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Massachusetts, 2 March 1939

Introduction

On 14 January 1790 Governor John Hancock in a written message forwarded to the legislature the twelve amendments to the Constitution proposed by Congress in September 1789. He recommended the amendments to the legislature's "serious and careful consideration." A legislative committee assured the governor that the legislature would carefully consider the amendments to the Constitution proposed by Congress so that "the People should have the fullest confidence that their rights and liberties are secured to them in the General Government."

Because the session was almost over, consideration of the report was referred to the next session. The bicameral legislature could not agree on passing the same amendments and failed to submit certified exemplifications of the amendments that both houses had adopted, Massachusetts did not ratify the amendments. Massachusetts did eventually ratify the first ten amendments in 1939, the sesquicentennial of Congress' proposal of the twelve amendments that became the Bill of Rights.

Governor John Hancock Message to the General Court, Council Chamber

14 January 1790 (excerpts)

Since the Adjournment of the General Court, I have Received the Acts of the Congress of the United States of America passed in their first Session, and I have directed the Secretary to lay them before you.—

As these Acts begin a System of Government, in which the prosperity of each State in particular, as well as that of all the States in general is concerned, they will command your careful attention.

Amongst the Acts of Congress you will observe one, which proposes certain Articles of Amendments to the Constitution of the United States. As it is the ardent wish of every Patriot, that the plan may be as compleat as human wisdom can effect it, this Resolve I am confident, will demand your serious and careful attention. . . .

I propose the coming Week to pay my respects to the General Court in person, in the mean time I wish the Court to be possess'd of the Public Papers, which I now send at an earlier moment than I can attend in person. . . .

Senate Proceedings, Thursday, 14 January 1790

Read & Committed with the Papers accompanying to Cotton Tufts, Josiah Thacher & Benjamin Austin Jr. Esqs. with such as the Honble. House may join: to consider and report—

sent down for concurrence
Saml. Phillips, jr. Presidt

House Proceedings, Thursday, 14 January 1790

Read & concurred and Mr. Bowdoin, Mr. Breck, Dr. Eustis & Dr. Jarvis are joined
David Cobb Spkr.

Joint Committee Report on Governor Hancock's Message, 15–16 January 1790 (excerpts)

The Committee of both Houses on the Governor's Message of the 14th Inst. with the Acts Resolutions & Journals of Congress accompanying the same, ask leave to report. . . .

2. That an Act of Congress proposing Amendments to the Constitution of the United States passed Septr. 1789 be acted on ~~by each House on a Day to be mutually agreed on for that Purpose~~ as soon as may be And that 300 Copies of the said Act be immediately printed for the Use of the Members. . . .

In Senate Jan'y 15, 1790. Read & accepted with an amendment sent down for concurrence.

Saml. Phillips jr. Presidt.

In the House of Representatives, Jan'y. 16, 1790—

Read & concurred
David Cobb Spkr.

Senate Proceedings, Monday, 18 January 1790

The Secretary, came with a Message from the Governor, & informed the Senate, that his Excellency intended to meet the two Houses in the Representatives' Chamber tomorrow twelve oClock, if agreeable to them—

Governor John Hancock to the General Court, 19 January 1790 (excerpt)

The Acts, and proceedings of Congress, which the Secretary has laid before you, contain propositions for amendments in the Constitution of the United States: These are submitted to your deliberations, on the part of our constituents; and there can be no necessity of any other call to awaken your attention, than the interest they have in them.

I shall not be particular in my remarks on these propositions.

