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Massachusetts, 23 June 1778

House of Representatives, 15 December 1777

The House passed the following resolve, viz.:

Whereas the Honorable Congress have formed and proposed to the legislative body of this state Articles of Confederation and perpetual Union between the United States of America, and it is considered by this House as a matter of great importance, and beyond the usual course of business expected by their constituents at the election of their representatives, therefore,

Resolved, That it be recommended to the several towns in this state to instruct their representatives to act and do as they shall judge meet for the advantage of this and the other United States, relative to this matter.

House of Representatives, 19 January 1778

Ordered, That the several members of this House (who are not empowered to act upon the proposed Articles of Confederation of the United States) be and they are hereby directed immediately to write to the selectmen of their respective towns, desiring them forthwith to call a meeting of their inhabitants, or at any meeting now subsisting, if they think proper, to empower their representatives to act upon the proposed Articles of Confederation aforesaid, and to furnish said representatives with a copy of their doings without delay.

And the members of this House are directed to furnish said selectmen with the resolve of this House passed the last session relative to the matter aforesaid.

Instructions to the Delegates in Congress, 10 March 1778¹

THE General Court of the State of *Massachusetts-Bay*, having attentively considered the Articles of Confederation and Perpetual Union between the United States of *America*, recommended to our attention by the honorable Congress, do approve of them in general, as well calculated to secure the freedom, sovereignty and independence of the United States; perhaps no plan could have been proposed better adapted to the circumstances of all: We therefore the Council and House of Representatives of this State, in General Court assembled, do in the name and behalf of the good people of this State, instruct you their Delegates, to subscribe said Articles of Confederation and Perpetual Union, as they were recommended by Congress, unless the following alterations, or such as may be proposed by the other States, can be received and adopted, without endangering the Union proposed.

The first thing we desire your attention to, before you ratify and confirm these articles, is the mode of supplying the Continental treasury with money to defray the public expences, pointed

out in the eighth article; in short, we conceive the Questions upon this article to be so difficult of solution without some experience of the effect, any method proposed may be attended with; that we apprehend provision ought to be made for varying the mode from time to time until experience has discovered which will be the most equitable plan, which when discovered and laid before the several States, will doubtless be confirmed:

The provision made in the sixth Paragraph of the Ninth Article, which makes the assent of *nine States* necessary to exercise the powers with which Congress are *vested*, does not give all that security to the States in these important matters which we think necessary, and which perhaps was intended by Congress; as the Paragraph now stands, it will put it in the power of the nine smallest States to give a Negative on the most important and necessary business, and as it is probable that a very small majority of the people of the United States, will be contained in the nine smallest States, nay perhaps less than half, it certainly ought not be in their power to give law in the important matters mentioned in this Paragraph; we apprehend it would be better to substitute in the room of *nine States*, these words, *ten States, or at least the Delegates for two thirds of the people of the United States of America represented in Congress.*

The Paragraph which determines the principle on which each State is to furnish its quota of the Army, demands your special attention, because it appears to be unequal, and consequently injurious, if the numbers to be furnished by each State to the Army, are to be rated in proportion to the number of Whites, it will be unequal, because those numbers are so, and will be injurious by operating as a Tax by the bounties necessary to be given, and by an unequal drain of the inhabitants, and consequently a diminution of the many advantages derived from their industry and labour, while other States who have a less number of Whites, tho' perhaps an equal, if not greater number of inhabitants are free from the burthen of the first, and the disadvantages arising from the last.

If any improper term of words now in any Article, or if any sentiment may in your Opinion be better expressed, you will propose and agree to have proper alterations made.

You will consider yourselves, also at liberty to consent to amendments proposed by other States, or their members, provided that such amendments are not materially repugnant to the Articles of Confederation, or the spirit of these Instructions.

Journals of Congress, 23 June 1778

The delegates from Massachusetts Bay being called on for the report of their constituents upon the Confederation, read sundry objections transmitted to them by their constituents and thereupon moved,

That the eighth Article be reconsidered so far as relates to the criterion fixed on for settling the proportion of taxes to be paid by each state, that an amendment may be made, so that the rule of apportionment may be varied from time to time by Congress until experience shall have showed what rule of apportionment will be most equal and consequently most just.

Question put for reconsidering.

Passed in the negative: 2 Ayes, 8 Noes.

Another motion was made to reconsider the fifth section of the 9th Article so far as relates to the rule of apportioning the number of forces to be raised by each state on the requisition of Congress.

Question put for reconsidering.

Passed in the negative: 3 Ayes, 7 Noes.

A third motion was made to reconsider the sixth section of the 9th Article so far as it makes the assent of nine states necessary to exercise the powers with which Congress are thereby invested.

Question put for reconsidering.

Passed in the negative.

1. These instructions were drawn up by a joint committee of the House of Representatives and the Council which had been appointed on 19 February. On 11 March, the day after it adopted the instructions, the legislature empowered the President of the Council to sign them and ordered that each delegate receive an attested copy.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. I: Constitutional Documents and Records, 1776–1787 (Madison, Wis.: Wisconsin Historical Society Press, 1976), 102–5.