arise from our industry and attention to manufactories. This desirable end can never be brought about so long as the state Legislatures have the power of prohibiting imports, can we suppose that Congress will indulge us with a partial import when we must otherwise procure all our resources from the Eastward, the consequence of which is that we will be

impoverished and the Eastern States will draw all our wealth and emigration will totally cease.

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16 DH 261: Samuel McDowell et al. to the Court of Fayette County, Ky., 28 February, 1788

p. 262

By the power to *regulate commerce*, we loose the Navigation of the Mississippi; population will cease, and Our lands become of little Value. By Uniform duties and imposts, and the prohibition of a tax or duty on Articles exported from any State, we Never shall be able to encourage Manufactaries and our wealth be carried to the Eastern & Southern States.

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17 DH 265: Federal Farmer: An Additional Number of Letters to the Republican, New York, 2 May, 1788

p. 301 Letter XI

p. 309

By the first recited clause, the legislature has the power, that is, as I understand it, the sole power to *regulate commerce* with foreign nations, or to make all the rules and *regulations respecting trade and commerce* between our citizens and foreigners:

17 DH 310 – Federal Farmer Letter XII

p. 357

By giving the union power to *regulate commerce*, and to levy and collect taxes by imposts, we give it an extensive authority, and permanent productive funds, I believe quite as adequate to the present demands of the union, as excises and direct taxes can be made to the present demands of the separate states.

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18 DH 74: Richard Henry Lee to Edmund Pendleton, Chantilly, Va., 26 May, 1788

p. 77

The danger of Monopolized Trade may be avoided by calling for the consent of 3

fourths of the U. States on *regulations of Commerce*.

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19 DH 174: **Curtius III, New York Daily Advertiser, 3 November 1787**

p. 175

The numbers of that enlightened order in society, the mercantile, are too sensible of the importance of national respectability, of public credit abroad, and of just *commercial regulations* at home, to hesitate long as to its adoption.

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20 DH 922: **A Citizen of New-York: An Address to the People of the State of New York, 15 April 1788**

p.930

By the Confederation as it now stands, the direction of general and national affairs is committed to a single body of men, viz. the Congress. They may make war, but are not empowered to raise men or money to carry it on—They may make peace, but without power to see the terms of it observed—They may form alliances, but without ability to comply with the stipulations on their part—They may enter into treaties of commerce, but without power to enforce them at home or abroad— They may borrow money, but without having the means of repayment—They may partly *regulate commerce*, but without authority to execute their ordinances

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20 DH 942: **A Plebeian: An Address to the People of the State of New York, 17 April 1788**

p. 956

Some advantages may accrue from vesting in one general government, the right to *regulate commerce*, but it is a vain delusion to expect any thing like what is promised. The truth is, this country buys more than it sells: It imports more than it exports. There are too many merchants in proportion to the farmers and manufacturers. Until these defects are remedied, no government can relieve us. Common sense dictates, that if a man buys more than he sells, he will remain in debt; the same is true of a country.—And as long as this country imports more goods than she exports—the overplus must be paid for in money or not paid at all.

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20 DH 1153: **Sydney, New York Journal, 13, 14 June 1788**

p. 1157

It is notorious, that the right of regulating Indian affairs, especially with the five nations, has been in the colony of New-York, since the year 1664, and before that period from the year 1614, whilst it was called New-Nederland under the Dutch—That by the confederation, although Congress are invested with the power of regulating the trade and managing all affairs with the Indians, that they are restricted to those Indians, “not members of any of the states, and a special proviso that the legislative rights of any state within its own limits, be not infringed or violated.”—It therefore was a violation of the confederation and of the rights of the state for the congressional commissioners of Indian affairs to treat, at fort Stanwix, with and thereat to make a purchase from the five nations without the authority or consent of the legislature of this state.?’ It was an infraction of the rights of the citizens of this state, and an insult on their government, for those commissioners to wrest private property from individuals, imprison their persons, set at defiance the civil authority of the county of Montgomery, and violently to resist the execution of legal process. Nor was the ordinance of the 7th of August 1786, for the regulation of Indian affairs, less so, namely, that “the Indian department be divided into two districts, viz. the southern, which shall comprehend within its limits all the nations in the territory of the United States, who reside to the southward of the Ohio; and the northern, which shall comprehend all the nations within the said territory, and westward, not of lake Ontario, but of Hudson’s river—that a superintendant for the northern district shall have authority, to appoint two deputies to reside in such places as shall best facilitate the regulation of the Indian trade, that no person, citizen,

