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Connecticut in the Constitutional Convention

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A leading Revolutionary War figure who worked indefatigably in the service of his state and in the creation of the new nation, Roger Sherman was born in Newton, Massachusetts on April 19, 1721. As a youth in Stoughton, Mass., he assisted his father on the family farm, became an apprentice shoemaker, and studied reading, history, and mathematics in the common schools. Driven by enormous ambition for pre-eminence, he emigrated to New Milford, Connecticut when he was twenty-two years old. There, he opened a general store, continued his shoemaking, and began to practice surveying. In 1745, he became county surveyor—a position of importance, responsibility, and fortune. It provided the impetus for his economic and social advancement. Between 1750 and 1761, he prepared and published a series of almanacs which helped to spread his reputation. Following a brief study of the law, he was admitted to the bar in 1754, and was soon enmeshed in town and provincial politics.

In 1761, Sherman moved to New Haven, where he continued in business until 1772. He represented the town in the Connecticut legislature, serving in the lower house (1764-1766) and then the council (1766-1785). He was also an elected judge of the Superior Court from 1766-1788 and mayor of New Haven from 1784-1793.

Sherman's political and economic ambitions led him in the mid 1760's to join forces with the moderate opposition to the new British imperial legislation formed at the conclusion of the Seven Years' War. As a delegate to the Continental Congresses between 1774 and 1784, he was placed on committees to draft the Declaration of Independence and the Articles of Confederation. In fact, he was the only American to sign four historic documents: the Continental Association of 1774, the Declaration of Independence, the Articles of Confederation, and the United States Constitution. A major participant at the Philadelphia Convention of 1787, he argued for a stronger central government and engineered the famous "Connecticut Compromise," which created our present bicameral legislature with its dual system of representation. After returning home to fight for ratification of the new constitution, he concluded his political career by service in the House of Representatives (1789-1791) and, upon the resignation of William Samuel Johnson, in the United States Senate (1791-1793). While still a member of that body, he died in New Haven on July 23, 1793.

Oliver Ellsworth (1745-1807)

A prominent figure in Connecticut and national politics during the Revolutionary and Federal eras, Oliver Ellsworth was born in Windsor, Connecticut on April 29, 1745. Like Roger Sherman, the key to Ellsworth's achievements was an insatiable ambition, which was further guided by a sincere desire to render public service. After an ignominious dismissal from Yale College for various sorts of mischievous behavior, he

transferred to the College of New Jersey (Princeton), from which he graduated in 1766. Sensing opportunities for economic advancement, he abandoned theology in favor of the law and was admitted to the bar in 1771. The shift in vocations paid handsome dividends; by the latter part of the decade, he was among the leading lawyers in Connecticut. With the outbreak of the American Revolution in 1775, he was serving as representative of his town in the General Assembly. Thereafter, he was appointed to the committee of the Pay Table and in charge of military expenditures. In 1777, he accepted the appointment as State's Attorney for Hartford County. Ellsworth's ascendancy in provincial politics continued in the next three years, as he was appointed a delegate to the Continental Congress, a member of Connecticut's powerful Council of Safety, and was elected to the prestigious Governor's Council. This was a meteoric rise for a man of only thirty-five years of age. From 1778 to 1783, he served in the Continental Congress and from 1785 to 1789 he was a judge to the Superior Court of Connecticut. Elected a delegate to the Philadelphia Convention in 1787, he became a staunch defender of states' rights; but when convinced of the Constitution's merits and practicality, Ellsworth assumed leadership in the fight for its ratification in his native state.

In 1789, he was chosen as a senator from Connecticut and served there as the leader of the Federalist Party until 1796. A major contribution in that body was his authorship of the Judiciary Act of 1789, which created the district and circuit court system of our federal judiciary. He also was appointed by President Washington as Chief Justice of the Supreme Court in 1796.

