

**Luther Martin: Genuine Information VIII, Baltimore *Maryland Gazette*, 22 January 1788**

*Mr. Martin's Information to the House of Assembly, continued.*

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.

That *slavery is inconsistent with the genius of republicanism*, and has a tendency to *destroy* those *principles* on which it is *supported*, as it *lessens the sense of the equal rights of mankind*, and habituates us to *tyranny and oppression*.—It was further urged, that by this system of government, every State is to be protected both from *foreign invasion* and from *domestic insurrections*; that from this consideration, it was of the *utmost importance* it should have a power to restrain the importation of slaves, since in *proportion* as the number of slaves were increased in any State, in the *same* proportion the State is *weakened and exposed* to foreign invasion, or domestic insurrection, and *by so much the less* will it be able to protect itself against *either*; and therefore will by so much the more, want aid from, and be a burthen to, the union.—It was further said, that as in this system we were giving the general government a power under the idea of national character, or national interest, to regulate even our *weights and measures*, and have prohibited all possibility of *emitting paper money, and passing instalment laws, &c.*—It must appear still more extraordinary, that we should prohibit the government from interfering with the slave trade, than which *nothing* could so *materially affect* both our *national honour and interest*.—These reasons influenced me both on the committee and in convention, most decidedly to oppose and vote against the clause, as it now makes a part of the system.

You will perceive, Sir. not only that the general government is prohibited from interfering in the slave trade *before* the year eighteen hundred and eight, but that there is no provision in the constitution that it shall *afterwards* be prohibited, nor any security that such prohibition will ever take place—and I think there is great reason to believe that if the importation of slaves is permitted until the year seventeen [*sic*] hundred and eight, it will not be prohibited afterwards—At *this time* we do not generally hold this commerce in so *great* abhorrence as we have done.—When our *own* liberties were at stake, we *warmly* felt for the *common rights of men*—The danger being thought to be past, which threatened ourselves, we are daily growing *more insensible* to those rights—In those States who have restrained or prohibited the importation of slaves, it is only done by legislative acts which may be repealed—When those States find that they must

in their *national character and connection* suffer in the *disgrace*, and share in the *inconveniences* attendant upon that detestable and iniquitous traffic, they may be desirous also to share in the *benefits* arising from it, and the odium attending it will be greatly effaced by the sanction which is given to it in the general government.

By the next paragraph, the general government is to have *a power of suspending the habeas corpus act*, in cases of *rebellion or invasion*.

As the State governments have a power of suspending the habeas corpus act, in those cases, it was said there could be no good reason for giving such a power to the general government, since whenever the *State* which is invaded or in which an insurrection takes place, finds its safety requires it, *it will make use of that power—And* it was urged, that if we gave this power to the general government, it would be an engine of oppression in its hands, since whenever a State should oppose its views, however arbitrary and unconstitutional, and refuse submission to them, the general government may declare it to be *an act of rebellion*, and suspending the habeas corpus act, may *seize upon the persons of those advocates of freedom*, who have had *virtue and resolution* enough to excite the opposition, and may *imprison* them during its pleasure in the *remotest* part of the union, so that a citizen of Georgia might be *bastiled* in the furthest part of New-Hampshire—or a citizen of New-Hampshire in the furthest extreme to the south, cut off from their family, their friends, and their every connection—These considerations induced me, Sir, to give my negative also to this clause.

In this same section there is a provision that no preference shall be given to the ports of one State over another, and that vessels bound to or from one State shall not be obliged to enter, clear or pay duties in another.—This provision, as well as that which relates to the uniformity of impost duties and excises, was introduced, Sir, by the delegation of this State.<sup>5</sup>—Without such a provision it would have been in the power of the general government to have compelled all ships sailing into, or out of the Chesapeake, to clear and enter at Norfolk or some port in Virginia—a regulation which would be extremely injurious to our commerce, but which would if considered merely as to the interest of the union, perhaps not be thought unreasonable, since it would render the collection of the revenue arising from commerce more certain and less expensive.

But, Sir. as the system is now reported, the general government have a *power to establish what ports they please in each State*, and to ascertain at what ports in every State ships shall clear and enter in such State, a power which *may* be so used as to *destroy the effect* of that provision, since by it may be established a port in such a place as shall be so *inconvenient* to the State as to render it *more eligible* for their shipping to clear and enter in *another* than in their *own State*; suppose, for instance the general government should determine that all ships which cleared or entered in Maryland, should clear and enter at George-Town, on Potowmack, it would oblige all the ships which sailed from, or was bound to, any other part of Maryland, to clear or enter in some port in *Virginia*. To prevent such a use of the power which the general government now has of *limiting the number of ports* in a State, and *fixing the place or places where they shall be*, we endeavoured to obtain a provision that the general government should only, in the first instance, have authority to ascertain the *number of*

ports proper to be established in each State, and transmit information thereof to the several States, the legislatures of which, respectively, should have the power to fix the *places* where those ports should be, according to their idea of what would be most *advantageous* to the *commerce* of their State, and most for the *ease* and *convenience* of their *citizens*; and that the general government should not interfere in the establishment of the *places*, unless the legislature of the State should neglect or refuse so to do; but we could not obtain this alteration.

