

Corroboration of the Legal Adoption of the Constitution

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I found treasure a few days ago in an old history book, published in 1886 by Richard Frothingham, "The Rise of the Republic of the United States." In it, he shares the history of America up to that point in time.

He shares some of the inadequacies of the Articles of Confederation:

- ❖ "The articles took from Congress powers which it had exercised, - the control, for instance, of commerce, - and increased the importance of the States. While the latter had government, the Congress was virtually but a consulting body. The Confederation, as a whole, had no proper common executive, no judiciary except admiralty courts, no machinery to carry its decrees into effect; and it depended on requisitions upon the States for every dollar of its revenue. It leaned on the State governments, and had no self-sustaining capacity."¹
- ❖ "In this way the Confederation, notwithstanding its defects, was of extended benefit. It met the pressing wants of the Union, and this strengthened it. It conferred a great educational service through the experience of its defects; and it carried the nation along until a more efficient system was provided."²
- ❖ "Perhaps not one of the prominent public men regarded the Articles as more than a step toward a better system."³
- ❖ "In the 'war of imposts,' as Washington termed it, the Confederation proved entirely inadequate to the common defense. American agriculture, commerce, and manufactures demanded the protection of an efficient government."⁴

The events that lead up to the Constitutional Convention:

"When the aim was to reform the Confederation, a convention was suggested by Hamilton in 1780; by Pelatiah Webster in 1781; by the New-York Legislature in 1782; was named in Congress by Hamilton in 1783; was proposed by Richard Henry Lee in a letter in 1784; and was recommended by Governor Bowdoin in a speech to the Massachusetts Legislature in 1785. No action, however, grew out of these suggestions. In 1786, the Assembly of Virginia, under the lead of Madison, appointed commissioners to meet in convention and consider the question of commerce, with the view of altering the Articles of Confederation; and it was made the duty of this committee to invite all the States to concur in the measure."⁵

¹ Richard Frothingham, *The Rise of the Republic of the United States*, (Boston: Little, Brown, and Company, 1886) page 578

² *ibid* p. 579

³ *ibid* p. 580

⁴ *ibid* p. 584

⁵ *ibid* ps 586-587

“The Convention was summoned to meet at Annapolis, and delegates from five legislatures assembled, on the eleventh day of September, 1786. Hamilton was present from New York, Madison from Virginia, and Dickinson from Pennsylvania. The commissions of four legislatures authorized their delegates to consider what ought to be done to benefit the commerce of the United States. The commission of the New-Jersey delegates embraced ‘other important matters.’ The representation was so partial, that this body refrained from entering upon the business of their mission. In a brief report, drawn up by Hamilton, addressed to their constituents, and signed by John Dickinson, the chairman, they recommended the powers granted by New Jersey as an improvement of the original plan, and unanimously urged the five states to use their endeavors to procure the appointment of commissioners from all the States, to meet in Philadelphia, on the second Monday in May next, to devise such measures as might appear necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union.”⁶

[This address to the legislatures of Virginia, Delaware, Pennsylvania, and New York, is in the American Museum for April, 1787. It states that commissioners were appointed by New Hampshire, Massachusetts, Rhode Island, and North Carolina, who did not attend; and that no notice of appointments were received from Connecticut, Maryland, South Carolina, or Georgia.]⁷

“A month after this insurrection [Shay’s Rebellion] began, the Virginia Legislature, under the lead of Madison, provided (Nov. 9, 1786) for the choice of commissioners to attend a convention at Philadelphia, ‘to concur in such further suggestions and provisions’ in the Federal Government, ‘as might be necessary to secure the great objects for which that government was established, and to render the United States as happy in peace as they have been glorious in war.’ [Rives’s Life of Madison, ii. 134.] Washington was placed at the head of the delegates. The legislatures of Pennsylvania and Delaware, saying, among other things, that they desired to co-operate with Virginia, soon chose commissioners, as did those of New Jersey and North Carolina. Congress, viewing a convention as the most probable means of ‘establishing in those States a firm national government,’ recommended (Feb. 21, 1787) the legislatures to appoint delegates to meet in convention at Philadelphia ‘for the sole and express purpose of revising the Articles of Confederation,’ and report to Congress and the several State legislatures.’ [Journals of Congress, xii.17.] Afterward the legislatures of seven other States chose delegates; all electing but Rhode Island.

“The delegates elect were summoned to meet in Philadelphia on the fourteenth of May, in Independence Hall; but, a majority of the States not being then represented, those present adjourned from day to day until the twenty-fifth. They then organized into a convention, and elected George Washington as President. Sixty-five delegates had been chosen; ten however did not take their seats. The credentials, generally, are like those of Virginia, which name, as the object, to devise ‘such further provisions as may be necessary to render the Federal Constitution adequate to the exigencies of the Union.’”⁸

⁶ ibid p. 587

⁷ ibid p. 587

⁸ ibid p. 589