In 1799, Ellsworth was entrusted by President Adams to head a commission of three to procure a treaty between the United States and France to end the "quasi-war," which had been waging since the past year. Upon becoming ill in Europe, he resigned from the Court and from his diplomatic mission. However, from 1801 to 1807, he served once again on the Governor's Council and in that latter year was offered recognition for his many years of public service by an appointment as Chief Justice of his home state.

William Samuel Johnson (1727-1819)

An American jurist and educator, William Samuel Johnson was born in Stratford, Connecticut on October 7, 1727. Graduating from Yale College in 1744 with distinction, he studied law and practiced in both the New York and Connecticut courts. In 1761, he was elected to represent Stratford in the General Assembly. His entrance into the stormy world of politics continued in 1765 with his selection as a Connecticut delegate to the Stamp Act Congress. In the following year, he became a member of the Council of Assistants, the upper house of the legislature of Connecticut. From 1766 to 1771, he represented the colony's interests in Great Britain as a special agent. In 1772, he was appointed judge of the Superior Court of Connecticut and was commissioned major in the colonial militia.

During the American Revolution, however, he could not bring himself to join either the Patriot or the Tory faction, choosing to retire to private life at his home in Stratford. He re-emerged onto the political stage, however, as a representative to the Continental Congress from 1784 to 1787. Although he initially opposed a new convention, he was chosen as a delegate to the assembly in Philadelphia in 1787. Thereafter, he retained his seat in the Connecticut Council until 1789. Concurrently, he accepted the presidency of Columbia College (1787-1800) while serving as one of Connecticut's first U.S. senators. Resigning the presidency of Columbia in 1800, due to poor health, he retired to Stratford until his death in 1819.

Lesson Plan : Debates And Sociodramatic Role-Playing

These activities are designed for use with any level of junior or senior high school students. In order to make history come alive, it is very useful to engage in exercises that invite students to utilize their own creativity. While traditional lectures by teachers are informative, they can become a tedious routine. To inject new life and meaning into the study of history, it is a good idea to allow students to showcase their youthful exuberance in dramatic role-playing. Admittedly, this class activity is not for all groups; it depends upon the “personality” of the class. Yet, at any rate, it does constitute a varied teaching technique.

Ideally, the teacher should divide the class into different states, with each pupil assuming an historical identity. Thus, a group of three students might comprise the Connecticut delegation to the Philadelphia Convention. Each person would then be responsible for conducting research on his or her historical personality. Moreover, each state “delegation” would have to confer collectively to plot their strategy for the upcoming convention. As a result, the students would also be investigating the size of their state in 1787, their economic situation, and other modes of lifestyle.

Finally, on convention day, the historic re-enactment would begin. By this time, of course, the teacher will have provided as much assistance to the “delegates” as he or she deems necessary. As for the script to this drama, the teacher need only consult any source that contains James Madison’s notes of the convention. Perhaps the most useful text would be Saul Padover’s *To Secure These Blessings* (N.Y., 1962).

Each actor would then merely play his or her role. The teacher may serve as “director” and choose the dialogues that would be most entertaining and educational.

To further promote interest in the play, students might be encouraged to dress in the attire of eighteenth-century America. And, since many school systems now have them, if a video-recorder can be used to capture for posterity the day’s proceedings—all the better!!!

Lesson Plan : Analysis Of Data Through Charts

This lesson is suited for almost any group of high school students. It is an excellent exercise in the use of primary source materials and permits the student to make judgments and hypotheses from the raw statistics provided.

The teacher needs only to photocopy the chart above, or to retype the population figures onto a ditto master for reproduction.

This first federal census practically speaks for itself and serves to illustrate the great variations in size among the thirteen states. Students viewing the data should quickly come to appreciate a number of considerations:

- (1) the relatively small numbers of people living in the United States in 1790.
- (2) that Virginia, Massachusetts, and Pennsylvania contained as many people as the next six states combined.
- (3) that it was little wonder that the delegates of Virginia led the way for the creation of a national

legislature based on proportional representation.

