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Amendments to the Articles of Confederation Proposed by a Grand Committee of Congress, 7 August 1786

The widespread public debate over the issue of more power for the central government led to extended debates in Congress during the spring of 1786. Some members argued that a convention should be called, but the majority insisted that the proper method was for Congress to propose amendments to the Articles of Confederation.

On 3 May 1786 Congress, upon a motion of Charles Pinckney, agreed to sit as a “committee of the whole” in order “to take into consideration the state of public affairs.” After sitting as a committee from time to time, Congress appointed a “grand committee” on 3 July “to report such amendments to the Confederation and a draft of 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.” The grand committee consisted of Samuel Livermore, Nathan Dane, James Manning, William Samuel Johnson, Melancton Smith, John Cleves Symmes, Charles Pettit, John Henry, Henry Lee, Timothy Bloodworth, Charles Pinckney, and William Houstoun. The grand committee appointed a sub-committee of three, Pinckney, Dane, and Johnson, to draft its report.

The grand committee reported seven amendments on 7 August, and Congress set 14 August for consideration of the amendments. There is no record that Congress discussed the amendments on the 14th or any other day. The adoption of the amendments was blocked by the quarrel between the North and the South over the treaty with Spain which Secretary for Foreign Affairs John Jay proposed to negotiate with the Spanish minister, Don Diego de Gardoqui.

The Grand Committee consisting of Mr: Livermore, Mr: Dane Mr: Manning, Mr: Johnson Mr: Smith Mr: Symmes, Mr Pettit, Mr: Henry Mr: Lee, Mr: Bloodworth, Mr: Pinckney and Mr: 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; provided the Citizens of the States shall in no instance be subjected to pay higher duties and Imposts than those imposed on the subjects of foreign powers, provided also, that all such duties as may be imposed shall be collected under such Regulations as the United States in Congress Assembled shall establish consistent with the Constitutions of the States Respectively and to accrue to the use of the State in which the same Shall be payable; provided also that the Legislative power of the several States shall not be restrained from laying embargoes in times of Scarcity—And provided lastly that every Act of Congress for the above purpose shall have the assent of Nine States in Congress Assembled, and in that proportion when there shall be more than thirteen in the Union.

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 P[er] annum on her said Quota, and if the Requisition shall be for Land forces, and any State shall Neglect to furnish her quota in time the average expence of such quota shall be ascertained by Congress and such State shall be charged therewith, or with the average expence of what she may be deficient and in addition thereto from the time her forces were Required to be ready to act in the field with a farther sum which sum shall be at the rate of twelve per Cent per Annum on the amount of such expence.

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 by the Laws and Rules by which the last State tax next preceeding such Requisition in such State was levied assessed and Collected—to apportion the sum so required on the Towns or Counties in such State to order the sums so apportioned to be assessed by the Assessors of such last State tax and the said assessments to be committed to the Collectors of the same last State tax to collect and to make Return of such

Assessments and Commitments to the Treasurer of the United States who by himself or his deputy when directed by Congress Shall have power to recover the monies of such Collectors for the use of the United States in the same manner and under the same penalties as State taxes are recovered and collected by the Treasurers of the respective States, and the several Towns or Counties Respectively shall be responsible for the conduct of said Assessors and Collectors, and in case there shall be any Vacancy in any of said Offices of Assessors or Collectors by death removal, refusal to serve, Resignation or otherwise, then other fit persons shall be chosen to fill such Vacancies in the usual manner in such Town or Country within Twenty days after Notice of the assessment, and in case any Towns or Counties, any Assessors, Collectors or Sheriffs shall Neglect or refuse to do their duty Congress shall have the Same rights and powers to compel them to do the same, that the State may have in Assessing and collecting State Taxes.

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 17.

And any State which from time to time Shall be found in her payments on any Requisition in advance on an average of the payments made by the States shall be allowed an interest of _____ per Cent P[er] annum on her said advanced sums or expences and the State which from time to time shall be found in arrear on the principles aforesaid shall be charged with an Interest of _____ P[er] Cent per Annum on the sums in which she may be so in arrear.

Art 18.

In case it shall hereafter be found Necessary by Congress to establish any new Systems of Revenue and to make any New Regulations in the finances of the U S for a limited term not exceeding fifteen years in their operation for supplying the common Treasury with monies for defraying all charges of war, and all other expences that shall be incurred for the common defence, or general welfare, and such new Systems or Regulations shall be agreed to and adopted by the United States in Congress Assembled and afterwards be confirmed by the Legislatures of eleven States, and in that proportion when there shall be more than thirteen States in the Union, the same Shall become binding on all the States as fully as if the Legislatures of all the States should confirm the same

Art 19.

The United States in Congress Assembled shall have the Sole and exclusive power of declaring what offences against the United States shall be deemed treason and what Offences against the same Misprision of treason, and what Offences shall be deemed piracy or felonies on the high Seas, and to annex suitable punishments to all the Offences aforesaid respectively and power to institute a federal Judicial Court for trying and punishing all Officers appointed by Congress for all crimes, offences and Misbehaviour in their Offices, and to which Court an Appeal Shall be allowed from the Judicial Courts of the several States, in all Causes wherein questions Shall arise on the meaning and construction of Treaties entered into by the United States with any foreign power, or on the Law of Nations, or wherein any question shall arise respecting any

Regulations that may hereafter be made by Congress Relative to trade and Commerce, or the Collection of federal Revenues pursuant to powers that shall be vested in that body, or wherein questions of importance may arise, and the United States shall be a party—provided that the trial of the fact by Jury shall ever be held sacred, and also the benefits of the writ of *Habeas Corpus*; provided also that no member of Congress or Officer holding any other Office under the United States shall be a Judge of said Court, and the said Court shall consist of Seven Judges, to be appointed from the different parts of the Union to wit, one from New Hampshire, Rhodeisland and Connecticut, one from Massachusetts, one from New-York and New Jersey, one from Pennsylvania, one from Delaware and Maryland, one from Virginia, and one from North Carolina South Carolina and Georgia, and four of whom shall be a quorum to do business.

Art 20.

That due attention may be given to the Affairs of the Union early in the federal year, and the sessions of Congress made as short as conveniently may be each State shall elect her Delegates annually before the first of July, and make it their duty to give an Answer before the first of September in every year whither they accept their appointments or not, and make effectual provision for filling the places of those who may decline, before the first of October yearly, and to transmit to Congress by the tenth of the same month the Names of the Delegates who shall be appointed and accept their appointments, and 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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