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## Delaware Signs, 22 February 1779

*Journals of Congress, 25 June 1778*

Delaware and North Carolina not having delegates present in Congress, no report was received from them saving what is contained in Governor [Richard] Caswell's letter informing that the legislature of North Carolina have agreed to the Articles of Confederation.

*The Council, 28 January 1779*<sup>1</sup>

The Council having resumed the consideration of the committee's report on the Articles of Confederation and perpetual Union, etc., came to the following resolutions thereon:

Resolved, That this state think it necessary, for the peace and safety of the states to be included in the Union, that a moderate extent of limits should be assigned for such of those states as claim to the Mississippi or South Sea, and that the United States in Congress assembled, should and ought to have the power of fixing their western limits.

Resolved also, 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 the United States.

Resolved also, That the courts of law established within this state are competent for the purpose of determining all controversies concerning the private right of soil claimed within the same, and that they now, and at all times hereafter, ought to have cognizance of all such controversies; that the indeterminate provision, proposed in the 9th Article of the Confederation, for deciding upon controversies that may arise about some of those private rights of soil, tends to take away such cognizance and is contrary to the Declaration of Rights of this state, and therefore ought to receive an alteration.

The Council then, taking into consideration the strong and earnest recommendations of Congress forthwith to accede to the present plan of Confederacy, and the probable disadvantages that may attend the further delaying a ratification thereof,

Resolved, That, notwithstanding the terms of the Articles of Confederation aforesaid are considered as in divers respects unequal and disadvantageous to this state, and the objections in the report of the committee of this House and the resolves made thereon are viewed as just and reasonable and of great moment to the welfare and happiness of the good people thereof; yet, under the full conviction of the present necessity of acceding to the Confederacy proposed, and in firm reliance that the candor and justice of the several states will in due time remove, as far

as possible, the objectionable parts thereof, the delegates appointed to represent this state in Congress, or any one or more of them, be authorized, empowered and directed, on behalf of this state, to subscribe and ratify the said Articles of Confederation and perpetual Union between the several states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and that the said Articles, when so subscribed and ratified, shall become obligatory on this state.

***Act of Ratification, 1 February 1779<sup>2</sup>***

*An ACT to authorise and impower the Delegates of the Delaware State to subscribe and ratify the articles of Confederation and perpetual union between the several states.*

WHEREAS articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts's Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, signed in the General Congress of the said states, by the honorable Henry Laurens, esquire, their then President, have been laid before the Legislature of this state to be ratified by the same, if approved. *And whereas* notwithstanding the terms of the articles of confederation and perpetual union are considered as in divers respects unequal and disadvantageous to this state, and the objections stated on the part of this state, are viewed as just and reasonable, and of great moment to the welfare and happiness of the good people thereof; yet under the full conviction of the present necessity of acceding to the confederacy proposed, and that the interest of particular states ought to be postponed to the general good of the union: And moreover, in firm reliance that the candour and justice of the several states, will, in due time, remove as far as possible the objectionable parts thereof,

Section 2. *BE it enacted by the General Assembly of Delaware, and it is hereby enacted by the authority of the same,* That the honorable John Dickinson, Nicholas Vandyke, and Thomas M'Kean, esquires, delegates appointed to represent this state in Congress, or any one, or more of them, be, and they hereby are, authorised, impowered and directed, on behalf of this state, to subscribe and ratify the said articles of confederation and perpetual union between the several states aforesaid.

Sect. 3. *And be it further enacted by the authority aforesaid,* That the said articles of confederation and perpetual union, so as aforesaid subscribed and ratified, shall thenceforth become obligatory on this state.