(4) that New Jersey and the smaller states fought equally hard to maintain the principle of equal representation in the national legislature.

(5) that slaves made up a sizeable portion of the population in the United States and, in some Southern States, almost equaled the native whites.

(6) that clashes of interest would manifest themselves at the Constitutional Convention.

Lesson Plan : Analysis of The Virginia and New Jersey Plans :

This activity is especially suited for an advanced group of high school students, but could also be adapted for use with students of average abilities. It is an excellent exercise in using primary source materials and allows the student to see the actual shape and structure of these proposed plans of government. At the same time, of course, the student is acquiring skills in analytical reading.

The teacher needs only to “xerox” copies of each plan from any number of good books dealing with the formation of the Constitution. Then, with each student armed with his or her copy, the teacher may then direct the proceedings. Beginning with the Virginia Plan of May 29, 1787, the teacher could challenge the class to “translate” the political language of the document. The fifteen articles or provisions of the plan could be watered down into understandable proposals. Along the way, it is a great educational experience to introduce and define such terms as “confederation,” “suffrage,” “national legislature,” etc.

Following the translations of each plan, students should have a simplified comprehension of the controversy surrounding the creation of our national government. Was it to be a “national” or a “federal” union of states? The myriad of thought-provoking questions that would follow further attests to its usefulness. Finally, as each student is able to find his or her way through the maze of conventional political jargon, a degree of pride in self-achievement could be fostered. “Politics” would not necessarily have to be an incomprehensible or mundane topic.

The Virginia Plan, May 29, 1787

1. RESOLVED, That the articles of Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution; namely, common defence, security of liberty and general welfare.
2. Resolved, therefore, That the rights of suffrage, in the National Legislature ought to be proportioned to the Quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.
3. Resolved, That the National Legislature ought to consist of two branches.

4. Resolved, That the members of the first branch of the National Legislature ought to be elected by the people of the several States every for the term of ; to be of the age of years at least; to receive liberal stipends by which they may be compensated for the devotion of their time to public service; to be ineligible to any office established by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of the first branch, during the term of service, and for the space of after its expiration; to be incapable of re-election for the space of after the expiration of their term of service; and to be subject to recall.
5. Resolved, That the members of the second branch of the National Legislature ought to be elected by those of the first, out of a proper number of persons nominated by the individual Legislatures; to be of the age of years, at least; to hold their offices for a term sufficient to ensure their independency; to receive liberal stipends, by which they may be compensated for the devotion of their time to public service; and to be ineligible to any office established by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of the second branch, during the term of service, and for the space of after the expiration thereof.
6. Resolved, That each branch ought to possess the right of originating Acts; that the National Legislature ought to be empowered to enjoy the Legislative Rights vested in Congress by the Confederation, and moreover to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual Legislation; to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of Union; and to call forth the force of the Union against any member of the Union failing to fulfil its duty under the articles thereof.
7. Resolved, That a national executive be instituted; to be chosen by the National Legislature for the term of years; to receive punctually at stated times, a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the Magistracy existing at the time of increase or diminution; and to be ineligible a second time; and that besides a general authority to execute the National laws, it ought to enjoy the Executive rights vested in Congress by the Confederation.
8. Resolved, That the executive and a convenient number of the National Judiciary, ought to compose a council of revision with authority to examine every act of the National Legislature before it shall operate, and every act of a particular Legislature before a Negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, unless the act of the National Legislature be again passed, or that of a particular Legislature be again negatived by of the members of each branch.
9. Resolved, That a national judiciary be established to consist of one or more supreme tribunals, and of inferior tribunals to be chosen by the National Legislature, to hold their offices during good behavior; and to receive punctually at stated times fixed compensations for their services, in which no increase or diminution shall be made so as to affect the person actually in office at the time of such increase or diminution. That the jurisdiction of the inferior tribunals shall be to hear and determine in the first instance, and of the supreme tribunal to hear and determine, in the denier resort, all piracies and felonies on the high seas,; captures from an enemy; cases in which foreigners or citizens of other States applying to such jurisdictions may be interested, or which respect the collection of the National revenue; impeachments of any National officer; and questions which involve the national peace or harmony,
10. Resolved, That provision ought to be made for the admission of states lawfully arising within the limits of the United States, whether from a voluntary junction of Government and Territory, or

otherwise, with the consent of a number of voices in the National Legislature less than the whole.

