

Activity 3: The Road to the 1787 Convention

Student Name _____ Date _____

Directions (Group 1): Read the following document and be prepared to explain its significance during class on the next day.

Spain closes navigation of the Mississippi River to American ships: [http://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field\(DOCID+@lit\(dc004516\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(dc004516)))

John Jay to the President of Congress, 3 October 1781

Sir: My letter of the 25th of April last, by Mr. Toscan, Informed Congress that on the 30th day of January preceding I had the honor of receiving their letters of the 6th and 17th of October, 1780, the latter of which states particularly and ably the right of the United States to the free navigation of the river Misissippi, and enumerates the various reasons which induce them [Spain] to decline relinquishing it.

Among these reasons is the guarantee contained in the treaty with France. I hinted to Congress that it was more than probable that the contents of this interesting letter were well known to the French court before it came to my hands. I am well persuaded that this was the case. Shortly after receiving it I took occasion to converse generally with the ambassador on the subject of the Spanish pretensions to that navigation, and remarked, as it were inadvertently, how unreasonable it was for them to expect that we should relinquish a territorial right which both justice and the guarantee of France enabled us to retain. The thought did not appear new to him, but he strongly combatted this construction of the treaty, and endeavored to explain it away by observing that the guarantee could not comprehend claims whose objects we had never possessed, &c., &c. I mention this only to show how improper it would have been for me to have communicated this part of your excellency's letter to the Spanish minister...

The minister, however, did not at any time enter into the merits of these arguments, nor appear in the least affected by them. His answer to them all was, that the King of Spain must have the Gulf of Mexico to himself; that the maxims of policy adopted in the management of their colonies required it; and that he had hoped the friendly disposition shown by this court towards us would have induced a compliance on the part of Congress.

As to a free port below the northern limits of West Florida, or anywhere else in the vicinity, the minister sometimes wished certain regulations, some middle line might be devised to reconcile the views of both parties, but he did not see how it could be done. The king had always been accustomed to consider the exclusive navigation of the Gulf of Mexico as a very important object to Spain, more so indeed than even Gibraltar, and he was persuaded that his majesty would never be prevailed upon to change his ideas on that subject. At other times he spoke clearly and decidedly against it, saying that it was their desire to exclude all nations from the gulf, and that it made little or no difference whether they admitted all nations or only one...

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Directions (Group 2): Read the following document and be prepared to explain its significance during class on the next day.

Unpaid Soldiers and the Newburgh Conspiracy:

<http://memory.loc.gov/learn/features/timeline/amrev/peace/newburgh.html>

The memorial from the officers of the army.

To the United States in Congress assembled.

The address and petition of the officers of the army of the United States, Humbly sheweth, that we, the officers of the army of the United States, in behalf of ourselves and our brethren the soldiers, beg leave, with all proper deference and respect, freely to state to Congress, the supreme power of the United States, the great distress under which we labor.

At this period of the war it is with peculiar pain we find ourselves constrained to address your august body, on matters of a pecuniary nature. We have struggled with our difficulties, year after year, under the hopes that each would be the last; but we have been disappointed. We find our embarrassments thicken so fast, and have become so complex, that many of us are unable to go further. In this exigence we apply to Congress for relief as our head and sovereign.

To prove that our hardships are exceedingly disproportionate to those of any other citizens of America, let a recurrence be had to the paymaster's accompts, for four years past. If to this it should be objected, that the respective states have made settlements, and given securities for the pay due, for part of that time, let the present value of those nominal obligations be ascertained by the monied men, and they will be found to be worth little indeed; and yet, trifling as they are, many have been under the sad necessity of parting with them, to prevent their families from actually starving...

Our distresses are now brought to a point. We have borne all that men can bear--our property is expended--our private resources are at an end, and our friends are wearied out and disgusted with our incessant applications. We, therefore, most seriously and earnestly beg, that a supply of money may be forwarded to the army as soon as possible. The uneasiness of the soldiers, for want of pay, is great and dangerous; any further experiments on their patience may have fatal effects...