*Passed February 1, 1779.*

***House of Assembly, 3 February 1779<sup>3</sup>***

Whereas the Honorable John Dickinson, Nicholas Vandyke, and Thomas McKean, esquires have been chosen, by the joint ballot of both houses in the General Assembly, to represent the Delaware State in the Congress of the United States of America this present year,

Resolved, That they, or any of them, are hereby fully authorized and empowered, for and in behalf of this state, to concert, agree to, and execute any measure which they, or any two of them, together with a majority of the said Congress, shall judge necessary for the defense, security,

interest and welfare of this state in particular, and the United States in general; and generally to exercise, in concert with other of the United States in Congress assembled, the respective powers prescribed in the Articles of Confederation and perpetual Union of the said states.

*President Caesar Rodney to John Jay, President of Congress, Dover, 4 February 1779*

I have the pleasure to inform Your Excellency, that, I this day fixed the Great Seal to an act of the General Assembly empowering the delegates to ratify the Confederation, on the part of this state; and the delegates shall be furnished with a certified copy of the act, as soon as possible, for that purpose.

*Journals of Congress, 8 February 1779*

A letter of 4 [February] from Cr. Rodney, President of the State of Delaware, was read informing that the legislature of that state have passed a law empowering their delegates to ratify the Confederation in behalf of that state.

*Journals of Congress, 16 February 1779*

Mr. M’Kean, a delegate for Delaware, laid before Congress the following instrument empowering the delegates of that state or any of them to ratify and sign the Articles of Confederation.

[Text of the Delaware Act of Ratification]

*Journals of Congress, 22 February 1779*

In pursuance of the powers in him vested Mr. M’Kean, a delegate of the state of Delaware, signed and ratified the Articles of Confederation in behalf of that state.

*Journals of Congress, 23 February 1779*

The delegate of Delaware laid before Congress sundry resolutions passed by the Council of that state January 23, 1779 respecting the Articles of Confederation and perpetual Union, and concurred in by the House of Assembly January 28, 1779 previous to their passing a law to empower their delegates to sign and ratify the said Articles of Confederation and perpetual Union.

On which it was moved, “That the same be filed,” to which it was moved in amendment to add, “Provided, That it shall never be considered as admitting any claim by the same set up or intended to be set up.” On this amendment the yeas and nays being required by Mr. Ellery.

New Hampshire			Connecticut		
Whipple	ay	} ay	Root	ay	} ay
Frost	ay		New York		
Massachusetts			Jay	no	} divided
S. Adams	ay	} ay	G. Morris	no	
Lovell	ay		Floyd	ay	
Holton	ay		Lewis	ay	
Rhode Island			New Jersey		
Ellery	ay	} ay	Witherspoon	no	} no
Collins	ay		Frelinghuysen	no	

Pennsylvania

Clingan	ay	}	ay
Shippen	ay		
Attlee	no		
Searle	ay		

Delaware

M’Kean	no	}	no
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Maryland

Paca	no	}	no
Henry	no		

Virginia

T. Adams	ay	}	ay
F. L. Lee	ay		
M. Smith	ay		
Griffin	ay		
R. H. Lee	ay		
Nelson	ay		

North Carolina

Penn	ay	}	ay
Burke	ay		

South Carolina

Drayton	ay	}	ay
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So it passed in the affirmative.

On the question.

Resolved, That the paper laid before Congress by the delegate from Delaware, and read, be filed, provided that it shall never be considered as admitting any claim by the same set up or intended to be set up.

1. On 15 May 1778 the Council read and considered a privately printed copy of the Articles of Confederation, “as there is little prospect of obtaining a certified copy of the same from Congress during the present sitting of the General Assembly.” On 3 December 1778 the Council considered an attested copy of the Articles, and the next day it appointed a committee of three to report on them. The committee reported on 21 January 1779. Two days later the Council adopted the report, and on 28 January the House of Assembly concurred.

2. On 23 January 1779, immediately after it adopted the report of the committee of three, the Council moved that a bill empowering the state’s delegates to Congress to ratify the Articles be drafted. The House of Assembly approved the bill on 28 January, and the bill was engrossed on 1 February. The President signed the bill on 6 February.

3. On 3 February 1779, the last day of the session, the House of Assembly resolved that the delegates to Congress be sent attested copies of the acts of ratification, and the Council concurred.

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