11. Resolved, That a Republican Government and the territory of each State, except in the instance of a voluntary junction of Government and territory, ought to be guaranteed by the United States to each State.

12. Resolved, That provision ought to be made for the continuance of Congress and their authorities and privileges, until a given day after the reform of the articles of Union shall be adopted, and for the completion of all their engagements.

13. Resolved, That provision ought to be made for the amendment of the articles of Union whensoever it shall seem necessary; and that the assent of the National Legislature ought not to be required thereto.

14. Resolved, That the legislative, executive, and judiciary powers within the several States, ought to be bound by oath to support the articles of union.

15. Resolved, That the amendments which shall be offered to the Confederation, by the Convention ought at a Proper time, or times, after the approbation of Congress, to be submitted to an assembly or assemblies of Representatives, recommended by the several Legislatures to be expressly chosen by the people, to consider and decide thereon.

The New Jersey Plan, June 15, 1787

1. RESOLVED, That the articles of Confederation ought to be so revised, corrected and enlarged, as to render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union.

2. Resolved, That in addition to the powers vested in the United States in Congress, by the present existing articles of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods and merchandises of foreign growth or manufacture, imported into any part of the United States, by Stamps on paper, vellum, or parchment, and by a postage on all letters and packages passing through the general post-office, to be applied to such federal purposes as they shall deem proper and expedient; to make rules and regulations for the

collection thereof; and the same from time to time, to alter and amend in such manner as they shall think proper; to pass Acts for the regulation of trade and commerce, as well with foreign nations as with each other: provided that all punishments, fines, forfeitures, and penalties to be incurred for contravening such rules and regulations shall be adjudged by the Common law Judiciaries of the State in which any offence contrary to the true intent and meaning of such Acts, rules and regulations shall have been committed or perpetrated, with liberty of commencing in the first instance all suits or prosecutions for that purpose, in the superior Common law Judiciary of such State; subject nevertheless, for the correction of all errors, both in law and fact in rendering judgment, to an appeal to the Judiciary of the United States.

3. Resolved, That whenever requisitions shall be necessary, instead of the rule for making requisitions mentioned in the articles of Confederation the United States in Congress be authorized to make such requisitions in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes; that if such requisitions be not complied with, in the time specified therein, to direct the collection thereof in the non-complying States, and for that purpose to devise and pass acts directing and authorizing the same; provided that none of the powers hereby vested in the United States in Congress shall be exercised without the consent of at least States; and in that proportion, if the number of confederated States should hereafter be increased or diminished.

4. Resolved, That the United States in Congress be authorized to elect a federal Executive to consist of persons, to continue in office for the term of years; to receive punctually at stated times a fixed compensation for their services in which no increase or diminution shall be made so as to affect the persons composing the Executive at the time of such increase or diminution, to be paid out of the federal treasury; to be incapable of holding any other office or appointment during their term of service, and for years thereafter; to be ineligible a second time, and removable by Congress on application by a majority of the Executives of the several States. That the executive, besides their general authority to execute the federal acts ought to appoint all federal officers not otherwise provided for, and to direct all military operations; provided, that none of the persons composing the federal executive shall on any occasion take command of any troops, so as personally to conduct any military enterprise as General, or in any other capacity.