By the tenth section, every State is *prohibited* from *emitting bills of credit*—As it was reported by the committee of detail, the States were *only* prohibited from emitting them *without the consent of Congress*; but the convention was so *smitten* with the *paper money dread*, that they insisted the prohibition should be *absolute*. It was my opinion, Sir, that the States ought not to be *totally deprived of the right to emit bills of credit*, and that as we had *not given* an *authority* to the *general government* for that purpose, it was the *more necessary* to *retain* it in the *States*—I considered that *this State*, and *some others*, have *formerly received great benefit* from paper emissions, and that if public and private credit should once more be restored, such emissions may *hereafter* be *equally advantageous*; and further, that it is impossible to foresee that events may not take place which shall render paper money of *absolute necessity*; and it was my opinion, if this power was not to be exercised by a State without the permission of the general government, it ought to be satisfactory even to those who were the *most haunted* by the apprehensions of paper money; I, therefore, thought it my duty to vote against this part of the system.

The same section also, puts it out of the power of the States, to make any thing but gold and silver coin a tender in payment of debts, or to pass any law impairing the obligation of contracts.

I considered, Sir, that there might be times of such *great public calamities* and *distress*, and of such *extreme scarcity of specie* as should render it the *duty* of a government for the *preservation* of even the *most valuable part* of its citizens in some measure to interfere in their favour, by passing laws *totally or partially stopping* the courts of justice—or authorising the debtor to pay by *instalments*, or by delivering up his property to his creditors at a *reasonable* and *honest* valuation.—The times have been such as to render regulations of this kind necessary in most, or all of the States, to prevent the *wealthy creditor* and the *monied man* from *totally* destroying the *poor* though even *industrious* debtor—*Such times* may *again* arrive.—I therefore, voted against depriving the States of this power, a power which I am decided they ought to possess, but which I admit ought only to be exercised on very important and urgent occasions.—I apprehend, Sir, the principal cause of complaint among the people at large is, the public and private debt with which they are oppressed, and which, in the present scarcity of cash, threatens them with destruction, unless they can obtain so much indulgence in point of time that by industry and frugality they may extricate themselves.

This *government proposed*, I apprehend so *far from removing* will greatly *increase* those complaints, since grasping in its all powerful hand the citizens of the respective States, it will by the imposition of the variety of *taxes, imposts, stamps, excises* and *other duties*, *squeeze* from them the little money they may acquire, the hard earnings of

their industry, as you would squeeze the juice from an orange, till not a drop more can be extracted, and then let *loose* upon them, their *private creditors*, to whose *mercy* it *consigns* them, by *whom* their property is to be *seized upon* and *sold* in this *scarcity* of *specie at a sheriffs sale*, where nothing but *ready cash* can be received for a *tenth part* of its *value*, and *themselves* and their *families* to be consigned to *indigence* and *distress*, without *their governments* having a *power to give them a moment's indulgence*, however *necessary* it might be, and however *desirous* to grant them aid.

By this same section, every State is also prohibited from laying any imposts, or duties on imports or exports, without the permission of the general government.—It was urged, that as almost all sources of taxation were given to Congress it would be but reasonable to leave the States the power of bringing revenue into their treasuries, by laying a duty on exports if they should think proper, which might be so *light* as not to injure or discourage industry, and yet might be productive of considerable revenue—Also, that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation of raw materials, and even in addition to the duties laid by Congress on *imports* for the sake of *revenue*, to lay a duty to discourage the importation of particular articles into a State, or to enable the *manufacturer here* to supply us on as *good terms* as they could be obtained from a *foreign market*; however, the most we could obtain was, that this power might be exercised by the States with, and *only* with the consent of Congress, and subject to its controul—And so anxious were they to seize on *every shilling* of our money for the general government, that they insisted *even the little revenue* that might thus arise, should not be appropriated to the use of the respective States where it was collected, but should be paid into the treasury of the United States; and accordingly it is so determined.<sup>10</sup>

*(To be continued.)*

Cite as: *The Documentary History of the Ratification of the Constitution Digital Edition*, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009.

Canonic URL: <http://rotunda.upress.virginia.edu/founders/RNCN-03-15-02-0117>  
[accessed 24 May 2012]

Original source: Commentaries on the Constitution, Volume XV: Commentaries on the Constitution, No. 3