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Lack of U.S. naval strength to promote and protect commerce: [http://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field\(DOCID+@lit\(dg022464\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(dg022464)))

James McHenry to George Washington, 1 August 1785

...Since I have entered upon Congressional politics I must take the liberty to detain you a little longer. Congress have had it under consideration to recommend to the several States to vest them with the power of regulating the trade of the States as well with each other as with foreign nations. This power to constitute a part of the consideration and to be exercised by nine states in congress assembled. Its object to enable Congress to lay as heavy duties and restrictions upon the trade of foreign nations as foreign nations lay upon the trade of the United States. I apprehend that both the genius and interest of the Southern States will be found to be opposed to granting this power. I believe the Eastern States, New York & Pennsylvania are exceedingly anxious for it; but I do not wonder at their anxiety to obtain a monopoly of the carrying trade of the union. What would be the consequence to the Southern States in particular, were foreign vessels to be prevented from exporting their products. They would for example, having only American vessels to carry off their commodities of export, have fewer purchasers for them, hence their prices would be unavoidably lowered. They would also have less foreign goods imported, which would oblige the consumers to pay dearer for what they must buy...In the mean while however it may be said, that we ought to lay the foundation for a marine, and therefore ought to begin by discouraging foreign shipping and encouraging our own, for that the riches arising from buying what we want cheap and selling what we raise dear will avail us nothing without a navy to protect them. But is it true that a navy is at present necessary, and if necessary is it true that our people could go to the expence of supporting it? Would it be right to add to our present burthens; can we pay our present debts? Are we in a situation to enter into a war of imposts and prohibitions to force Great Britain or France to open to our shipping their West India possessions? Have we shipping enough to carry on our exports and imports? When Great Britain passed the navigation act she had in her harbours more than a sufficient number of vessels for her own trade. Great Britain too was well peopled at that period and the capital of her traders equal to the exportation and purchase of her products. But our situation is different in both respects, and yet it is said we ought to force a navy, that we ought to prohibit British ships from exporting our products...

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Directions (Group 4): Read the following document and be prepared to explain its significance during class on the next day.

Congress is unable to raise revenue and repay Revolutionary War debts: [http://rs6.loc.gov/cgi-bin/query/r?ammem/hlaw:@field\(DOCID+@lit\(jc030149\)\)](http://rs6.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(jc030149)))

Journals of the Continental Congress, 1774-1789

THURSDAY, JULY 27, 1786.

Congress assembled. Present as before. The committee, consisting of Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [John] Lawrance and Mr. [Charles] Pettit, to whom was referred an Act of the State of New York, passed on the 4th day of May last, entitled "An Act for giving and granting to the United States in Congress assembled, certain imposts and duties on foreign goods imported into that state, for the special purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain," having reported:

That by the act of Congress of the 18 April, 1783, it is recommended to the several states as indispensably necessary to the restoration of public credit, and to the punctual and honourable discharge of the public debts, to invest the United States in Congress assembled, with a power to levy certain duties upon goods imported into the United States... The exercise of this power by thirteen separate authorities would introduce different laws upon the same subject, ordain various penalties for the same offence, destroy the equality of the tax, and might in a great measure defeat the revenue. All the States, except New York, having in pursuance of the recommendation of the 18 April, 1783, granted the impost by acts vesting this power, with certain qualifications, exclusively in the United States in Congress assembled; the long continued embarrassments of the public finances, and the indispensable demands on the federal government, dictate the necessity of an immediate and unanimous adoption of this measure... Whereupon the Committee submit the following resolution: Resolved, That the Act of the State of New York, entitled "An act for giving and granting to the United States in Congress assembled, certain imposts and duties on foreign goods imported into that State, for the special purpose of paying the principal and interest of the debts contracted in the prosecution of the late war with Great Britain, so essentially varies from the system of impost recommended by the United States in Congress assembled on the 18th day of April, 1783, that the said Act is not, and cannot be considered as a compliance with the same."