5. Resolved, That a federal Judiciary be established, to consist of a supreme Tribunal the Judges of which to be appointed by the Executive, and to hold their offices during good behavior; to receive punctually at stated times a fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution. That the Judiciary so established shall have authority to hear and determine in the first instance on all impeachments of federal officers, and by way of appeal in the denier resort in all cases touching the rights and privileges of Ambassadors; in all cases of captures from an enemy; in all cases of piracies and felonies on the high seas; in all cases in which foreigners may be interested, in the construction of any treaty or treaties, or which may arise on any of the acts for regulation of trade, or the collection of the federal Revenue. That none of the Judiciary shall during the time they remain in Office be capable of receiving or holding any other office or appointment during their term of service, or for thereafter.

6. Resolved, That all acts of the United States in Congress, made by virtue and in pursuance of the powers hereby and by the articles of confederation vested in them, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective

States as far forth as those Acts or Treaties shall relate to the said States or their Citizens; and that the judiciary of the several States shall be bound thereby in their decisions, any thing in the respective States as far forth as those Acts or Treaties shall relate to the said States or their Citizens; and that the judiciary of the several States shall be bound thereby in their decisions, any thing in the respective laws of the Individual States to the contrary notwithstanding; and if any State, or any body of men in any State, shall oppose or prevent the carrying into execution such acts or treaties, the federal Executive shall be authorized to call forth the powers of the Confederated States, or so much thereof as may be necessary, to enforce and compel an obedience to such Acts, or an Observance of such Treaties.

7. Resolved, That provision be made for the admission of mew States into the Union.

8. Resolved, That the rule for naturalization ought to be the same in every State.

9. Resolved, That a citizen of one State committing an offence in another State of the Union shall be deemed guilty of the same offence as if it had been committed by a citizen of the State in which the offence was committed.

Notes

1. Merrill Jensen, *The Making of the American Constitution* (New York, 1964) pp. 26-27; Andrew C. McLaughlin, *The Confederation and the Constitution* (New York, 1966), p. 43.

2. Jensen, pp. 27-28; McLaughlin, P. 44.

3. Merrill Jensen, *The New Nation: A History of the United States During the Confederation, 1781-1789* (New York, 1950) pp. 58-67; McLaughlin, p. 48,66.

4. McLaughlin, p. 57.

5. *Ibid* ., p. 66.

6. *Ibid* ., pp. 45-48.

7. Jensen, *The New Nation* , pp. 420-421; Max Farrand, *The Framing of the Constitution of the United States* (Yale University Press, 1913), pp. 8-12; Clinton Rossiter, *1787: The Grand Convention* (New York, 1966), pp. 54-57.

8. As quoted in Carl Van Doren, *The Great Rehearsal* (New York, 1948), p. 264.

9. Christopher Collier, *Roger Sherman's Connecticut: Yankee Politics and the American Revolution* (Wesleyan Univ. Press, 1971), pp. 222-230.

10. *Ibid* ., pp. 222-228.

11. *Ibid.* , p. 229.
12. Jeremiah Wadsworth as quoted in Roger S. Boardman, *Roger Sherman: Signer and Statesman* (Philadelphia, 1938), p. 231.
13. Collier, pp. 231-233.
14. Max Farrand, *The Fathers of the Constitution* (Yale Univ. Press, 1921), p. 108.
15. Ronald J. Lettieri, *Connecticut's Young Man of the Revolution: Oliver Ellsworth* (Hartford, 1978), p. 65; Collier, p. 237; George C. Groce, *William Samuel Johnson* (New York, 1937), p. 139.
16. Jensen, *The New Nation* , pp. xiii-xiv, 4, 24, 73, 399, 424-425.
17. *Ibid.*
18. See McLaughlin, pp. 134-135; Jensen, *The Making of the American Constitution* , pp. 42-44.
19. See McLaughlin, pp. 146-148; Jensen, *Ibid.* , pp. 54-56.
20. James Madison, *Notes of the Federal Convention . . .* (New York, 1966), p. 218; Lettieri, pp. 68-69.
21. Madison, p. 232.
22. *Ibid.* , p. 98; Van Doren' p. 75.
23. Van Doren, p. 111.
24. Madison, p. 46.
25. Collier, p. 247.
26. Madison, pp. 60-61.
27. Collier, pp. 246-248.
28. *Ibid.* , pp. 248-250.
29. *Ibid.* , pp. 250-251.
30. *Ibid.*, pp. 251-253.
31. *Ibid.* , pp. 270-271.
32. *Ibid.* , pp. 271-272; Lettieri, pp. 69-71.
33. Madison, p. 469.
34. Collier, p. 256; Larry A. Gerlach, "Toward a More Perfect Union, the Continental Congress and the Constitutional Convention,," *Bulletin of the Connecticut Historical Society*, 34 (April, 1969), p. 74.
35. Madison, p. 540.
36. Rossiter, pp. 216-218; Van Doren, p. 155.
37. As quoted in John G. Rommel, *Connecticut's Yankee Patriot: Roger Sherman* (Hartford, 1979), pp. 45-46.

