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South Carolina, 25 June 1778

*Instructions to Delegates in Congress, 5 February 1778*¹

Resolved, *nemine contradicente*, That the delegates of this state in the Continental Congress, or any three of them, be, and they are hereby authorized, on the part of this state, to agree to, and ratify Articles of Confederation between the United States of America.

*Journals of Congress, 25 June 1778*²

The delegates from South Carolina, being called upon for the report of their constituents upon the Confederation, moved in behalf of their state:

1. In Article 4th between the words “free inhabitants,” to insert, “White.”

Passed in the negative: 2 Ayes, 8 Noes, 1 divided.

2. In the next line after “these states” insert “those who refuse to take up arms in defence of the confederacy.”

Passed in the negative: 3 Ayes, 8 Noes.

3. After the words “the several states” insert “according to the law of such states respectively for the government of their own free white inhabitants.”

Passed in the negative: 2 Ayes, 8 Noes, 1 divided.

4. After the words “of which the owner is an inhabitant” insert “except in cases of embargo.”

Passed in the negative: 2 Ayes, 9 Noes.

5. In the 1 paragraph of 5 Article, strike out “first Monday in November” and insert “nineteenth day of April.”

Passed in the negative: 1 Aye, 9 Noes, 1 divided.

6. In the 2 paragraph of 5 Article, substitute “three” in place of “two,” and “two” in place of “three,” and “four” in place of “six.”

Passed in the negative: 2 Ayes, 9 Noes.

7. In 3 paragraph of 5 Article, for “committee” read “grand Council.”

Passed in the negative: 1 Aye, 9 Noes, 1 divided.

8. In the first paragraph of 6 Article, for “prince or state” read “Prince or foreign state, except the same be upon the subject of commerce, nor then so as to interfere with any treaty or alliance of the united states made or treaty proposed by Congress.”

Passed in the negative: 2 Ayes, 9 Noes.

9. In 2d paragraph of 6 Article, strike out “by some nation of Indians” and after the words “to invade such state” insert “or upon requisition to assist a sister state actually invaded or threatened with an invasion.”

Passed in the negative: 3 Ayes, 8 Noes.

10. In 1 paragraph of 7 Article, strike out the words “of or under the rank of colonel” and after “shall be appointed” insert “and commissioned.”

Passed in the negative: 2 Ayes, 8 Noes, 1 divided.

11. At the end of the 7 Article, add: “The troops to be raised shall be deemed the troops of that state by which they are raised. The congress or grand council of the states may when they think proper make requisition to any states for two thirds of the troops to be raised; which requisition shall be binding upon the said states respectively: but the remaining third shall not be liable to be drawn out of the state in which they are raised, without the consent of the executive authority of the same. When any forces are raised, they shall be under the command of the executive authority of the state, in which they are so raised, unless they be joined by troops from any other state, in which case the Congress or grand council of the states may appoint a general Officer to take the command of the whole: And until the same can be done the command shall be in the senior Officer present, who shall be amenable for his conduct to the executive authority of the state in which the troops are, and shall be liable to be suspended thereby. The expences of the troops so to be raised shall be defrayed by the state, to which they belong; but when called into service by the united states they shall be fed and paid at the expence of the United States.”

Passed in the negative: two Ayes, nine Noes.

12. In the 1st line of 8 Article, strike out the words “charges of war and all other.”

Passed in the negative: 2 Ayes, 8 Noes, 1 divided.

13. In the same Article, strike out the words “according to such mode as the united states in Congress assembled shall from time to time direct and appoint” and instead of “and improvements thereon shall be estimated” read “And improvements thereon shall by periods of years not exceeding ten, as often as may be required by Congress, be generally estimated by persons to be appointed by the legislatures of the respective states to value the same upon oath.”

Passed in the negative: 2 Ayes, 9 Noes.

14. In first paragraph of 9th Article, strike out “appointing courts for the trial of piracies and felonies committed on the high seas.” In lieu thereof insert, “declaring what acts committed on the high seas shall be deemed piracies or felonies.”

Passed in the negative: 2 Ayes, 9 Noes.

15. In the second paragraph of 9 Article, for “be the last resort on Appeal” read “decide and determine,” and strike out all that relates to the mode of settling differences between states, and controversies concerning the private right of soil.

Passed in the negative: 2 Ayes, 9 Noes.

16. In the 5 paragraph of 9 Article, after the words “in any term of” strike out “three” and insert “two.”

Passed in the negative: 3 Ayes, 7 Noes, 1 divided.

17. In the 6 paragraph of 9 Article for “unless nine states” read “unless eleven states.”

Passed in the negative: 2 Ayes, 9 Noes.

18. At the end of the same paragraph strike out the words “in Congress assembled.”

Passed in the negative: 1 Aye, 10 Noes.

19. In the last paragraph of the 9th Article, after the words “and the yeas and nays of the delegates of each state on” for “any” read “every” and strike out the words “when it is desired by any delegate.”

Passed in the negative: 2 Ayes, 9 Noes.

20. In the same sentence strike out the words “a state or” and the words “at his or their request,” and after the words “and the” insert “respective states or the,” and after “shall” insert “upon requisition.”

Passed in the negative: 1 Aye, 10 Noes.

21. In the last sentence of the 13 Article, amend the last clause so as to read “unless such alteration be agreed to by eleven of the united states in Congress assembled and be afterwards confirmed by the legislatures of eleven of the united states.”

Passed in the negative: 3 Ayes, 6 Noes, 2 divided.

1. The General Assembly passed the resolution on 4 February, and the Legislative Council concurred the next day. No journals exist for either house. However, the nature of the debates in the Assembly is probably reflected in a forty-six page pamphlet entitled: *The Speech of the Hon. William Henry Drayton, Esquire, Chief-Justice of South-Carolina . . .* [20 Jan. 1778] (Charleston, 1778).

2. The instructions to the South Carolina delegates incorporating the amendments have not been located.

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