The foregoing report being under debate, a Motion was made by Mr. [James] Monroe, seconded by Mr. [Samuel] Livermore, that the consideration thereof be postponed, in order to take up the following proposition, viz.

That a committee be appointed to draft an Ordinance to carry into effect the system of impost recommended to the several states for their adoption, on the 18th of April, 1783, in conformity with the acts of the twelve States which have complied with the said recommendation, and to take effect so soon as the State of New York shall have fully acceded to it...

So it was Resolved, That a committee be appointed to draft an Ordinance, to carry into effect the system of impost recommended to the several states for their adoption, on the 18th of April, 1783, in

conformity with the Acts of such states as have complied with the said recommendation, and to take effect so soon as the state of New York shall have passed an Act acceding to the said system, in like manner with the other states...

The Board of Treasury to whom was Referred the Motion of the Honorable the Delegates of the State of South Carolina of the 19th. Instant, Beg leave to lay before Congress an Estimate of Pay due to the Officers of the South Carolina Line, and others in similar circumstances for the Years 1782 and 1783:

By this Estimate Congress will observe that the whole amount of the Arrearages of pay due to the Officers so circumstanced is 37,066 $\frac{56}{90}$ ths. Dollars.

There can be no doubt that these Claimants are justly entitled to the same payment as was made to the Officers of the Main Army, and the presumption is, that nothing but the State of the Finances prevented the late Superintendant from putting the Southern Officers upon an equal footing with the other part of the Line.

The embarassments of the Revenue so far from diminishing, have been daily encreasing; so that however anxious the Board have been to make provision for these claims, it has not hitherto been in their power to effect it generally, in a satisfactory manner...

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Directions (Group 5): Read the following document and be prepared to explain its significance during class on the next day.

Massachusetts farmers take up arms in Shays' Rebellion:

<http://www.teachingamericanhistory.org/library/index.asp?document=1092>

An address to the people of the several towns in the county of Hampshire, now it arms.

Gentlemen,

We have thought proper to inform you of some of the principal causes of the late risings of the people, and also of their present movement.

1st The present expensive mode of collecting debts which by any reason of the great scarcity of cash, will of necessity fill our goals with unhappy debtors; and thereby a reputable body of people rendered incapable of being serviceable either to themselves or the community.

2nd The monies raised by impost and excise being appropriated to discharge the interest of governmental securities, and not the foreign debt, when these securities are not subject to taxation.

3rd A suspension of the writ of Habeas Corpus, by which those persons who have stepped forth to assert and maintain the rights of the people, are liable to be take and conveyed even to the most distant part of the commonwealth, and thereby subjected to an unjust punishment.

4th The unlimited power granted to Justices of the peace and sheriffs, deputy sheriffs, and constables, by the Riot Act, indemnifying them to the prosecution thereof; when perhaps, wholly actuated from a principle of revenge, hatred, and envy.

Furthermore, be assured, that this body, now at arms, despise the idea of being instigated by British emissaries, which is so strenuously propagated by the enemies of our liberties: And also wish the most proper and speedy measures may be taken, to discharge both our foreign and domestic debt.

Per Order,

Daniel Gray, Chairman of the Committee

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Directions (Group 6): Read the following document and be prepared to explain its significance during class on the next day.

Continental Congress proposes amendments to the Articles of Confederation, but cannot muster enough votes among the states to pass them:

<http://teachingamericanhistory.org/library/index.asp?document=1587>

Report of Continental Congress [*Journals 31:494—98*], August 7, 1786

The Grand Committee consisting of Mr. [Samuel] Livermore, Mr. [Nathan] Dane, Mr. [James] Manning, Mr. [William Samuel] Johnson, Mr. [Melancton] Smith, Mr. [John Cleves] Symmes, Mr. [Charles] Pettit, Mr. [William] Henry, Mr. [Henry] Lee, Mr. [Timothy] Bloodworth, Mr. [Charles] Pinckney and Mr. [William] Houstoun appointed to report such amendments to the confederation, and such resolutions as it may be necessary to recommend to the several states for the purpose of obtaining from them such powers as will render the federal government adequate to the ends for which it was instituted.