As Government is no other than the united consent of the people of a civil community, to be governed in a particular mode, by certain established principles, the more general the union of sentiments is, the more energetick and permanent the Government will be: Upon this idea, the adoption of some of the proposed amendments becomes very important; because, the people of this Commonwealth, felt themselves assured by the proceedings of their Convention, which ratified the Constitution, that certain amendments, amongst which were some of those, would be effected: The seventh, eighth and ninth articles, appear to me to be of great consequence. In all free governments, a share in the administration of the laws ought to be vested in, or reserved to the people; this prevents a government from verging towards despotism, secures the freedom of debate, and supports that independence of sentiment, which dignifies the citizen, and renders the government permanently respectable. The institutions of grand and petit Juries are admirably calculated to produce these happy effects, and to afford security to the best rights of men in civil

society: These articles therefore, I believe will meet your ready approbation: Some of the others appear to me as very important to that personal security which is so truly characteristick of a free government. . . .

Senate Proceedings, Tuesday, 26 January 1790

ORDERED, That COTTON TUFTS, THOMAS DAWES and JOSHUA THOMAS, Esq's. with such as the Hon. House may join, be a Committee to wait upon His Excellency the Governor, with the following Answer to His Excellency's Speech at the opening of the Session.

Sent down for concurrence.

SAMUEL PHILLIPS, jun. President.

House Proceedings, Wednesday, 27 January 1789

READ and concurred, and Mr. PHELPS, Dr. JARVIS, Mr. GREENLEAF, and Mr. DAVIS of Plymouth are joined.

DAVID COBB, Speaker.

Joint Committee Response to Governor Hancock's Speech, 27 January 1789

May it Please your Excellency,

AGREEABLY to your direction, the Secretary has laid before the two Branches of the Legislature, the proceedings of Congress, and other papers, which will be noticed with that attention their importance demands.

We are happy to find that your health is so far restored as to enable you to meet the General Court, and by a personal interview to deliver your communications.

The accession of another State to our Union, by so large a majority of its Citizens, is a happy presage of those blessing we wish to obtain by the adoption of the Federal Constitution.—We are convinced that the strength and respectability of the confederation, essentially depend on the united exertions of all the Independent States of America. From this consideration we sincerely hope, that the citizens of Rhode Island, will at their ensuing convention exercise their wonted patriotism, and by their decisions compleat the Union. Thus allied under one Federal Government, and by paying a strict attention to its administration, we cannot but anticipate Peace, Liberty and every National Happiness.

The propositions for amendments in the Constitution of the United States, will be carefully considered by the Legislature. We are anxious that the whole body of the People should have the fullest confidence that their rights and liberties are secured to them in the general Government, by the most explicit declarations, which have a tendency to give energy to its authority and laws.

Senate Proceedings, Thursday, 28 January 1790

Ordered that Friday 10. oClock [29 January] be assigned for taking up the proposed amendments to the Federal Constitution.

Senate Proceedings, Friday, 29 January 1790

The amendments proposed by the Congress of the United States, to be added to the Federal Constitution, were taken up & considered, whereupon the Senate rejected the first and second,

& adopted the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh & twelve Article —& ordered that Eben Bridge & Wm Leyman Esqr. with such as the Honble. House may join, be a Committee to bring in a Bill or Resolve, for the purpose of declaring the adoption— sent down for concurrence

came up concurred, except the 12. Article which is rejected & Dr. Jarvis, Mr. Bacon & Mr. Spooner are joined—

Read & concurred

Ordered that Josiah Thacher, Benjn. Austin Junr., and ~~Saml Fowler~~ Nathan Dane Esqr. with such as the Honble. House may join, be a Committee to consider what further amendments are necessary to be added to the Federal Constitution & report.

sent down for concurrence.

came up concurred & Mr. Hill, Mr. Goodman, Mr. Sewell and Mr. Bacon are joined.

House Proceedings, Saturday, 30 January 1790

The House assigned Tuesday next 10. oClk a.m. for considering the amendments proposed to be added to the Constitution of the United States.

House Proceedings, Tuesday, 2 February 1790 (excerpts)

The House proceeded, according to assignment, to consider the amendments of the constitution of the United States, as recommended by Congress, and the question being taken upon each of them the following were accepted viz The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth & eleventh. The first and second were not accepted. The House then postponed the further consideration of the twelfth article to the afternoon.