p. 1158

or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian or Indian nations within the territory of the United States, without a license for that purpose first obtained from the superintendant of the district, or of one of the deputies, who is hereby directed to give such licence to every person who shall produce from the supreme executive of any state a certificate under the seal of the state, that he is of good character, and suitably qualified and provided for that employment, for which licence he shall pay for one year the sum of fifty dollars to the said superintendant for the use of the United States.”

If this was the conduct of Congress and their officers, when possessed of powers which were declared by them to be insufficient for the purposes of government, what have we reasonably to expect will be their conduct when possessed of the powers “to *regulate commerce* with foreign nations, and among the several states, and with the Indian tribes,’ when they are armed with legislative, executive and judicial powers, and their laws the supreme laws of the land—and when the states are prohibited, without the consent of Congress, to lay any “imposts or duties on imports or exports,” and if they do, they shall be for the use of the treasury of the

United States—and all such laws subject to the revision and controul of Congress. It is therefore evident that this state, by adopting the new government, will enervate their legislative rights, and totally surrender into the hands of Congress the management and regulation of the Indian affairs, and expose the Indian trade to an improper government—and the traders to be fleeced by iniquitous impositions, operating at one and the same time as a monopoly and a poll-tax.—The deputy, by the above ordinance, has a right to exact yearly fifty dollars from every trader, which Congress may increase to any amount, and give it all the operation of a monopoly—fifty dollars on a cargo of 10,000 dollars value, will be inconsiderable, on a cargo of 1000 dollars burthensome, but on a cargo of 100 dollars will be intolerable, and amount to a total prohibition, as to small adventurers.

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21 DH 1472: **A Flat-Bush Farmer, 21 April 1788** (a response to “a Kings County Farmer,” a document in the Dutch language that has not been located.)

p. 1473

The very party in this State which now opposes the New Constitution, are the very men, who two years ago, prevented the Congress from having the *regulation of the commerce* of this country; and you may rely on it, they will be opposed to any thing, or any plan of government, which is likely to lessen their consequence and power, or to diminish their exorbitant salaries. He also tells you, that it was for the regulating trade, that the Convention sat at Philadelphia—This is an untruth. The Convention who met at Annapolis two years ago were sent to *regulate commerce*; they did nothing with that business, but reported to the different States the impropriety of merely regulating trade, and recommended a new Convention to be called, with full powers, to correct the defects of the Confederation;—and these powers were given to the Convention who sat at Philadelphia: —And this New Constitution is the product of these powers.

p. 1474

I do believe that the commerce of this country, under the regulations of the New Federal Constitution, will be so extensive, and so advantageous, that the revenue arising therefrom, will be fully adequate to the exigencies of that government.

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22 DH 1704: **The New York Convention, Friday, 20 June 1788**

p. 1727 (Alexander Hamilton)

Sir, the natural situation of this country seems to divide its interests into different classes. There are navigating and non-navigating States— The Northern are

properly the navigating States: The Southern appear to possess neither the means nor the spirit of navigation. This difference of situation naturally produces a dissimilarity of interests and views respecting foreign commerce. It was the interest of the Northern States, that there should be no restraints on their navigation, and that they should have full power, by a majority in Congress, to make *commercial regulations* in favour of their own, and in restraint of the navigation of foreigners—The Southern States wished to impose a restraint on the Northern, by requiring that two thirds in Congress, should be requisite to pass an act in *regulation of commerce*: They were apprehensive that the restraints of a navigation law, would discourage foreigners, and by obliging them to employ the shipping of the Northern States would probably enhance their freight—This being the case, they insisted strenuously on having this provision engrafted in the constitution; and the Northern States were as anxious in opposing it. On the other hand, the small states seeing themselves embraced by the confederation upon equal terms, wished to retain the advantages which they already possessed: The large states, on the contrary, thought it improper that Rhode Island and Delaware should enjoy an equal suffrage with themselves: From these sources a delicate and difficult contest arose. It became necessary, therefore, to compromise; or the Convention must have dissolved without affecting any thing.

