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Candidus I

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Mess^{rs}. ADAMS & NOURSE, The Constitution recommended by the Convention, is a subject of the greatest importance, to every individual of these States; and ought to be seriously considered. The respectability of the characters who composed that Assembly, without doubt, will have its due weight; yet it cannot be supposed, that the citizens of America, will so far rely on the abilities of those gentlemen, as to concur in their measures, while any doubts remain on their minds, respecting their salutary operations.

Some leading arguments offered in favour of the Constitution, are, that our situation, is such, as renders it absolutely necessary, we should establish some Federal Plan of Government;—that the present Constitution, is the *only one* that can ever be adopted; and that if we *reject this*, the consequences will be fatal to this country. These dreadful apprehensions seem to preclude every candid enquiry on the subject: For if we *must comply*, without even a lisp of hesitation, it is needless to offer it to the people, for their consideration. If the authors are *deified*, and their works pronounced *infallible*, it is delivered to the people, rather for their *implicit acquiescence*, than for their *free deliberations*.

It is also said, that the States have no other alternative, than to *accept* it in every particular, or totally to *reject* it. These observations, however, I conceive, are mere assertions, without evidence. The people being called on to convene, and deliberate, proves that the Convention themselves, supposed the plan was subject to amendments. Neither can we imagine, those respectable characters, would insinuate an idea so affronting, and degrading, to the Freeman of these States, as that they *must submit* in the gross, to the Constitution offered, notwithstanding they might have the most weighty reasons to reject some *particular parts*.

It is further said, *that anarchy and civil war, will ensue, provided we reject the proposed Constitution*: This is a bugbear, raised to influence a very respectable part of the community. Can it be supposed that the people, are so savage, and void of every principle of common prudence, that they would abandon all their deliberations in Council, and rush immediately to arms? The people of these States, are too wise and considerate, to be guilty of such horrid imprudencies: They are too enlightened to decide their political controversies by the SWORD. Those persons therefore, who raise such vile suggestions, are endeavouring to effect certain purposes, by working on the tender passions of the honest and well-disposed.

Some persons are for adopting the Constitution, without any farther consideration, as they say it is *impossible* for us to be in a worse situation than at present. Such men are fit subjects to

answer any purposes whatever, and are acting a part which they cannot justify to themselves or posterity. Are not such sentiments degrading to the character of Freemen? It must be a melancholly crisis when the people are tired of guarding their liberties; and are resigned to whatever government is *dealt to them*. If our commerce is failing, and our industrious citizens are distressed, so far from being dilatory, the more caution is required, to adopt such a plan as will remedy their complaints. Let such persons read the history of other nations, and then judge whether it is *impossible* that our situation should be worse.

Is it presumed, that the wisdom of this people has so far forsaken them, that they are willing to accede without any examination, to a mode of government, which may affect millions of their posterity? Or is it conceived that the period has arrived when they are ready to resign every pretension to judge for themselves, and dare not scrutinize any establishments on which depend their political happiness and welfare?

On the other hand, if the State Conventions do not approve of every paragraph, *must the whole plan* become null and void? Shall the people, after being at the trouble of choosing members to meet in Convention; and taxing themselves with the expence of their assembling, be *obliged* to relinquish the whole business, and throw up every prospect of succeeding in their attempts, to establish a permanent government? These suggestions I conceive are artfully introduced to mislead the people, and are calculated to operate on their *fears*, so far as to influence them to accede *in every particular* to the proposed plan, although they might wish to make some very essential alterations.

Is it not the greatest absurdity to suppose, that the plan offered, *cannot* be amended previous to its adoption,—when it expressly provides for proposing amendments after it has begun to operate? Would it not be the height of folly, to adopt a plan *entire*, in expectation of altering some very essential parts at a future period? Surely the most prudent method is, to rectify all important matters, while we are assembled to deliberate on the subject, rather than to hazard the chance of feeling evils, when possibly it may be too late to remedy them? These are considerations, worthy our serious attention.