Adjourned to 3 oClk, P.M.

. . . The House proceeded to the consideration of the twelfth article in the amendments of the Constitution of the United States, as recommended by Congress, and the question being put whether the House would accept the same, it passed in the negative. The proceedings of the House were then entered on the proceedings of the Senate and Dr. Jarvis, Mr. Bacon & Mr. Spooner were joined to the Committee therein mentioned.

Sent up for concurrence.

Senate Proceedings, Tuesday, 2 February 1790

Came up concurred, except the 12. Article which is rejected & Dr. Jarvis, Mr. Bacon & Mr. Spooner are joined—

Read & concurred

Senate Proceedings, Wednesday, 24 February 1790

ORDERED, that the Clerk of the Senate, cause *one hundred and ninety* Copies of the REPORT of the COMMITTEE appointed “to consider what further AMENDMENTS are necessary to be added to the FEDERAL CONSTITUTION,” to be printed forthwith, for the use of the SENATE.

Attest,—

SAMUEL COOPER, CLERK.

Joint Committee Report on Amendments, 24 February 1790

Commonwealth of *Massachusetts*.

REPORT.

THE COMMITTEE of both HOUSES, appointed to consider further AMENDMENTS in the *Constitution of the United States*—

REPORT,

That having carefully examined and considered the subject referred to them; they are fully of opinion, that further Amendments in that Constitution are necessary to secure the Liberties of the People, and the blessings of a free and efficient system of Government; and that such Amendments ought now to be attended to, and made so particular, as will have a tendency to preserve the forms of a Federal Republic, and to prevent a consolidation of the States.—As this important subject, is now brought before the Legislature; and the people have a favourable opportunity to deliberate upon it, the Committee think it is proper for the General Court, at the present time, to suggest to the Members from this State in Congress, several principles of Amendments, to be attended to, as soon as the important business now before Congress, will admit.

It is with diffidence, the Committee express their opinion on this very interesting subject; but as it is made their duty, they have made it their endeavour, to consider the objects referred to them, with the attention they deserve: And though they think the States have been highly favored in laying the foundation of a good Government; yet they conceive much is to be done, to define and complete the System.

The committee in their enquiries, have been influenced by those truths and principles, which are held sacred in all free and enlightened Countries; and have inferred the proposed Amendments, from what they conceive to be the fundamental principles of a free and energetic System of Government for an extensive Community.

They feel the fullest conviction, that the liberties and prosperity of the United States, must rest on a general Government, adequate to the common defence and general welfare and on State or local governments, constitutionally secured in their proper stations; and therefore, that every good man will seasonably oppose a consolidation of the States—an event that must, probably, be attended with the loss of every thing dear to a free, virtuous and manly people.

Your Committee believe it is a truth, very generally admitted in this country, that the greatest portion of political happiness is enjoyed in that equality which prevails in well regulated Republics;—That there is a constant effort in each order of men to destroy this equality, to exalt itself and depress the others: To prevent the ruinous effects of which, many checks must be engrafted into the Constitution; and every part of the people have its constitutional influence, and proper means of defence in the government: And to this end, not only a Senatorial Branch, but a full and substantial representation of the body of the people, must be effectually provided for.

That it is a fundamental principle, that such a representation, and power to lay and collect taxes—to form and controul the military forces of a community, ought to go together in all cases, where not evidently impracticable;—And that the Legislature of the Society, ought to be so formed, that the sense of the majority therein, may correspond with the sense of the major part of the people.

That the powers of those who govern, ought to be accurately limited and defined by the instruments and compacts of association; and that where the sovereignty is divided and qualified, and lodged in a Federal Head for certain purposes, and in local Governments, to certain other purposes, the line of distinction ought to be very carefully drawn, to prevent encroachments.

On attentively examining the Constitution of the United States, the Committee are of opinion, that the powers of the general Government, in several instances, are not well defined or limited; that there is not a just line of distinction drawn between them, and the powers of the local Governments; and that there is no such representation as before mentioned, in the Legislature of the Union.