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22 DH 1921: The New York Convention, Friday, 27 June 1788

p.1955 (Alexander Hamilton)

The great leading objects of the federal government, in which revenue is concerned, are to maintain domestic peace, and provide for the common defence. In these are comprehended the *regulation of commerce*; that is, the whole system of foreign intercourse; the support of armies and navies, and of the civil administration.

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24 DH 119: Newport Mechanick's Meeting, c. 20-22 March 1788

The disorders that have pervaded this State for two years past—the inadequacy of our national government to *regulate commerce* and control the general interest, have become very alarming considerations; for, in addition to the loss of public honor and credit, we have to lament the decay of our trade, the ruin of our mechanicks, and the want of employ for the industrious labourers.

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25 DH 512: Providence Gazette, 23 May 1789

It may be done, and your Members arrive, before the Impost and other *Regulations of Commerce* begin to operate. Measures must be taken to prevent the Duties being evaded, by importing Goods through those States which have not adopted the Constitution, into the other States; and I do not see how it can be effectually done, but by prohibiting any foreign Articles from being brought by Land or Water from those States, on Pain

p. 513

of Seizure and Confiscation. I trust Congress will not wish to do any Thing injurious to those States, further than is necessary to secure the Rights of the other States. —Rhode-Island is a trading State, and, if she was in the Union, might derive great commercial Advantages from a free Intercourse with the other States, now all State Restrictions of Commerce are done away.

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25 DH 591: Jabez Bowen to John Adams, Providence, 31 August 1789

By the operation of the *Commercial Regulations* of the United States, those that have been friends, and for adopting the New Constitution in this State, are like to be exceedingly oppressed as well as Mortify'd. your Laws say that the productions & Manufactures of the Country shall be imported Duty Free by this the Farmers (who compose the Anti federal party) are highly favour'd The Collector of New York' says that the coasting and other Vessells that belong to the Citizens of Rd Island must pay the Tonnage as Foreigners this puts an end to the Coasting Trade among us, and will bring great Distress on the Inhabitants of the Seaport Towns who almost to a Man have been for establishing the Federal Government. this operates in so untoward a manner, and is so mortifying to us that we shall loose all our influence among the people and they will turn their Eyes to the other kind of people to help them . . . [O]n the whole we Intreat you in the most earnest manner to attend to the Petitions of the Towns of Newport

p. 592

Providence &c for rel[i]eving us at present so far as not to insist on the Forreign Tonnage and giving us liberty to carry other Merchandize on Paying the Dut[i]es &c.

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26-a DH 40: Newport Herald, 13 September 1787

p. 41

It is calculated that the late *regulations of commerce* by the Federal Assembly will

make an annual saving of one third of the imports of foreign manufactures immediately, which will give full employ to our laboring poor.

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27 DH 116: House of Representatives Debates, 17 January 1788

p. 122, Charles Coatesworth Pinckney

But I will also add justice and humanity required it likewise. For who have been the greatest sufferers in the union, by

p.123

our obtaining our independence? I answer, the Eastern states;—they have lost every thing but their country, and their freedom: It is notorious that some ports to the Eastward, which used to fit out 150 sail of vessels, do not now fit out 30; that their trade of ship building, which used to be very considerable is now annihilated; that their fisheries are trifling, & their mariners in want of bread; surely we are called upon by every tie of justice, friendship and humanity to relieve their distresses, and as by their exertions they have assisted us in establishing our freedom, we should let them in some measure partake of our prosperity.

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27 DH 125

Remarks of Rawlins Lowndes in the South Carolina legislature, Jan. 17, 1788

He went over much of the ground that he had trod the day before, relative to the eastern states not having given up much to gain the *regulation of our commerce*, which threw into their hands the carrying trade, and put it in their power to lay us under payment of whatever freightage they pleased: it was the interest of those people to do so, and they would follow it.

Why had our delegates not attended to this, and taken care to have had it expressed in this constitution that our ports were open to all nations; instead of putting us in the power of a set of men who may fritter away the value of our produce to little or nothing, by compelling payment of exorbitant freightage. Neither did he believe it was in the power of the eastern states to furnish a sufficient number of ships to carry our produce . . .

