

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

The Convention for the examination of the new Constitution will not take place in this state until next July in south Carolina in *may*, in virginia in *june*, in maryland in *april*. georgia was the first of the five southern states which has adopted the new constitution; attacked by savages, it was in its interest to appear federally inclined in order to obtain help from the present union: But if georgia preceded the other southern states in adopting of the new Constitution, it can hardly be expected from an eagerness to *execute* it. by my no. 2. I had the honor to send you, My Lord, a study of the new constitution, permit me to add the following Reflections to it.

The Framers of the new constitution divided the *legislative Body* into two chambers, one of which would be for the *people*, the other for the *States*, the different *legislatures* of which they wanted to preserve and nevertheless establish a *single* general government. these two houses one of which represents *13 States* and the other *two million 573 thousand* citizens proportionally to their number in *each* of the 13. states, are to Balance one another; will this not result in much inconvenience because of the opposition of its two chambers? but the plan for a general government that would literally abolish the 13. sovereignties would not be admissible at the present time.

The necessity of circumstances also dictated the Clause in the new constitution that states that the Representation in the second house will be proportional to the number of inhabitants in each state by counting in it 3. fifths of the slaves and that the *direct* taxes Required by the new Congress will be proportional to the number of Representatives in the second house, which will be *one* for 30 thousand inhabitants 3 fifths of negroes counted.

there are in the five southern states *520 thousand negroes* for whom the Representation and the taxes will be equal to the taxes and the Representation of 312 thousand Whites in the 8 other states. by article 8 of the present Confederation the taxes were to be Borne by the states in proportion to the value of lands and Buildings;⁴ this Method of taxation by Congress has been Recognized as impractical and the new constitution calculates the wealth of a state only by the *work* of its inhabitants: will not *five* negroes who work *the entire year* in the southern states give more territorial wealth, than 3. Whites whose work is halted by the winter during at least 4. months of the year? but the negroes are themselves a *Commodity* that the new constitution declares must be subjected to a tax of about 5 percent of its value, 10 piastres per head.

The southern states by the new constitution will be subject to fewer *direct* taxes; they would pay more if the contributions were proportional to the extent and to the fertility of the land: the increase of negroes will increase the proportion of taxes, the number of Representatives in Congress and their influence in the general government; but the new congress in *20. years* will be able to prohibit the importation of negroes: at that time will it not be in the interest of the 8. northern states to prohibit the introduction of negroes into the southern states? these 8. states will have the majority in the two houses.

there will not be any *export* duties on articles *exported* from the united states; but *imports* from Europe, africa and the two indies, into the five southern states where there are more

luxuries and fewer manufactures than in the north, exceed the imports from the same places into the 8. other states in which the population is above that of the southern states, by 208 thousand inhabitants because the census made by the new constitution excluded two fifths of the 520 thousand negroes. the southern states will thus pay *more* in *import* duties collected totally for the benefit of the new Congress and these five states, unless the population is increased considerably by the importation of negroes permitted for 20 years, as well as Whites emigrating from the northern states, will have but 10. votes against 16 in the 1st. house of the new Congress and 29 against 36. in the second. The interest of the 8. northern states will thus be preferred in the 2. houses by a majority of 6 or 7. whereas by the old confederation, all important issues, peace, war, loans, expenditures, ... were able to be determined only by 9. states, 9 votes against 13, which required a more general desire, the welfare of *more parts* of the union.

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,⁶ that the annapolis congress having Recognized 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.⁷ 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 owned Ships Loading up for our islands and I had seen the same Ships at portsmouth Boston and newport Returning from our islands after having exchanged their Return cargoes from the islands in one of the five southern states; it is especially during winter that the new-englanders make these double voyages: they also come here to Load for Europe and the greater antilles.

The exportation of the commodities of the five southern states employs a number of Ships

whose Tonnage is about *200 thousand tons*; there are not, small coastal vessels excepted, 25 thousand tons of ships Built and owned in the southern states, all the rest belong to the 8. other states or to *foreigners*. according to the new constitution, there will no longer be, for americans, duties from one port to another, nor preference for one state over another, the entry and exit of american Ships, will be free unconstrained and equal for all the states; they will not fail to proclaim a navigation act against *foreigners*, english and others, which will subject them to tonnage duties and to formalities and duties calculated to increase the Shipbuilding navigation and commerce of the United States; But since the peace these foreigners, the english especially, have flocked to the ports of the *southern states*: there they carried off the Rice, tobacco, indigo, Wood, naval stores, ginseng, pelts.—while the Strictness of england made itself felt in the 8. northern states, by the non-admission of the american flag into the english islands, prohibitive duties on fish oil in england, and the prohibition of american salted meat and fish, even in the Case of importation made on english Ships. if a Navigation act excludes these foreigners from the five southern states, by a tonnage duty or other preference for the Ships of the united states, the *markets and the prices of the commodities of the southern states will diminish*; it is this fear that sets the virginia and North Carolina planters especially, against the new Constitution and which led them not to Convene their Conventions to examine it until next june and july, thus to delay as long as possible, the moment to adhere to the new government or to Reject it. it is also the Fear of seeing the diminishing exportation of southern commodities that had prevented these states from acquiescing to the Navigation acts Passed at portsmouth and Boston in 1785. it is not enough that the 8. northern states are able to furnish the Ships necessary for the exportation of southern commodities, it must give the foreigners and the english reason to close their ports to the principal commodities of the southern states, Rice, tobacco &c.

plausible Reasons to lessen these worries are not lacking; as soon as england, it is said, sees the 13. states Well united, disposed to Reply to it with a Navigation act, it will conclude a treaty of Commerce with them that will open the english islands to the american flag, it is added that if the 8. northern states must have some commercial advantages over the five southern states, for Shipbuilding, freight and the introduction into the southern states of certain commodities and manufactures of the northern states, the five southern states have Richness of soil Rice, tobacco, indigo, that it is in the interest of all *to become a Maritime power* so that in case of invasion of the southern states where the country is flat and contains half negroes, help can be brought, *by sea* from portsmouth to Savannah, that a navy is necessary for their defense, that this navy will Make the 13. united states Respectable to foreign powers, especially those who have possessions in the west indies, that the 8. northern states consented to give Those of the south a Representation for their negroes who are not good to defend the country, that if uniformity of Commercial Regulations should not accord some advantage to the northern states, they would not have any reason to Preserve the Union with those of the south and that the Latter are too weak not to be divided *by powerful Creditors*.

It is thus, My Lord, that the new Constitution is discussed; the delegates from north Carolina are not to be appointed before the end of next march to assemble in july, each party promises itself Success at that time.

The opposition Against its *Execution* Will Be stronger still.

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