Some zealots are in extacy, when they speak of the present Constitution, and think it as sacred as the Commandments delivered from *Sinai*. But if we recur to what gave rise to the Convention, we shall not find that any thing super-natural was expected. 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. No man I presume did suppose at the time of their choice, that the devised plan, whatever it might be, was to be *rejected* or *approved* in every particular. The principal design at first was, to bring forward some preliminary articles, by which the people might know the general disposition of the States; and from thence they would be able to judge, how far it was probable a Federal system could be adopted. The Constitution now offered is the outline of a plan, which probably might be agreed on with certain amendments by the whole confederacy. This knowledge of the inclination of the several States, is as much as we could rationally have expected at the first meeting of the Convention.

Those persons who are in such *great haste* to adopt the present plan, should consider that even the smallest treaties and most common business of legislation require many overtures before

they are accomplished. Certainly then so great an undertaking as the Federal Constitution of thirteen Independent Sovereign States, so various in their interests, cannot be completed without the greatest caution and deliberation. We should not be so greatly impatient if we considered this important truth, *that on the wise establishment of a Federal plan, the liberties we have so dearly purchased, wholly depend.*

The grand question therefore now is, what objections have we to the system offered? The State Conventions when they assemble, without doubt will keep the *original plan*, as entire as possible. It is not supposed, that they will object to any matters, but such as they conceive are destructive to the liberties of the people. Provided objections are made, "*that a bill of rights is wanted: That the liberty of the press is not fully secured: That the powers of Congress to raise armies, lay impost, excise and direct taxation, are too great and dangerous: That the representation is inadequate: That the executive is vested with too extensive authority, and may tend to despotism: That the Legislatures of the several States would in time be annihilated: That the Congressional body would become independent of their constituents, by being paid out of the public treasury: That the choice of President by a detached body of electors was dangerous and tending to bribery; or if it is conceived that the States ought to confederate for the purposes of commerce and amity, rather than for those of legislation and taxation.*[""] If after a mature and candid examination the State Conventions should consider the foregoing objections of the highest importance, without doubt they would propose, that such particulars should be *erased*, and *amendments* inserted.

The State Conventions in case any alterations are required, have it in their power to choose delegates to meet again in Continental Convention. The objections (if any) of the several States would then be fully known, and after examining the sentiments of the whole, some plan it is probable would be devised, that would meet the approbation of the confederacy. As the people are now convinced (even more than when the late Convention was chosen) of the necessity of adopting some permanent foederal Constitution.

Many people are sanguine for the Constitution, because they apprehend our *commerce* will be benefited. I would advise those persons to distinguish between the evils that arise from extraneous causes and our private imprudencies, and those that arise from our government. It does not appear that the embarrassments of our trade will be removed by the adoption of this Constitution. The powers of Europe do not lay any extraordinary duties on our *oil*, *fish* or *tobacco*, because of our government; neither do they discourage our ship building on this account. I would ask what motive would induce Britain to repeal the duties on our *oil*, or France on our *fish*, if we should adopt the proposed Constitution?¹ 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,² 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*.³

But it may be said, this regulation of commerce, without *energy* to enforce a compliance is quite ideal: *coertion* with some persons seems the principal object, but I believe we have more to expect from the *affections of the people*, than from an armed body of men. Provided an uniform commercial system was adopted, and each State felt its agreeable operations, we should have but little occasion to exercise force. But however, as power is thought necessary to raise an *army*, if required, to carry into effect any Fœderal measure, I am willing to place it, where it is likely to be used with the utmost caution. This power I am willing to place among the confederated States, to be exercised when *two thirds* of them in their *Legislative capacities* shall say the common good requires it. But to trust this power in the hands of a few men delegated for two, four and six years, is complimenting the ambition of human nature too highly, to risque the tranquility of these States on their absolute determination. Certain characters *now on the stage*, we have reason to venerate, but though this country is now blessed with a Washington, Franklin, Hancock and Adams, yet posterity may have reason to rue the day when their political welfare depends on the decision of men who may fill the places of these worthies.