It appears to the Committee, that it is agreeable to the very essence and design of a Federal System, that there be a general Legislature, composed of a few Members; and that a more numerous and substantial representation of the people be assembled in the State Legislatures; and, therefore it follows, that the councils of the Union, must have a natural bias to vigor, order, and an aristocratical system of policy; and that the State Governments must have a like bias to popular liberty, and popular measures: To make the democratic temper of the latter, and the different temper of the former, mutual checks on each other, and thereby conducive to the happiness of the whole, is peculiar, perhaps, to a Republic like ours; and a part of political science, yet, in some measure, to be learned.

In a single Legislature, the senatorial and popular branches prevent the extremes of each other by mutual negatives in all, or particular cases; and how far this fundamental principle can, with safety and propriety be extended to a general and State Government in a great Republic, must require much discernment and reflection, time and experience to determine: The Committee conceive, however, that some important means to lessen the abuses of democracy on the one hand, and of aristocracy on the other, now present themselves.—By encreasing and improving the representation in the general Government, and making some of the State Governments (if necessary) less popular, they will become less destructive of each other; and by giving a negative in certain cases when practicable, each will be enabled to defend itself against the other, and a medium between the extreme views of both, be happily produced; and by limiting and defining powers, and by a proper distinguishing line, each may be kept in its proper place. As the Constitution now stands, the Committee are of opinion it will cherish those natural inequalities among men, from which will in time, result constitutional distinctions, or an uneasiness in the body of the people, which, by sudden commotions may endanger or demolish the whole system.

The Committee by no means agree with those who contend, that the natural tendency of a system like ours, is towards an undue encrease of the powers of the State Governments, nor with those who contend that the democratic temper of the people, is a sufficient check upon the extensive powers of the general Government.—Certain it is, that this temper must tend to destroy all Government, if not constitutionally directed. It must have its due weight in order to prevent the making of certain laws, or irregularly operate to prevent their execution.

This subject of Amendments is too extensive to be treated at large, or in particular detail; the Committee therefore, have more particularly in this Report, made it an object to bring into view, such principles as appear to them, to be deserving of more immediate attention.—It appears to them to be a most important object, duly to examine the legislative powers of Congress, respecting internal Taxes. The militia peace establishments, regulations of elections, the Federal Judiciary

and Federal Territories, and in various ways to check and limit those powers in their exercise.— It is very obvious, that the legislative powers of the general Government, as to these objects, may be so exercised, as in a short period of time, materially to alter the condition of the Community, and the first principles of the Government: and it is, in the opinion of the Committee, equally obvious, that the body of the people, ought to have some further and more effectual controul on the formation of the Laws, and over those who make the Laws, relative to these subjects.

If it be necessary, that Congress should retain and exercise the powers vested in that Body; yet many useful checks may be provided—merely to elect the Senators and Representatives of a Federal Head, can be but imperfect security to the body of the people, against a system of politics, very repugnant to their general sentiments—for it is clear, that in a Federal Republic, the aristocratical part of the community, will very generally be elected to administer the general Government.

In altering the Constitution all agree, that the body of the people, in their State Legislatures, or in their State Conventions, ought to be consulted; because, otherwise, the public opinion could not be known, and all parts of the Federal System be secure; and perhaps, this principle, under different modifications, may well be applied to some few important cases in Federal Legislation.

The Committee are sensible, the weakness and embarrassments of the Confederation, and the many obstructions in the forms of Government in the United Netherlands, are to be avoided; but a Federal Head, possessing almost entire Sovereignty, and no ways checked by the local Governments, may be equally dangerous, and destructive of the system, of which it is intended as a part.—If a direct tax, a plan for forming the militia, or a large peace establishment [i.e., a standing army], should be proposed by the general Government, and be disapproved, by a large majority of the State Legislatures, ought such measures to be adopted?