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28 DH 291: **New Hampshire Gazette, 16 April 1788, To be or not to be? *Is the Question***

p. 292

Towns and country have so near a connection with, and depend so much on each other, that they cannot be advantaged singly.—Towns are made populous by manufactories or commerce:—manufactories and exports are the farmers markets. If ships are built it must be with timber and men, the first must be procured *in*, the latter must be fed *from the country*.—There are few exports in the New-England States, but the *farmer* has his concern in and *most* of them are the immediate produce of his own labour—Will the channels for these exports encrease?—Undoubtedly.—*Union* at home will give respectability abroad; this, with the inconvenience foreign powers must suffer from a proper *regulation of commerce* by Congress, will oblige them to enter into treaties, which will open ports on conditions of mutual advantage, and give vend to the produce of our soil; now the conditions are *their own*, or we are *totally excluded*.—Many are the reasons and powerful, why the Foederal Constitution should meet with the warm support of the *country*. An increased revenue, from a proper and universal regulation of trade, will render needless so large a *dry tax* as we have been subject to. Imposts on *foreign woolens* or *other* manufactories, will be advantageous to this country, either in the consumption of the *raw material*, or to the manufactories as such.—Confidence between individuals will be establish'd, money more easily obtained; and farms of course more generally improved. Lands will increase in value, as we increase in wealth and industry.—Good laws, and a steady government will invite property as well as people to us.—Having full confidence in the good sense of my fellow citizens;—no doubt remains in my mind but they will adopt a system so well calculated to secure our liberties as individuals, and establish our dignity as a nation:—They will aid in finishing the glorious work begun, and not tarnish the reputation they have established for wholesome laws and honest government, by adopting the conduct of a neighbouring State.

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30 DH 10: **Hugh Williamson: Speech at Edenton, N.C., 8 November 1787**

p. 14

It has been objected in some of the Southern States, that the Congress, by a majority of votes, is to have the power to regulate trade. It is universally admitted that Congress ought to have this power, else our commerce, which is nearly ruined, can never be restored; but some gentlemen think that the concurrence of two thirds of the votes in Congress should have been required. 5 By the sundry *regulations of commerce*, it will be in the power of Government not only to collect a vast revenue

for the general benefit of the nation, but to secure the carrying trade in the hands of citizens in preference to strangers [i.e., foreigners]. It has been alledged that there are few ships belonging to the Southern States, and that the price of freight must rise in consequence of our excluding many foreign vessels: but when we have not vessels of our own, it is certainly proper that we should hire those of citizens in preference to strangers; for our

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revenue is promoted and the nation is strengthened by the profits that remain in the hands of citizens; we are injured by throwing it into the hands of strangers; and though the price of freight should rise for two or three years, this advantage is fully due to our brethren in the Eastern and middle States, who, with great and exemplary candor, have given us equal advantages in return. A small encrease in the price of freight would operate greatly in favor of the Southern States: it would promote the spirit of ship building; it would promote a nursery for native seamen, and would afford support to the poor who live near the sea coast; it would encrease the value of their lands, and at the same time it would reduce their taxes. It has finally been objected that the several States are not permitted to tax their exports for the benefit of their particular Treasuries. This strange objection has been occasionally repeated by citizens of this State. They must have transplanted it from another State, for it could not have been the growth of North-Carolina. Such have been the objections against the new Constitution.

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30 DH 93: **Marcus IV, Norfolk and Portsmouth Journal, 12 March 1788**

p. 94

The first mentioned is, "That the Congress may grant monopolies in trade and commerce." Upon examining the Constitution, I find it expressly provided, "That no preference shall be given to the ports of one State over those of another;" and that "Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." These provisions appear to me to be calculated for the very purpose Mr. Mason wishes to secure. Can they be consistent with any monopoly in trade and commerce?(a) I apprehend therefore, under this expression must be intended more than is expressed; and if I may conjecture from another publication of a gentleman of the same State and in the same party of opposition,³ I should suppose it arose from a jealousy of the Eastern States, very well known to be often expressed by some gentlemen of Virginia. They fear, that a majority of the States may establish *regulations of commerce* which will give great advantage to the carrying trade of America, and be a means of encouraging New