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based a good deal on Collier's work.

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GLOSSARY

ARTICLES OF CONFEDERATION—the constitution of the 13 American states from 1776-1789.

UNICAMERAL LEGISLATURE—consisting of but one legislative house

BICAMERAL LEGISLATURE—consisting of two chambers or houses

SOVEREIGNTY—supremacy in rule or power; power to govern without external control.

AMENDMENT—the alteration of a parliamentary motion or constitution.

COMMERCE—the exchange of materials or products between states or nations.

IMPOST—a tax; duty (especially a customs duty)

RATIFY—to give sanction to; to make valid by approval.

NATIONAL DEBT—the total debt, foreign and domestic, owed by any state.

CONSTITUTIONAL CONVENTION—the assembly of delegates which met in Philadelphia in 1787 to amend the Articles of Confederation.

FREE TRADE—commerce free from government regulations, with tariffs used only as a source of revenue.

CREDITORS—people to whom money is owed.

DEBTORS—people under financial obligation to others.

QUORUM—the number of members of a body required to be in attendance for business to be legally transacted.

“NATIONAL” GOVERNMENT—one that possesses a strong central government, with the power to coerce states and their citizens. Followers also believed in the executive and judicial rather than legislative control of state and central governments and in the funding and assumption of the national debt by the new Congress under the Constitution.

“FEDERAL” GOVERNMENT—one that possesses a weak central government, with the individual states in control. Followers in 1787 felt that the Articles of Confederation needed only to be “patched up”. They favored the division of the national debt among the states. In this way, each state would be able to retain its sovereignty and independence.

VIRGINIA PLAN—the large-state plan delivered by Governor Edmund Randolph. This set of proposals was the blueprint for a “national” government. See essay for more details.

NEW JERSEY PLAN—the small-state plan delivered by William Paterson. This set of proposals was the blueprint for a “federal” government. See essay for more details.

CONSTITUTION—the fundamental laws and principles that govern the operation of a state.

COMPROMISE—a settlement of differences reached by mutual concession.

SUFFRAGE—the right or privilege of voting; franchise.

CONNECTICUT COMPROMISE—one that resulted in the creation of our present Congress. The House of Representatives is based on population; the Senate is based on equality. For more details, see the essay.

BILL—a draft of a proposed law.

ELECTORAL COLLEGE—a body of electors, chosen by the voters in the states and the District of Columbia, that formally elects the president and vice-president of the United States.

INFERIOR COURTS—the District and Circuit Courts of our national judiciary.

WYOMING VALLEY—in the valley of the Susquehanna River in Northeastern Pennsylvania. This area was claimed by both Pennsylvania and Connecticut. After much violence, in 1782 the Confederation Congress gave the disputed land to Pennsylvania.

GRADUAL EMANCIPATION LAW OF 1784—a Connecticut statute which granted freedom at the age of twenty-five to all persons born into slavery after March 1, 1784.

THREE-FIFTHS COMPROMISE—one made at the Philadelphia convention in which slaves would be counted as three-fifths of a person for purposes of both taxation and representation.

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