Having made the foregoing observations, the Committee submit the following principles of Amendments for consideration, and that constitutional provision be made.

First.

That Congress shall not interfere in the regulations of the elections of its Members, except in cases, where the State Legislatures shall neglect, or refuse to make regulations; and that the qualifications of Senators and Representatives, be expressly defined in the Constitution.

Second.

That Congress erect no company with exclusive advantages of commerce.

Third.

That Congress have power to establish a uniform rule of inhabitancy or settlement of the poor of the different States throughout the United States.

Fourth.

That republican forms of Government be established in the districts which are, or shall be ceded to the United States.

Fifth.

That Congress shall by law provide for calling forth the *posse comitatus* for executing the laws of the United States.

Sixth.

That the general Government exercise no power but what is expressly delegated.

Seventh.

That a part of the internal resources of taxation be appropriated to the United States, and that a part thereof be exclusively reserved to the respective States, with such exceptions, however, and under such limitations as war and other extraordinary exigencies may require.

Eighth.

That no system for forming the militia be established, and that no establishment of troops in a time of peace, beyond a limited number, be made, if disapproved by a specified number of the State Legislatures, within a limited time after the bills for those purposes shall be laid before them.

Ninth.

That the Judiciary powers of the United States be more explicitly defined, and more accurately distinguished from those of the respective States.

Tenth.

That the Senate shall not possess all the Executive and Judicial Powers now vested in that body.

Eleventh.

That it be left to the several States, to make compensations to their Senators and Representatives respectively, for their services in Congress.

Twelfth.

That the State Legislatures have power to recall when they may think it expedient their Federal Senators, and to send others in their stead—And that the Senators be chosen, all at the same time, and for the term of four years.

In the foregoing investigations, it has been the main object of the Committee to bring into view, amendments which shall secure the blessings of freedom without injuring the nerves of Government.

As to internal taxes, the Committee further observe, that so long as there shall remain in all cases, concurrent power in Congress, and the respective State Legislatures to tax the same objects, it will be impracticable for the Union or separate States to estimate their revenues; and, consequently to estimate, with any degree of certainty, on performing their respective engagements.

Permanently to secure the liberties and happiness of America, the Committee believe a due modification of the Legislative Powers before mentioned, and further checks in the Constitution are essential; as well as a fair and honest administration of the general and local Governments.

The Committee are convinced that the people of this State, when they adopted the Constitution of the United States, wished for, and expected further amendments, than those which have been recommended; and that they are now anxious to have their liberties more explicitly secured to them.

After dilating on general principles, the Committee have brought into view more particular propositions, resting assured that from the premises laid down, will result such amendments as will answer the just expectations of all our citizens.

Boston Independent Chronicle, 11 March 1790

The report of the Committee on further Amendments to the Federal Constitution, was read in the Senate, and voted by a large majority to be considered; but other business intervening,

and it being late in the session, it was not acted upon, but stands referred to the next session of the General Court.

A correspondent observes, that he has, with the highest satisfaction, examined the Amendments lately proposed by a very respectable Committee of the General Court; that he admires the just and comprehensive ideas in that report: The uncontrovertible principles in it, are the basis of freedom and good government.

Perhaps, (*continues our Correspondent*) some well founded objections may lay against the several State's paying their Members in Congress; and perhaps against their recalling their Senators by a bare majority.—Perhaps too, these articles are not so consistent with the general principles of the report—the main objects of which, seems to be to defend a Federal System, in which the General and State Governments shall be secure and independent in their respective and proper places.

Connecticut Norwich Packet, 26 March 1790

The Commonwealth of the Massachusetts still wish for amendments to the federal constitution—At their last sessions they formed twelve articles for that purpose, and ordered the same to be laid before Congress.—The idea is truly political, if not extended so far as to be a means of involving the supreme legislature in a labyrinth, from whence they will be divested from acting upon the necessary business of the Union, which (particularly at this time) calls for the greatest exertions.

