of the American people, and of the delegates who repre­sented them. Just at the time of the Declaration of Independence Congress set about preparing a “form of confederation,” which should express exactly the relative powers of the State and national Governments. Its work was finished November 15, 1777, and recommended to the States for adoption. Unluckily, before the work had been finished, the State legislatures had succeeded in establish­ing their power to appoint and recall at pleasure the delegates to Congress, so that Congress had come to be the mere creature of the State legislatures. The “ Articles of Confederation,” adopted in 1777, were thus calculated for the meridian of the State legislatures which were to pass upon them. The new government was to be merely “ a firm league of friendship ” between sovereign States, which were to retain every power not “expressly” delegated to Congress ; there was to be but one house of Congress, in which each State was to have an equal vote, with no national executive or judiciary; and Congress, while keep­ing the power to borrow money, was to have no power to levy taxes, or to provide in any way for payment of the money borrowed—only to make recommendations to the States or requisitions on the States, which they pledged their public faith to obey. The States were forbidden to make treaties, war, or peace, to grant titles of nobility, to keep vessels of war or soldiers, or to lay imposts which should conflict with treaties already proposed to France or Spain. Important measures required the votes of nine of the thirteen States, and amendments the votes of all. Congress had hardly more than an advisory power at the best. It had no power to prevent or punish offences against its own laws, or even to perform effectively the duties enjoined upon it by the Articles of Confederation. It alone could declare war, but it had no power to compel the enlistment, arming, or support of an army. It alone could fix the needed amount of revenue, but the taxes could only be collected by the States at their own pleasure. It alone could decide disputes between the States, but it had no power to compel either disputant to respect or obey its decisions. It alone could make treaties with foreign nations, but it had no power to prevent individual States from violating them. Even commerce, foreign and domestic, was to be regulated entirely by the States, and it was not long before State selfishness began to show itself in the regulation of duties on imports. In everything the States were to be sovereign, and their crea­ture, the Federal Government, was to have only strength enough to bind the States into nominal unity, and only life enough to assure it of its own practical impotence.

1. Most of the States signed the Articles at once ; New Jersey, Delaware, and Maryland held out against ratifying them for from two to four years. The secret of their resistance was in the claims to the western territory already mentioned (§§ 34, 86). The three recalcitrant States had always had fixed western boundaries, and had no legal claim to a share in the western territory ; the Articles, while providing for the decision of disputes between individual States, were careful to provide also that “ no State shall be deprived of territory for the benefit of the United States and this meant that those States whose charters carried them to the Pacific Ocean, while admitting the national authority to limit their claims by the Mississippi river, were to divide up the western territory among them. New Jersey and Delaware gave up the struggle in 1778 and 1779 ; but Maryland would not and did not yield until her claims were satisfied.
2. Dr H. B. Adams has shown that the whole question of real nationality for the United States was bound up in this western territory ; that even a “ league government ” could not continue long to govern a great and growing territory like this without developing into a real national government, even without a change of strict law ; and that the Maryland leaders were working under a complete consciousness of these facts. It is creditable, however, to the change which the struggle for union had wrought in the people that it was not until very late in this struggle that Virginia, the most omnivorous western claimant, proposed to have the Articles go into effect without Mary­land, and still more creditable that her proposal hardly received notice from the other States. They were already conscious that the thirteen were really one.
3. The solution of the difficulty was found in 1780. The western boundary of the State of New York had always been very much in the air. Her main claim to her present extensive territory lay in the assertions that the western part had once belonged to the Six Nations of Indians, and that the Dutch, conquering the Six Nations, the English, conquering the Dutch, and New York, conquering the English, had succeeded to these rights. But the Six Nations had exercised an undefined suzer­ainty over all the Indian tribes from Tennessee to Mich- ilimackinac, covering all the territory in dispute. New York proposed, if Congress would confirm her present western boundary, to transfer to Congress her western claims by conquest, superior to any mere charter claims ; and Congress approved the offer as “ expressly calculated to accelerate the federal alliance.” On March 1, 1781, the New York delegates formally completed the deed of transfer to the United States ; on the same day the Mary­land delegates signed the Articles ; and by this action of the last State the Articles of Confederation came into force as the first attempt to frame a national government.
4. The long struggle had given time for careful con­sideration of the Articles. Maryland’s persistent criticism had prepared men to find defects in them. Conventions of New England States, pamphlets, and private corre­spondence had found flaws in the new plan of government ; but a public trial of it was a necessary preliminary to getting rid of it. The efforts of the individual States to maintain the war, the disposition of each State to magnify its own share in the result, the popular jealousy of a superior power, transferred now from parliament to the central Government, and inflamed by the politicians who saw their quickest road to dignity in the State govern­ments, were enough to ensure the Articles some lease of life. A real national government had to be extorted through the “ grinding necessities of a reluctant people.”
5. Congress and its committees had already begun to declare that it was impossible to carry on a government efficiently under the Articles. Its expostulations were to be continued for several years before they were heard. In the meantime it did not neglect the great subject which concerned the essence of nationality—the western territory. Virginia had made a first offer to cede her claims, but it was not accepted. A committee of Congress now made a report (1782) maintaining the validity of the rights which New York had transferred to Congress ; and in the next year Virginia made an acceptable offer. Her deed was accepted (March 1, 1784) ; the other claimant States followed ; and Congress, which was not authorized by the Articles to hold or govern territory, became the sovereign of a tract of some 430,000 square miles, nearly equal to the areas of France, Spain, and Portugal com­bined, covering all the country between the Atlantic tier of States and the Mississippi river, from the British possessions nearly to the Gulf of Mexico.
6. In this territory Congress had now on its hands the same question of colonial government in which the British parliament had so signally failed. The manner in which Congress dealt with it has made the United States the