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England vessels rather than old England.—Be it so.—No regulations can give such advantage to New England vessels, which will not be enjoyed by all other American vessels, and many States can build as well as New England, tho' not at present perhaps in equal proportion. And what could conduce more to the preservation of the union, than allowing to every kind of industry in America a peculiar preference! Each State exerting itself in its own way, but the exertions of all contributing to the common security, and increasing the rising greatness of our country! Is it not the aim of every wise country to be as much the carriers of their own produce as can be? And would not this be the means in our own of producing a new source of activity among the people, giving to our own fellow citizens what otherwise must be given to strangers, and laying the foundation of an independent trade among ourselves, and of gradually raising a navy in America, which, however distant the prospect, ought certainly not to be out of our sight. There is no great probability however that our country is likely soon to enjoy so glorious an advantage. We must have treaties of commerce, because without them we cannot trade to other countries. We already have such with some nations—we have none with Great-Britain; which can be imputed to no other cause but our not having a strong respectable government to bring that nation to terms. And surely no man who feels for the honor of his country, but must view our present degrading commerce with that country with the highest indignation, and the most ardent wish to extricate ourselves from so disgraceful a situation. This only can be done by a powerful government, which can dictate conditions of advantage to ourselves, as an equivalent for advantages to them; and this could undoubtedly be easily done by such a government, without diminishing the value of any articles of our own produce; or if there was any diminution it would be too slight to be felt by any patriot in competition with the honor and interest of his country.

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30 DH 124

A North Carolina Citizen on the Federal Constitution, Apr. 1788

p. 134

Laws to keep up the value of paper-bills, and punish depretiators speculators & counterfeiters are impracticable; they are like the attempts to *regulate commerce*, which will regulate itself in spite of all laws.

p. 138

We submitted the *regulation of our commerce* to the Brittish Parliament, a sett of men in whose election we had no choice and are now affraid to commit the same matter to men of our own chusing.

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30 DH 233: **Hillsborough Convention, Thursday, 24 July 1788, Convention Proceedings, 24 July 1788)**

p. 243, William Davie

The next head under which the general government may be considered, is the *regulation of commerce*. The United States should be empowered to compel foreign nations into *commercial regulations*, that were either founded on the principles of justice or reciprocal advantages. Has the present Confederation effected any of these things? Is not our commerce equally unprotected abroad by arms and negotiation? Nations have refused to enter into treaties with us. What was the language of the British Court on a proposition of this kind? Such as would insult the pride of any man of feeling and independence—"You can make engagements, but you cannot compel your citizens to comply with them; we derive greater profits from the present situation of your commerce, than we could expect under a treaty; and you have no kind of power that can compel us to surrender any advantage to you." This was the language of our enemies; and while our government remains as feeble as it has been, no nation will form any connexion with us, that will involve the relinquishment of the least advantage. What has been the consequence? a general decay of trade, the rise of imported merchandise, the fall of produce, and an uncommon decrease of the value of lands. Foreigners have been reaping the benefits and emolument which our citizens ought to enjoy. An unjustifiable perversion of justice has pervaded almost all the states, and every thing presenting to our view a spectacle of public poverty and private wretchedness.

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33 DH 902: **Deliberator, Freeman's Journal, 20 February 1788**

p. 903

"Congress cannot enact laws for the inspection of the produce of the country."— Neither is this strictly true. Their power "*to regulate commerce* with foreign nations and among the several States, and to make all laws which shall be necessary and proper for carrying this power (among others vested in them by the constitution) into execution," most certainly extends to the enacting of inspection laws.

p. 904

Congress may, under the sanction of that clause in the constitution which empowers them to *regulate commerce*, authorize the importation of slaves, even into those states where this iniquitous trade is, or may be prohibited by their laws or constitutions.

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34 DH 1217: **Mechanic, Independent Gazetteer, 23 April 1788**

p. 1218

And for my part, I consider that the new constitution without amendments so far from relieving our distresses, would increase them ten fold by the enormous taxes which must necessarily be laid to support a superb presidential court and numerous list of civil officers } in every department, and an immense standing army; and that all the little advantages we would gain by *regulations of commerce* (which could be but very small for a number of years) would be out balanced by the extravagance and luxury of our numerous upstart quality (who would form our American court) in using foreign merchandise, manufactures, and even laces, trinkets, toys, and gewgaws, by which all our money would be shipped out of the country: and which is the principal cause of our present distress, although it is all layed on the weakness of our present government.