*Secretary of State Thomas Jefferson to Christopher Gore
Philadelphia, 8 August 1791*

Having understood that the legislature of Massachusetts some time ago ratified some of the amendments proposed by Congress to the Constitution, I am now to beg the favour of you to procure me an authentic copy of their proceedings therein, certified under the great seal of the state, letting me know at the same time the office charges for the copy, seal &c. which shall be remitted you. The legislature of Massachusetts having been the 10th. State which has ratified, makes up threefourth of the legislatures whose ratification was to suffice. Consequently so much as they have approved, has become law, and it is proper that we should have it duly promulgated for the information of the judges, legislators, and citizens generally. I will thank you if this can be done without delay, as I am to leave this place about three weeks hence to be absent for some time. I have the honour to be with great regard.

*Christopher Gore to Secretary of State Thomas Jefferson
Boston, 18 August 1791*

Immediately on receipt of your favor of the 8 inst. I applied to the office of the Secretary of the Commonwealth, for a copy of the supposed act, ratifying the amendments proposed by Congress. The Secretary inform'd me, that no such act ever passed the legislature of Massachusetts—The manner, in which the business was acted upon, and the state, in which it was left by the General Court, appears from their journals, to be as follows—The Senate agreed to all the amendments except the 1st & 2nd—the House concurr'd except as to the 12th. The Senate agreed to the alteration of the house, & appointed two of their body, with such as the house

should join, to bring in a bill declaring of their Assent—the house joined one of their members to the committee—It does not appear that a Committee ever reported any bill—

Resolutions of the Massachusetts Legislature, 2 March 1939

Whereas, George Washington, first President of the United States of America, in pursuance of the request of the Congress, by letter of October second, seventeen hundred and eight-nine, transmitted to John Hancock, Governor of the Commonwealth of Massachusetts, a copy of the resolution of the Congress of the United States, adopted September twenty-fifth, seventeen hundred and eighty-nine, proposing articles in addition to and amendment of the Constitution of the United States of America; and

Whereas, Governor Hancock by his message of January fourteenth, seventeen hundred and ninety, and his address of January nineteenth, seventeen hundred and ninety, submitted and commended the Constitutional amendments proposed by the Congress to the deliberations of the General Court of the Commonwealth; and

Whereas, The Tenth Legislature of the General Court was prorogued on March ninth, seventeen hundred and ninety, without the enactment of any bill or the passage of any resolve ratifying the amendments proposed by the Congress to be added to the Federal Constitution, although both branches of the General Court had voted approval of Articles Third to Eleventh, inclusive; and

Whereas, This failure to act was due not to opposition to the amendments proposed by the Congress but to a desire to enlarge the rights of the people by framing further amendments; which desire took the form of postponing the conclusions of a joint committee of the House of Representatives and the Senate until a joint Committee on Further Amendments should report; and

Whereas, This situation was the direct outcome of the deep concern of the Commonwealth with guaranteeing the rights of the people by constitutional provisions, as is shown by the inclusion of a comprehensive Bill of Rights in the Massachusetts Constitution of seventeen hundred and eighty; by the incorporation in the resolution of February sixth, seventeen hundred and eighty-eight, to ratify the Constitution of the United States of America, of proposed amendments in the nature of a Bill of Rights; by the prompt several approved in January, seventeen hundred and ninety, of the majority of the amendment proposals of the Congress by the Massachusetts House of Representatives and Senate; and by the conclusive evidence of the “Report of the Committee of both Houses, appointed to consider further amendments in the Constitution of the United States” (Senate Miscellaneous Document No. 1145 of 1790); and

Whereas, It transpired that the prorogation of the Tenth Legislature of the General Court on March ninth, seventeen hundred and ninety, by the rules of procedure then in effect put an end “to all matters and things there pending”, which rule was applied to the papers relative to the amendments to the Constitution of the United States of America, with the effect that they were transmitted to the Miscellaneous file of the Massachusetts archives instead of being returned to the Governor as a piece of continuing business; and