Beg leave to submit the following Report to the consideration of Congress:

Resolved, That it be recommended to the Legislatures of the several States to adopt the following Articles as Articles of the Confederation, and to authorise their Delegates in Congress to sign and ratify the same severally as they shall be adopted, to wit:

Art. 14. The United States in Congress Assembled shall have the sole and exclusive power of regulating the trade of the States as well with foreign Nations as with each other and of laying such prohibitions and such Imposts and duties upon imports and exports as may be Necessary for the purpose...

Art. 15. That the respective States may be induced to perform the several duties mutually and solemnly agreed to be performed by their federal Compact, and to prevent unreasonable delays in any State in furnishing her just proportion of the common Charges of the Union when called upon, and those essential evils which have heretofore often arisen to the Confederacy from such delays, it is agreed that whenever a requisition shall be made by Congress upon the several States on the principles of the Confederation for their quotas of the common charges or land forces of the Union Congress shall fix the proper periods when the States shall pass Legislative Acts complying therewith and give full and compleat effect to the same and if any State shall neglect, seasonably to pass such Acts such State shall be charged with an additional sum to her quota called for from the time she may be required to pay or furnish the same, which additional sum or charge shall be at the rate of ten per Cent pr. annum on her said Quota...

Art. 16. And that the resources of any State which may be negligent in furnishing her just proportion of the Common expence of the Union may in a reasonable time be applied, it is further agreed that if any State shall so Neglect as aforesaid to pass laws in compliance with the said Requisition and to adopt measures to give the same full effect for the space of Ten months, and it shall then or afterwards be found that a Majority of the States have passed such laws and adopted such measures the United States in Congress Assembled shall have full power and authority to levy, assess,

and collect all sums and duties with which any such state so neglecting to comply with the requisition may stand charged on the same...

And if any state by any Legislative Act shall prevent or delay the due Collection of said sums as aforesaid, Congress shall have full power and authority to appoint assessors and Collectors thereof and Sheriffs to enforce the Collections under the warrants of distress issued by the Treasurer of the United States, and if any further opposition shall be made to such Collections by the State or the Citizens thereof, and their conduct not disapproved of by the State, such conduct on the part of the State shall be considered as an open Violation of the federal compact...

Art. 20. That due attention may be given to the affairs of the Union...it shall be the indispensable duty of Delegates to make a representation of their State in Congress on the first Monday in November annually, and if any Delegate or Delegates, when required by Congress to attend so far as may be Necessary to keep up a Representation of each State in Congress, or having taken his or their Seat, shall withdraw without leave of Congress, unless recalled by the State, he or they shall be proceeded against as Congress shall direct, provided no punishment shall be further extended than to disqualifications any longer to be members of Congress, or to hold any Office of trust or profit under the United States or any individual State, and the several States shall adopt regulations effectual to the attainment of the ends of this Article.

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Directions (Group 3): Read the following document and be prepared to explain its significance during class on the next day.

Annapolis Convention in 1786 recommends revising the Articles of Confederation:

<http://www.yale.edu/lawweb/avalon/amerdoc/annapoli.htm>

Proceedings of Commissioners to remedy defects of the Federal Government, Annapolis in the state of Maryland, Thursday 14 September 1786

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...

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 de serve 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 federal 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 Federal System.

That there are important defects in the system of the Federal 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 characterize 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 Council's 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 particularized.

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 Federal 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.

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Directions (Group 8): Read the following document and be prepared to explain its significance during class on the next day.

