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Delaware, 28 January 1790

Introduction

On 23 October 1789, Delaware President Joshua Clayton sent a message to the Assembly that included a letter from President George Washington transmitting Congress' twelve proposed amendments to the Constitution. The next day the Assembly sent Clayton's message with its enclosure to the Council, but the Assembly also informed the Council that it planned to adjourn that evening "to a distant Day."

On 27 January the Assembly ordered that it "be annexed to the engrossed Amendments" received from Congress. On 28 January the Assembly compared the draft and engrossed form of ratification which on order was signed by the Speaker and then sent to the Council, which read and approved it.

Delaware President Joshua Clayton sent Congress' engrossed amendments with the affixed state's form of ratification to President Washington on 19 February. On 8 March, Washington's secretary, sent the form and President Clayton's letter to the Department of State. The document was filed on 9 March 1790.

President Joshua Clayton: Message to the General Assembly Dover, Del., 23 October 1789 (excerpts)

Gentlemen of the General Assembly,

I have directed the Secretary to lay before your Honours the following Papers which have been communicated to me by His Excellency the President of The United States, to wit. . . .
22. The Amendments proposed to be added to the Constitution of the United States. . . .

Council Proceedings, Saturday, 24 October 1789 (excerpts)

Mr Robinson a member of Assembly was admitted and presented to the chair the following Messages from His Excellency the President, together with the Papers therein mentioned. Vizt. . . .

[President Clayton's message appears here followed by the list of papers that he presented, including "The Amendments proposed to be added to the Constitution of the United States."]
. . . The Speaker laid on the Table the following Resolves of the House of Assembly, which was on motion Read, and thus acted on Vizt.

In Assembly A.M. Oct 24th 1789

On Motion Resolved.

That it is the intention of this House to conclude the present Session this Evening, by adjourning the same to a distant Day.

Ordered That Mr. Truitt deliver a Copy of this Resolution to the Council for their concurrence

Ja: Booth, C.H.A. . . .

Mr. Fisher a member of Assembly was admitted and Delivered the Resolution of the Adjournment of the House of Assembly.

Council then adjourned to the first Monday in January next.

Council Proceedings, Thursday, P.M., 14 January 1790

On Motion ordered That Saturday next be assigned for the purpose of considering The amendments proposed by Congress to The Constitution of the United States.

Council Proceedings, Saturday, A.M., 16 January 1790 (excerpt)

Council Assembled.

Present as yesterday, except Mr. Shankland. Agreeably to the Order of the day, Council proceeded to the consideration of the following Amendments by Congress proposed to the Constitution of the United States, and having postponed the first Article or amendment proposed. Unanimously agreed to the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Nine, Tenth, Eleventh and Twelfth Articles.

Council Proceedings, Wednesday, 20 January 1790

Council Assembled.

On Motion ordered that the Amendments proposed by Congress to the Constitution of The United States be sent to the House of Assembly by Mr. Kean and that he deliver them the following verbal Message.

Gentlemen

Council have taken into Consideration the Amendments proposed by Congress to the Constitution of the United States and have on their Parts agreed to each of them except the first Article, which for the present They are of Opinion should be Postponed, as they are not satisfied of the Propriety of it”

Mr. Kean delivered the Same and also a Message, accordingly.

Council adjourned to 10 OClock to-morrow.

Assembly Proceedings, Wednesday, 20 January 1790

Mr. Kean, a Member of Council, delivered the Amendments proposed by Congress to the Constitution of the United States; and also a Message from the Council to this House, which was read as follows:

[The Council’s message is printed here.]

“Signed by Order of the Council,
GEORGE MITCHEL, *Speaker.*”

On Motion, *Resolved*, That *Friday* next be assigned for the Consideration of the Amendments proposed to the Constitution of the United States.

Adjourned to ten o’Clock To-morrow Morning.

Assembly Proceedings, Friday, A.M., 22 January 1790

The House met; absent Mr. *May*.

⟨Agreeably to the Order of the Day, the House resolved itself into a Committee of the Whole, to take into Consideration the Amendments proposed by Congress to the Constitution of the United States.

Mr. Speaker left the Chair.

Mr. *Duff* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Duff*, from the Committee, reported that they had directed him to make the following Report:

That having maturely considered the Amendments proposed by Congress to the Constitution of the United States, they have agreed to each Article thereof, except the first, which the Committee are of Opinion should be postponed.

To which said Report the House agreed.

Ordered, That a Copy of the foregoing Report be sent to the Council for their Information.⟩

Council Proceedings, Saturday, 23 January 1790

Council Assembled. Present as yesterday.

Mr. *Batron* a member of the House of Assembly was admitted & returned the amendments proposed by Congress to the Constitution of the United States, & presented the following Communication from the House of Assembly

[The text in angle brackets in the Assembly Journal, 22 January, is printed in the Minutes of the Council at this point.]