In considering the proposed Constitution, it is very necessary to distinguish what may give an undue influence to a particular profession and what ought to be adopted for *national purposes*. This party-influence is very evident in the powers vested in the Supreme Judicial. These powers extending “between citizens of different States,” also “between citizens of a State, and citizens of foreign States,” will I apprehend occasion innumerable judicial controversies; and the people will become exposed to the most expensive law suits; as almost every cause (even those originally between citizens of the same State) may be so contrived as to be carried to this fœderal court. A poor man may be harrassed by tedious and expensive appeals to this Supreme Court, or “such *inferiour Courts as Congress may from time to time ordain and establish*.”

The question then on this subject is, whether the judicial power ought to extend to any other than *national matters*, such as “treaties,” &c. And whether the Judicial Courts of the several States are not competent, to decide as usual on the controversies of the individuals of the several States?

It is said, that the parties by this establishment, may appeal to a disinterested fœderal Court, which will secure to them a fair trial, and an impartial judgment. But this mode of reasoning is calculated to mislead, by a false insinuation, rather than to prevent any evils which at present exist. The equity of our State Judicial Courts, has never been a subject of complaint. Why then should we give up these State trials, and suffer ourselves to be harrassed by a long and expensive appeal to a Continental Supreme Judicial Court? Would not such appeals serve to give every advantage to the rich over the poor? The tradesman, mechanic, and farmer, would by this establishment, be exposed to every imposition from the wealthy; as the former could not spare the time, and defray the expence of prosecuting their legal claims, distant from home. This mode also gives every advantage to British and other foreign creditors to embarrass the American merchant by appeals to this Court.

Upon the whole, we are too apt to charge those misfortunes to the want of *energy* in our government, which we have brought upon ourselves by dissipation and extravagance; and we are

led to flatter ourselves, that the proposed Constitution will restore to us peace and happiness, notwithstanding we should neglect to acquire these blessings by industry and frugality.—I will venture to affirm, that the extravagance of our British importations,—the discouragement of our own manufactures, and the luxurious living of all ranks and degrees, have been the principal cause of all the evils we now experience; and a general reform in these particulars, would have a greater tendency to promote the welfare of these States, than any measures that could be adopted.—No government under heaven could have preserved a people from ruin, or kept their commerce from declining, when they were exhausting their valuable resources in paying for superfluities, and running themselves in debt to *foreigners*, and to *each other* for articles of folly and dissipation:—While this is the case, we may contend about forms of government, but no establishment will enrich a people, who wantonly spend beyond their income.

The foregoing observations are intended solely to guard us against the artful suggestions of partizans on either side, and to remove every undue bias, while we are deliberating on this important subject.—I cannot but console myself, that some measures will be adopted by the several States, to promote the great purposes of agriculture, trade and manufactures; and provided the plan now offered should not be wholly accepted, it is presumed the wisdom of the States will not suffer the materials to be thrown away; but will carefully select the choicest, and on the basis of PUBLIC CONFIDENCE establish some fœderal system, that will not be dissolved till the consummation of all things.

1. In December 1783 Great Britain levied an import duty of £18 3s a ton on American whale oil. By this duty, which devastated the whaling industry, Massachusetts lost one half of its total exports to Great Britain. In 1785 the French government gave French fishermen bounties to export dried cod to the French West Indies, and it levied a duty on cod imported from other countries.

2. In June 1785 the General Court passed an act prohibiting the exportation of all products in British vessels after 1 August 1785. This discriminatory policy would stay in effect as long as Britain continued its anti-American commercial policies or until Congress was given the power to regulate commerce and actually passed an effective ordinance. The General Court repealed several provisions of the act on 29 November 1785 and suspended the act on 5 July 1786 until the other states passed similar acts.

3. John Adams was pleased to learn of the adoption of the Massachusetts navigation act of June 1785. He informed John Jay, the Confederation Secretary for Foreign Affairs, that “. . . the commerce of America will have no relief at present, nor, in my opinion, ever, until the United States shall have generally passed navigation acts. If this measure is not adopted, we shall be derided; and the more we suffer, the more will our calamities be laughed at. My most earnest exhortations to the States, then, are, and ought to be, to lose no time in passing such acts; they will raise our reputation all over the world, and will avail us in treating with France and Holland, as well as England; for, when these nations once see us in the right way, and united in such measures, they will estimate more highly our commerce, our credit, and our alliances.”

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