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the Articles of Confederation by the States In Congress

Maryland, 22–23 June 1778

Instructions to Delegates in Congress, 22 December 1777¹

The House, taking into consideration the report of the committee of the whole on the Articles of Confederation and perpetual Union, etc., came to the following resolutions thereon:

Resolved, That the delegates to Congress from the State of Maryland be instructed to endeavor to get an amendment of the fourth Article of the Confederation, by striking out the word “paupers” and inserting a provision, “that one state shall not be burthened with the maintenance of poor persons who may remove from another state.”

Resolved, That the said delegates be instructed to use their endeavors to obtain an explanation of the eighth Article of the Confederation, which may be construed to comprehend those lands only which may be granted to or surveyed for any person at the time of ratifying the Articles of Confederation in the Congress of the United States; and to represent that all the lands within each state, thereafter granted to or surveyed for any person, with the buildings and improvements thereon, should from time to time be valued according to such mode as the United States in Congress assembled shall direct, to find the proportion in which each state ought to contribute towards the common expense, and supplying the treasury of the United States.

Resolved, That the delegates to Congress from this state be instructed to remonstrate to the Honorable Congress, that this state esteem it essentially necessary for rendering the Union lasting, that the United States in Congress assembled should have full power to ascertain and fix the western limits of those states that claim to the Mississippi or South Sea. That this state consider themselves justly entitled to a right in common with the other members of the Union, to that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in or granted to individuals at the commencement of the present war. That the same hath been or may hereafter be gained from the king of Great Britain or the native Indians by the blood and treasure of all, and ought therefore to be a common estate to be granted out on terms beneficial to all the United States. And that they use their utmost endeavors to obtain, that an article to this effect be made part of the Confederation.

Instructions to Delegates in Congress, 20 June 1778²

This House having taken into consideration the report from a committee of the whole, relative to the Articles of Confederation and perpetual Union; also the particular instructions given to their delegates in Congress, during the last October session, have come to the resolutions herewith sent. . . .

Resolved, That this state hath, upon all occasions, shown her zeal to maintain and promote the general welfare of the United States of America; that, upon the same principles, this House is of opinion a confederation of perpetual friendship and union between the United States is highly necessary for the benefit of the whole; and this House is most willing and desirous to enter into a confederation and union, but at the same time such confederation, in their opinion, should be formed on the principles of justice and equity.

Resolved, That the delegates from this state to Congress consider themselves bound by the instructions given in October session last, and that they endeavor to procure from Congress an explicit answer to the propositions therein contained; but that they do not at any time consider themselves at liberty to ratify or confirm any confederation of perpetual friendship and union, until they have communicated such answer to the General Assembly of this state, and shall receive their express authority so to do.

Journals of Congress, 22 June 1778

Congress proceeded to consider the objections of the states to the Articles of Confederation whereupon the delegates of Maryland read to Congress instructions they had just received from their constituents and moved,

That the objections of the State of Maryland to the Confederation be immediately taken up and considered by Congress, that the delegates of Maryland may transmit to that state with all possible dispatch the determination of Congress on those objections.³

Question put.

Resolved in the affirmative.

A motion was then made in behalf of Maryland: In Article 4 strike out the word “paupers” and after the words “or either of them” insert “That one state shall not be burthened with the maintainance [*sic*] of the poor, who may remove into it from any of the other in this union.”

Question put.

Passed in the negative: one state only answering Aye.

Another amendment was moved in behalf of Maryland: Article 8th After the words “granted to or surveyed for” to insert “or which shall hereafter be granted to or surveyed for any person.”

Question put.

Passed in the negative: four states answering Aye, eight answering No.

A third amendment was moved in behalf of Maryland: Article 9. After the words “shall be deprived of territory for the benefit of the united Unites [States],” insert “The united states in Congress assembled shall have the power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated states, which claim to extend to the river Missisipi [*sic*] or South Sea.”

After debate, Resolved, That the consideration thereof be postponed till tomorrow.

Adjourned to 10 o'clock tomorrow.

Journals of Congress, 23 June 1778

Congress proceeded to consider the motion from Maryland under debate yesterday and after debate, Resolved, That the farther consideration thereof be postponed till the afternoon.

3 o'clock. Congress resumed the consideration of the motion from Maryland.

Question put.

Passed in the negative: four Ayes, five Noes.

Three other states coming in, a motion was made to reconsider the question just determined.

Question put.

Resolved in the affirmative.

The question being again put, Mr. Marchant required the yeas and nays.

New Hampshire			Pennsylvania		
Bartlett	no	} no	Roberdeau	ay	} ay
Massachusetts Bay			Clingan	no	
Hancock	no	} no	Jas. Smith	ay	
S. Adams	no				
Gerry	no				
Dana	no				
Lovell	no				
Holton	no				
Rhode Island			Delaware		
Ellery	ay	} ay	M'Kean	ay	} ay
Marchant	ay				
Collins	ay				
Connecticut			Maryland		
Sherman	no	} no	Plater	ay	} ay
Huntington	no				
Wolcott	no				
Hosmer	no				
New York			Carrol	ay	
Lewis	ay	} divided	Virginia		
G. Morris	no				
New Jersey			R. H. Lee	no	} no
Witherspoon	ay		Banister	no	
Elmer	ay	} ay	T. Adams	no	
Scudder	ay				
			South Carolina		
			Laurens	no	} no
			Drayton	no	
			Hutson	no	
			Matthews	no	
			Heyward	no	
			Georgia		
			Langworthy	no	} no

So it passed in the negative.

1. The Maryland legislature received copies of the Articles of Confederation on 3 December. On 13 December 1777 the House defeated a motion to delay consideration until the next session and four days later adopted three resolutions instructing the delegates to Congress. The Senate concurred on the 22nd.

2. The House adopted the instructions on 18 June 1778 and accepted the instructions as amended by the Senate on 20 June.

3. On 20 June 1778 Congress had resolved that the delegates would present their instructions beginning with New Hampshire and moving southward in the traditional order.

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