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Grant of Temporary Power to Regulate Commerce 30 April 1784

The British Order in Council of 2 July 1783 closing British West Indian ports to American ships (although not to American goods) created a widespread demand for retaliation. Congress responded on 26 January 1784 by appointing a committee consisting of Arthur Lee, Elbridge Gerry, and Jacob Read. The committee was instructed to consider a proposed address to the states concerning commerce; a Virginia act empowering Congress to retaliate against Great Britain for its restrictions on American trade; and, later, a Pennsylvania request that Congress be granted commercial powers. On 6 February Arthur Lee was dropped from the committee, and Hugh Williamson and Jeremiah Townley Chase were added. Thomas Jefferson became a fifth member on 14 April. The committee reported on 22 April. Congress discussed the report, adopted it on 30 April, and sent it to the states for approval.

The trust reposed in Congress, renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain as far may be, all such proceedings as might prove injurious to the United States. The situation of commerce at this time claims the attention of the several states, and few objects of greater importance can present themselves to their notice. The fortune of every citizen is interested in the success thereof; for it is the constant source of wealth and incentive to industry; and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great Britain adopted regulations destructive of our commerce with her West India Islands. There was reason to expect that measures so unequal and so little calculated to promote mercantile intercourse, would not be persevered in by an enlightened nation. But these measures are growing into system. It would be the duty of Congress, as it is their wish, to meet the attempts of Great-Britain with similar restrictions on her commerce; but their powers on this head are not explicit, and the propositions made by the legislatures of the several states, render it necessary to take the general sense of the union on this subject.

Unless the United States in Congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without these, our foreign commerce must decline and eventually be annihilated. Hence it is necessary that the states should be explicit, and fix on some effectual mode by which foreign commerce not founded on principles of equality may be restrained.

That the United States may be enabled to secure such terms, they have

Resolved, That it be, and it hereby is recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares or merchandize from being imported into or exported from any of the states, in vessels belonging to or navigated by the subjects of any power with whom these states shall not have formed treaties of commerce.

Resolved, That it be, and it hereby is recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom or empire, unless authorised by treaty, from importing into the United States, any goods wares or merchandize, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Provided, That to all acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary.

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