

## XII AN IMPERFECT UNION

### 4 New Jersey Legislature, Ratification of the Articles of Confederation

[*Acts of the General Assembly of the State of New-Jersey, November 20-December 12, 1778* (Trenton, 1779), Chap. I.]

New Jersey really had no choice but to endorse the Articles of Confederation. A clear consensus in favor of confederation existed in the state and, as Congressman Nathaniel Scudder pointed out (see Doc. 3), none of the objections raised earlier by the legislature (see Doc. 2) was of sufficient magnitude to warrant jeopardizing the national union. Therefore, on November 20 the legislature reluctantly passed by a vote of 21-8 "An Act to authorize and empower the Delegates of the State of New-Jersey, in Congress, to subscribe and ratify the Articles of Confederation and Perpetual Union between the several States." *Votes and Proceedings, October 27-December 12, 1778* (Trenton, 1779), p. 29. John Witherspoon presented the charge to Congress on the twenty-fifth and the next day New Jersey officially ratified the Articles. But the legislators had rescinded none of their caveats; indeed Jersey joined the union less out of conviction than out of faith that in time the states would rectify the deficiencies in what was admittedly an imperfect constitution.

November 20, 1778

Whereas Articles of Confederation and Perpetual Union between the 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, signed in the General Congress of the said States by the Honourable Henry Laurens, Esquire, their President,<sup>1</sup> have been laid before the Legislature of this State to be ratified by the same if approved: And Whereas, notwithstanding the Terms of the said Articles of Confederation and Perpetual Union are considered as in divers Respects unequal and disadvantageous to this State, and the Objections to several of the said Articles lately stated and sent to the General Congress aforesaid, on the Part of this State, are still viewed as just and reasonable, and sundry of them as of the most essential Moment to the Welfare and Happiness of the Good people thereof,<sup>2</sup> yet under the full Conviction of the present Necessity of acceding to the Confederacy proposed, and that every Separate and detached State-Interest 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 Inequality which now subsists.

Sect. 1. Be it Enacted by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the Honourable John Witherspoon, Abraham Clark, Nathaniel Scudder and Elias Boudinot, Esquires, Delegates Representing this State in the Congress of the United States, or any one or more of them be, and they hereby are authorised, empowered and directed on Behalf of this State, to subscribe and ratify the said Articles of Confederation and Perpetual Union between the several States aforesaid.

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2. 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 Henceforth become conclusive as to this State, and obligatory thereon.

1. Henry Laurens of South Carolina, who succeeded John Hancock as president of the Congress on November 1, 1777; he resigned the post on December 9, 1778.

2. See Doc. 2.

### 5 John Fell to Governor William Livingston

[*Executive Correspondence*, pp. 141-43.]

After amassing a sizable fortune as a New York City merchant, John Fell (1721-1798) moved to New Jersey in the 1760s and established an estate, "Petersfield," near Paramus. A zealous Whig, he served as chairman of the Bergen County Committee and member of the Provincial Congress. He was captured by Loyalist raiders in April 1777 and imprisoned in New York City; he was released in May 1778. Selected to represent his adopted state in the Continental Congress in November 1778, Fell for two years served with unusual dedication. In terms of attendance and attention to duties, he was easily the most conscientious representative New Jersey ever sent to Philadelphia. Most men considered Congress an onerous and unrewarding assignment: they were separated from families in time of danger, poorly paid and unable to attend to normal means of livelihood, assigned to numerous committees which had little real authority, and forced to endure endless debates marked more by petty bickering than substantive discussion. Not surprisingly, attendance was sporadic; New Jersey was not unusual in sometimes being unrepresented because the required two delegates were not on hand. In the letter that follows, Fell describes some of the trials and tribulations of a congressman and reveals the dedication which led him to labor diligently on behalf of the public good.

Philadelphia, March 25, 1779

Dear Sir,

I cannot help complaining to your Excellency of the behavior of some of the delegates from our state, which is not only disgraceful to the state, but in my humble