Congress calls for a Convention in Philadelphia in May of 1787 to amend the Articles of Confederation:
<http://www.yale.edu/lawweb/avalon/const/const04.htm>

Report of Proceedings in Congress, February 21, 1787

The report of a grand com^{ee} consisting of M^r Dane M^r Varnum M^r S. M. Mitchell M^r Smith M^r Cadwallader M^r Irwine M^r N. Mitchell M^r Forrest M^r Grayson M^r Blount M^r Bull & M^r Few, to whom was referred a letter of 14 Sept^r 1786 from J. Dickinson written at the request of Commissioners from the States of Virginia Delaware Pennsylvania New Jersey & New York assembled at the City of Annapolis together with a copy of the report of the said commissioners to the legislatures of the States by whom they were appointed, being an order of the day was called up & which is contained in the following resolution viz

"Congress having had under consideration the letter of John Dickinson esqr chairman of the Commissioners who assembled at Annapolis during the last year also the proceedings of the said commissioners and entirely coinciding with them as to the inefficiency of the federal government and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the Union do strongly recommend to the different legislatures to send forward delegates to meet the proposed convention on the second Monday in May next at the city of Philadelphia "

The delegates for the state of New York thereupon laid before Congress Instructions which they had received from their constituents, & in pursuance of the said instructions moved to postpone the farther consideration of the report in order to take up the following proposition to wit

" That it be recommended to the States composing the Union that a convention of representatives from the said States respectively be held at on for the purpose of revising the Articles of Confederation and perpetual Union between the United States of America and reporting to the United States in Congress assembled and to the States respectively such alterations and amendments of the said Articles of Confederation as the representatives met in such convention shall judge proper and necessary to render them adequate to the preservation and support of the Union "

...A motion was then made by the delegates for Massachusetts to postpone the farther consideration of the report in order to take into consideration a motion which they read in their place, this being agreed to, the motion of the delegates for Massachusetts as taken up and being amended was agreed to as follows

Whereas there is provision in the Articles of Confederation & perpetual Union for making alterations therein by the assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for the purposes expressed in the following resolution and such convention appearing to be the most probable mean of establishing in these states a firm national government.

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.

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Directions (Group 9): Read the following document and be prepared to explain its significance during class on the next day.

Philadelphia Convention begins in 1787:

<http://www.yale.edu/lawweb/avalon/debates/514525.htm>

Notes of Debates in the Federal Convention of 1787, by James Madison, Monday, May 14th 1787 and Friday 25 of May

Monday May 14th 1787 was the day fixed for the meeting of the deputies in Convention for revising the federal system of Government. On that day a small number only had assembled. Seven States were not convened till,

Friday 25 of May, when the following members appeared to wit: [some of the delegates from Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia].

Mr. ROBERT MORRIS informed the members assembled that by the instruction & in behalf, of the deputation of Penna. he proposed George Washington Esqr. late Commander in chief for president of the Convention. Mr. JNo. RUTLIDGE seconded the motion; expressing his confidence that the choice would be unanimous, and observing that the presence of Genl. Washington forbade any observations on the occasion which might otherwise be proper. General WASHINGTON was accordingly unanimously elected by ballot, and conducted to the Chair by Mr. R. Morris and Mr. Rutledge; from which in a very emphatic manner he thanked the Convention for the honor they had conferred on him, reminded them of the novelty of the scene of business in which he was to act, lamented his want of better qualifications, and claimed the indulgence of the House towards the involuntary errors which his inexperience might occasion.

[The nomination came with particular grace from Penna. as Doctr. Franklin alone could have been thought of as a competitor. The Doctr. was himself to have made the nomination of General Washington, but the state of the weather and of his health confined him to his house.]

Mr. WILSON moved that a Secretary be appointed, and nominated Mr. Temple Franklin.

Col HAMILTON nominated Major Jackson.

On the ballot Majr. Jackson had 5 votes & Mr. Franklin 2 votes. On reading the credentials of the deputies it was noticed that those from Delaware were prohibited from changing the article in the Confederation establishing an equality of votes among the States.

The appointment of a Committee, consisting of Messrs. Wythe, Hamilton & C. Pinckney, on the motion of Mr. C. PINCKNEY, to prepare standing rules & orders was the only remaining step taken on this day.

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