On Motion ordered That Mr. *Bedford*, Mr. *Ridgely* & Mr. *Porter* be a Committee to draw up & report to Council the form of a Ratification agreeing to & confirming the Amendments proposed by Congress to the Constitution of the United States:

Council Proceedings, Wednesday, 27 January 1790

Council Assembled.

The Committee who were appointed to Draw up the form of Ratification to be Annexed to the Amendments proposed by Congress; Beg leave to Report the following.

[Here follows Delaware's form of ratification of the amendments. See below.]

That Council do agree to the foregoing Report.

Ordered, That Mr. *Ridgely* wait on the House of Assembly with the proposed Form of Ratification for their Concurrence: which he did accordingly.

Assembly Proceedings, Wednesday, 27 January 1790

Mr. *Ridgely*, a Member of Council, delivered a Paper containing the Form, proposed by the Council, of the Ratification to be annexed to the engrossed Amendments proposed by Congress to the Constitution of the United States; and the same having been read and considered, was approved and adopted by this House.

Ordered, That the said Ratification be engrossed.

Assembly Proceedings, Thursday, A.M., 28 January 1790

The House met; absent Messrs. *May*, and *Collins*.

The engrossed Ratification, subjoined to the Amendments proposed to the Constitution of the United States, was compared, and by Order signed by the Speaker; which said Amendments and Ratification are in the following Words:

[Here appears Congress' resolution and the text of its twelve proposed amendments to the Constitution, followed by the names of Frederick Augustus Muhlenberg, Speaker of the U.S. House of Representatives, and John Adams, Vice President of the United States and President of the Senate, and the attestations of John Beckley, Clerk of the U.S. House of Representatives, and Samuel A. Otis, Secretary of the U.S. Senate.]

The GENERAL ASSEMBLY of DELAWARE,

Having taken into their Consideration the above Amendments, proposed by Congress to the respective Legislatures of the several States,

Resolved, That the first Article be postponed:—Resolved, That THE GENERAL ASSEMBLY DO AGREE to the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth Articles; and WE DO HEREBY ASSENT TO, RATIFY, and CONFIRM the same, as Part of the Constitution of the United States. *In Testimony* whereof, We have caused the Great-Seal of the State to be hereunto affixed, this twenty-eighth Day of *January*, in the Year of our Lord One Thousand Seven Hundred and Ninety, and in the fourteenth Year of the Independence of the *Delaware* State.

Signed by Order of Council,

GEORGE MITCHELL, *Speaker.*

Signed by Order of the House of Assembly,

JEHU DAVIS, *Speaker.*

Council Proceedings, Thursday, A.M., 28 January 1790 (excerpts)

Council Assembled; Present as yesterday

Mr. Duff a member of the Assembly was admitted & delivered the following Papers, Viz which was by order read. . . . The proposed Form of Ratification to be Annexed to the Amendments proposed to the Constitution of the United States then acted on

“Approved & adopted by the House of Assembly.[”]

Delaware Form of Ratification, 28 January 1790

A committee of the Council drafted the form of ratification on 27 January. The Council approved the form and sent it to the Assembly on 27 January. The Assembly approved the form and ordered it engrossed. On 28 January, the Assembly considered and approved the engrossed form of ratification and ordered that its speaker sign the document. The Assembly then sent the form to the Council, which approved it and ordered its speaker to sign it.

Delaware's form of ratification was unique. Instead of creating an entirely new engrossed document, the legislature annexed its form of ratification to the bottom of the engrossed broadside approved by Congress in September 1789 and sent to the states by

President George Washington on 2 October 1789. The Great Seal of the State of Delaware was affixed to this document. For 200 years the Delaware form of ratification remained in the archives of the United States until in 2003 the National Archives agreed that the document would periodically be on loan to the State of Delaware to be put on display.

The text of the form of ratification is the same as the text in the Assembly Proceedings, 28 January 1790 (above).

Delaware President Joshua Clayton to President George Washington
Dover, Del., 19 February 1790

Agreeably to the Direction of the General Assembly of this State, I do myself the Honour to inclose your Excellency their Ratification of the Articles proposed by Congress to be added to the Constitution of the United States; and am; with every Sentiment of Esteem

Tobias Lear to Roger Alden, New York, 8 March 1790

The President of the United States has commanded me to transmit to you, to be deposited in the Office of the Secretary of State, certain Articles proposed by Congress to the Legislatures of the several States as Amendments to the Constitution of the United States—which have been ratified by the Legislature of Delaware—and likewise a Letter from His Excellency Joshua Clayton President of the State of Delaware to the President of the United States.

I am Sir, with very great esteem

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