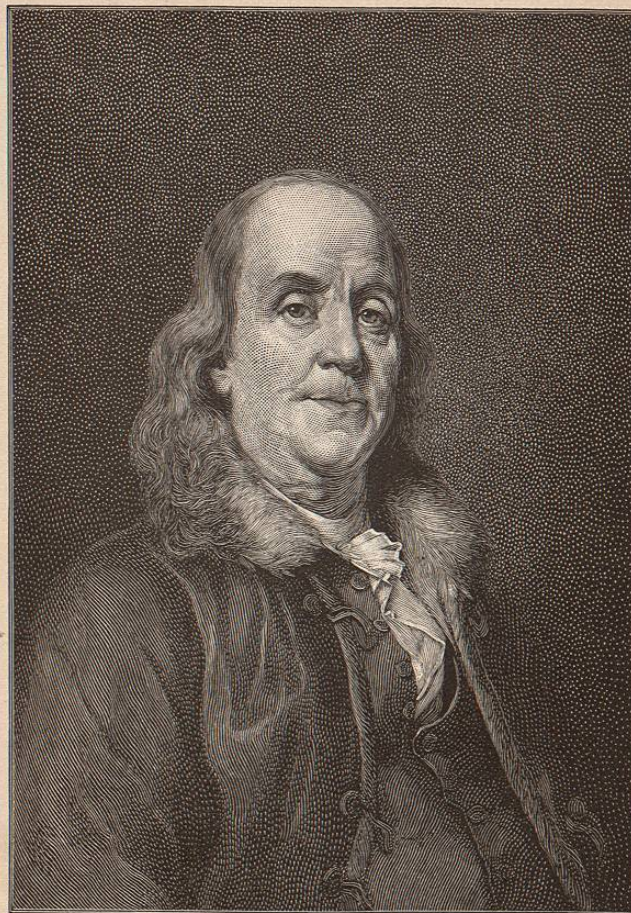


337. Efforts to Revise the Articles. — In 1785 commissioners from Virginia and Maryland met to arrange for a joint use of the Potomac. This meeting suggested the idea of a larger meeting of representatives from all the states, to form some plan to regulate commerce, so that states would be prevented from injuring each other's trade. Accordingly, in 1786 Virginia issued a call to all the states to send delegates to a convention to consult about a uniform system of duties. The convention met at Annapolis, Maryland, but as only five states were represented it did nothing further than to recommend that all the states send delegates to a convention to meet the following year, to devise such changes in the Articles of Confederation as, when agreed to by Congress and ratified by every state, would render them adequate to the needs of the country. Congress approved this idea. The grave defects of the Articles had become evident to every one. Before the appointed time for the convention twelve states had chosen delegates.

338. The Constitutional Convention. — The convention met in Philadelphia on May 14, 1787. Judged by the results of its work, no more important meeting was ever held in the history of the world. It numbered fifty-five members,¹ representing every state except Rhode Island. Washington was chosen presiding officer. It was agreed that each state should have one vote, and that the proceedings should be secret, lest any disagreement in the convention becoming known should prevent the acceptance of the result by the people. The convention had been called to revise the old Articles of Confederation, but so many changes were found necessary that it was soon decided to prepare an entirely new constitution. Here

¹ Among the delegates were George Washington and James Madison, of Virginia; Hamilton, of New York; Franklin, of Pennsylvania; Rutledge and the Pinckneys, of South Carolina.



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many difficulties were encountered from the opposing views of members. The small states demanded that all the states should have equal power in the new government. The large states argued that their greater population and wealth entitled them to a larger representation. It was finally agreed that the new Congress should be composed of two houses, in one of which all the states should have equal representation, while in the other representation should depend on population. How to count the slaves in determining the representation of a state, and whether the importation of slaves should be forbidden were also vexed questions. At almost every step compromises had to be made. Several times the convention seemed utterly unable to agree. On one such occasion it was proposed by Franklin that thereafter the daily sessions be opened with prayer for divine guidance. After four months of labor the convention finished its work, and the proposed constitution was signed by the delegates.

339. Adoption of the Constitution. — The constitution provided that when the conventions of as many as nine states should have ratified it, it should go into effect between the states so ratifying. Accordingly, the proposed constitution, having been first submitted to Congress, was sent to the people of the different states for their approval or rejection. Six states, Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, and Maryland, gave their assent unanimously, or with little opposition. In Massachusetts, South Carolina, New Hampshire, Virginia, and New York, there was a strong opposition and a hard fight. These states finally gave their assent, but at the same time insisted upon the adoption of certain amendments defining more particularly the rights of the states and of the people. New York and Virginia in their acts of ratification declared that the powers of government surrendered by them might be reassumed whenever they were used to the injury or oppression of the people. By the end of July, 1788,

the assent of the eleven states above mentioned had been given, and Congress set March 4, 1789, as the day when the new government should go into operation. The convention of North Carolina refused to adopt the constitution until a bill of rights should be added, and the people of Rhode Island overwhelmingly rejected it. Thus these two states saw their eleven sisters withdraw from the Union under the Articles of Confederation, and set up a new government.¹

340. Nature of the New Government. — The Articles of Confederation established only one department of government, — the legislative. They provided no courts to interpret the laws of Congress, and no executive officers to enforce them. Under the new constitution there were to be three separate and distinct departments, — legislative, executive, and judicial, just as already existed in the state governments. At the same time a new and strange idea was adopted — to limit the powers of the federal government to certain specified spheres, but within those spheres to permit it to act directly upon the people (instead of upon the states), and to be supreme. All powers not surrendered to the federal government by the states were to be retained by them.² This constitution, with few changes, has continued in force to the present time. Its leading features are as follows:

341. The Legislative Department. — Congress consists of two houses, the Senate and the House of Representatives. In the Senate each state is entitled to two members, while in the House the representation of any state depends upon its

¹ After maintaining for a time a separate and independent position, North Carolina joined the new Union November, 1789, and Rhode Island in May, 1790. Rhode Island, like Virginia and New York, accompanied her final ratification by a declaration that all the powers of government might be reassumed by her people.