Whereas, Pursuant to the fifth article of the Constitution of the United States of America, ten of the twelve articles of amendment proposed by the Congress in the resolution of seventeen hundred and eighty-nine were in force not later than December fifteenth, seventeen hundred

and ninety-one, they have been “valid to all intents and purposes, as part of this Constitution” since that date; and

Whereas, The intent and purpose of the people of Massachusetts throughout all the intervening years since seventeen hundred and ninety-one have indubitably been expressed by the Constitution of the United States of America as amended since seventeen hundred and ninety-one; and

Whereas, The General Court has adopted an act to ratify every subsequent amendment which has become a part of the Constitution of the United States of America; and

Whereas, Governor Leverett Saltonstall by Message of February first, nineteen hundred and thirty-nine, resubmitted to the Senate and House of Representatives those articles of amendment to the Constitution of the United States of America embodied in the resolution of Congress of seventeen hundred and eighty-nine which have for nearly one hundred and fifty years been accepted by the citizens of this Commonwealth as an integral part of that Constitution; and

Whereas, The General Court fully approves the Governor’s recommendation of taking action now in support of the historic American Bill of Rights in order once again to fulfill its “responsibility to spread upon the records its determination to preserve liberty under our representative, democratic form of government”; and

Whereas, The message of the Governor of the Commonwealth under date of February first of the current year brings to the General Court for consideration and action the engrossed resolution communicated to his predecessor in office by President George Washington under date of October second, seventeen hundred and eighty-nine; therefore be it

Resolved, That The General Court of Massachusetts hereby agrees to, ratifies and confirms, on the part of this Commonwealth, as valid and fundamental additions to the Constitution of the United States of America Articles Third to Twelfth, both inclusive, of the articles proposed by the First Congress of the United States and which since December fifteenth, seventeen hundred and ninety-one, have been Amendments I to X, both inclusive, to that Constitution, to wit, as follows:

ARTICLES IN ADDITION TO, AND AMENDMENT OF,

The Constitution of the United States of America, proposed by congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

[Here appears the first ten amendments]

Resolved, That a certified copy of these resolutions be forwarded by the Governor to the Secretary of State of the United States, in accordance with section two hundred and five of the Revised Statutes of the United States.

Governor Leverett Saltonstall to Secretary of State Cordell Hull, Boston, 3 March 1939

Transmitted herewith is an engrossed copy of Resolutions adopted by the General Court of the Commonwealth of Massachusetts on March 2, 1939, ratifying the first ten Amendments to the Constitution of the United States, generally known as the “Bill of Rights.”

This action has been taken in furtherance of a recommendation of the Governor contained in a special message to the General Court of the Commonwealth upon discovery that the Commonwealth had never officially ratified the “Bill of Rights” above referred to, although the intent and purpose of our people have always been in warm accord with those Amendments.

Thorough research has clearly demonstrated that the Massachusetts Legislature, which was in session in 1790 and to which the Amendments were submitted for ratification, failed to act because it became involved in an attempt to propose even more inclusive definitions of the rights of the people. Certainly any other explanation would tax credulity, for our forefathers here were the authors of a State Constitution and of a State Bill of Rights which served in large part as models for the national documents. It is all the more pity that the name of Massachusetts has never appeared in support of the most fundamental statement of the principles from which we derive life, liberty, and happiness.

It seems especially fitting in this one hundred and fiftieth anniversary year for Massachusetts to remind her people that they must be forever vigilant lest that bulwark of our freedom be infringed upon by aggression and intolerance. We wish to fill that blank page in our history.

Such action will contribute effectively to a better public realization of the protection which we enjoy under the Bill of Rights. These resolutions represent the true temper of Massachusetts, through past years and in years to come. And it is sincerely to be hoped that this action, even if one hundred and fifty years belated, will serve to make present and future generations conscious of the deep significance of the Bill of Rights.

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