² Among these powers surrendered to the general government by the states were the powers to levy a tariff and to coin money, which had been the source of so much dissatisfaction under the Articles.

Consent of Power How elected

population (in which at first all free persons and three-fifths of the slaves were counted). Senators are chosen by the state Legislatures, and serve six years. Representatives are elected directly by the people, and serve two years. Congress is given the power to lay taxes, borrow money, regulate commerce, coin money, establish post-offices, declare war, raise and support armies and navies. The states are forbidden to do any of these things except to tax themselves, borrow money, and use their own militia. To become a law a bill must pass both houses of Congress and be signed by the president. Should the president veto a bill within ten days after its passage, it must be again passed by a two-thirds vote before it can become a law. Treaties made by the president must be approved by the Senate.

342. The Executive Department. — The president of the United States is chosen for a term of four years by electors, who are appointed from each state in such manner as the legislature thereof may direct. (In all the states, at present, these electors are elected by the people.) The president is given power to enforce the laws of Congress. He is commander-in-chief of the army and navy, and appoints most of the public officers. With the consent of the Senate, he makes treaties with foreign nations. If the president should fail to perform his duty he may be impeached (accused) by the House of Representatives, and tried and removed by the Senate. Should he die, resign, be removed, or become unable to act, the vice-president takes his place. Otherwise the vice-president presides over the Senate, but cannot vote in that body except in case of a tie.

343. The Judicial Department. — To interpret the laws of Congress the constitution provides one Supreme Court and such inferior courts as Congress may establish. The judges are appointed by the president with the approval of the Senate,

and hold their office for life, unless removed for misconduct. No cases can be tried before a United States court except: (1) Those involving the Constitution of the United States, or the laws or treaties of Congress; (2) those affecting ambassadors or foreigners; (3) controversies to which either the United State or a state is a party; (4) controversies between citizens of different states.

344. Other Requirements. — Each state shall allow citizens of other states equal privileges with its own. Slaves escaping into another state shall be returned to their owners (void by Thirteenth Amendment). Congress is given power to govern the territories. The United States shall see that each state maintains a republican form of government. The Constitution may be changed with the consent of three-fourths of the states.

345. Summary of Period of Articles of Confederation. — With the assent of Maryland, in 1781, the Articles of Confederation went into effect. The treaty of peace with Great Britain was concluded in 1783. The Northwest Territory was ceded to Congress by Virginia and other states claiming it, and in 1787 Congress adopted the famous "Ordinance" for its government. The inhabitants of eastern Tennessee set up a separate state government, which they maintained for a few years, until North Carolina reëstablished her authority over them. Through lack of a financial system, quarrels between states, and the weakness of Congress, the country was drifting towards anarchy. In 1787 delegates from twelve states met in Philadelphia to revise the Articles. The new constitution prepared by them went into effect in 1789, over eleven states that had then ratified it. North Carolina and Rhode Island joined the new Union within the next two years.

346. Thought Questions. — How did Maryland delay the adoption of the Articles of Confederation? How did her action result in a closer union of the states at last? How many territories in the United States to-day? How are the governors of these territories chosen? Where was the State of Franklin, and when did it exist? Why should the New Englanders favor the treaty with Spain? Why should the South and West oppose it? Why was the Continental money of so little value? Why is our paper money now worth as much as gold? Mention some of the com-

promises in the constitutional convention. Was the action of the eleven states that withdrew from the Union under the Confederation a "secession"? What was the justification of their action? Mention three important differences between the government under the Articles and that under the Constitution.

TOPICAL ANALYSIS (THE CONFEDERATION).

326. **Authority of Congress.** { The first Continental Congress.
Congress during the war.
- 327, 328. **Articles of Confederation.** { Framing of the Articles.
Delay in ratification.
Nature of the Articles.
329. **Treaty with England.** { Boundaries.
Disbanding of the army.
Departure of British troops.
330. **The Northwest Territory.** { Claims of different states.
Maryland's proposition.
Gift of the territory.
331. **The Ordinance of 1787.** { Its provisions.
Its effects.
332. **The Southwest.** { Claims of the states.
The State of Franklin.
Grants by the states.
333. **The Mississippi River.** { Importance to farmers of the West.
Proposed treaty with Spain.
Sectional feeling.
334. **Finances.** { Funds for the war.
Continental currency.
Foreign coins.
First coinage by Congress.
- 335, 336. **Difficulties of the Government.** { Quarrels between states.
Shays's rebellion.
Weakness of Congress.
337. **Efforts to revise the Articles.** { The Virginia and Maryland Commission.
The Annapolis Convention.
338. **Framing of the Constitution.** { Meeting of the Philadelphia convention.
Proceedings of the convention.
The work completed.

339. Adoption of the Constitution. { Conditions for adoption.
Action of the states.
North Carolina and Rhode Island.
340. Nature of the Constitution. { Compared with the Articles.
The new idea.
341. Legislative Department. { Senators.
Representatives.
Powers of Congress.
Method of passing laws.
342. Executive Department. { Election of president.
Powers of president.
Vice-president.
343. Judicial Department. { United States courts.
Judges of United States courts.
Jurisdiction of United States courts.
344. Other Requirements.