



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > The Creation and Ratification of the Bill of Rights > State Legislative Actions Regarding Congress Proposed Amendments to the Constitution

New Jersey, 20 November 1789

Introduction

On 28 October 1789, Governor William Livingston sent a message to the New Jersey General Assembly that enclosed several “Public Papers and Acts” for its consideration. Among the documents were Congress’ twelve proposed amendments. On that same day, thirteen assemblymen took up the issue of constitutional amendments. The Council responded to the Assembly on the same day and selected four of its members to sit on a joint committee to consider the amendments.

On 6 November, members of the joint committee reported the committee’s deliberations to the upper and lower houses reporting that the joint committee recommended that their respective houses “Adopt and Ratify on the Part, and in behalf of the People of this State, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth Articles of the Amendments so as aforesaid proposed by Congress.” The Assembly received the report and three days later, the Assembly ordered a second reading of the report and approved it.

Eventually, on 20 November, the Council voted unanimously in its favor. As president of the Legislative Council, Governor William Livingston signed the bill and a member of the Council reported the bill’s passage to the Assembly, making New Jersey the first state to accept constitutional amendments.

General Assembly Proceedings, Wednesday, 28 October 1789 (excerpts)

A Message from His Excellency the Governor, was delivered by the Secretary with the Papers discribed in the following List:

List of the Public Papers and Acts referred to in the Governors Message. . . .

No. 23. A Copy of the Amendments proposed to be added to the Constitution of the United States.

24. Copy of the Resolution of Congress for transmitting those Amendments, &c.

24. A Letter from His Excellency Governor Clinton on that subject.¹ . . .

Which Message and the list accompanying the same were read, and committed to Messrs Witherspoon, Nicoll and Jones, who are requested to select out of the same, such as require the particular attention and the order of the House, and report their Opinion as to the remainder of the said Papers.

1. The duplicate use of No. 24 is in the printed proceedings. The list of “Public Papers and Acts” continues with No. 25, so the editors have not silently corrected the error, which would have entailed renumbering the rest of the list. Whether the numbering was intentional is unknown.

General Assembly Proceedings, Thursday, 29 October 1789 (excerpts)

Mr. Witherspoon from the Committee to whom the message from His Excellency the Governor with the communications therewith transmitted, were referred, beg leave to recommend to serious attention, No. 22, 23, 29 and 35, and that the remainder of them be safely kept among the Papers of this House.

By order of the Committee.

JOHN WITHERSPOON.

. . . No. 23, Containing a copy of the Amendments proposed to be Added to the Constitution of the United States, was read and referred to Messrs Nicoll, Marsh, Bonny, Stillwell, Witherspoon, Jones,¹ Davenport, Hall, Elijah Townsend, Corshon, Kitchel, Dr. Elmer and Hankinson, with such other Members as choose to attend to report thereon to the House.

1. Robert Strettle Jones of Burlington does not appear in the list of committee members of 4 November (immediately below). This may have been an oversight, for Jones reappeared with committee member Ebenezer Elmer on 9 November (below), one day before the committee reported a draft of the bill to ratify constitutional amendments.

General Assembly Proceedings, Wednesday, 4 November 1789 (excerpts)

Ordered, That Mr. Biddle do wait on the Council and acquaint them, that this House have referred the Amendments proposed by Congress to be added to the Constitution of the United States, to Messrs Nicoll, Marsh, Bonny, Stillwell, Witherspoon, Davenport, Hall, Elijah Townsend, Corshon, Kitchel, Dr. Elmer and Handkinson, with such other Members as choose to attend, and to request them to appoint a Committee to join the Committee of this House on that Business, to report to the seperate Houses their Opinion thereon, and that Council appoint the Time and Place of meeting. . . .

Mr. Biddle reported that he had obeyed the Order of the House.

A Message from the Council by Mr. Mayhew.

Mr. Speaker—The Council have appointed Messrs Dayton, Van-Cleve, Woodhull and Martin, to be a Committee to join the Committee of the House of Assembly with such other Members as choose to attend, to take into consideration the Amendments proposed by Congress, to be added to the Constitution of the United States, and that Council do propose To-morrow at four o’Clock in the afternoon for the Time, and the Assembly-Room for the Place of the meeting of the abovesaid Committees.

Legislative Council Proceedings, Wednesday, 4 November 1789

A Message from the House of Assembly by Mr. Biddle, in the words following:

[The House of Assembly’s appointment of twelve members to a committee on 4 November 1790 appears here.]

Ordered, That Messrs Dayton, Van-Cleve, Woodhull and Martin, be a Committee to join the Committee of the House of Assembly, with such other Members as choose to attend, for the purpose mentioned in the foregoing Message, and that Council do propose To-morrow at four o’Clock in the Afternoon for the Time, and the Assembly Room for the Place of the Meeting of the said Committees, and that Mr. Mayhew do wait on the House of Assembly, and acquaint them therewith.

Mr. Mayhew reported, that he had obeyed the order of the House.

General Assembly Proceedings, Thursday, 5 November 1789

The Members withdrew to attend a Conference with the Council on the amendments proposed to the Constitution of the United States.

Legislative Council Proceedings, Thursday, 5 November 1789

The House withdrew to attend a Joint Conference of both Houses, and having returned, therefrom,

The House adjourned until nine o'Clock To-morrow Morning.

General Assembly Proceedings, Friday, 6 November 1789

Mr. Nicoll from the Committee appointed by the Council and Assembly, to take into consideration the Articles proposed by Congress in addition to and Amendment of the Constitution of the United States, and report thereon, having had a conference upon, and duly considered and discussed the Subject committed to them, have unanimously agreed to report and recommend it to their respective Houses, to Adopt and Ratify on the Part, and in behalf of the People of this State, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth Articles of the Amendments so as aforesaid proposed by Congress, and by both Houses committed to them,

By order of the House,

JONATHAN DAYTON,
ISAAC NICOLL.

Which report was read and ordered a second reading.

Legislative Council Proceedings, Friday, 6 November 1789

Mr. Dayton from the Committee, appointed on the part of Council, to join the Committee of the House of Assembly, to take into consideration and report upon the amendments proposed by Congress to be added to the Constitution of the United States, acquainted the House he was ready to report whenever the House would be pleased to receive the same.

Ordered, That the said Report be made immediately. Whereupon, Mr. Dayton read the said report in his place, and delivered the same at the Table, which report is in the words following:

[Here appears the report of the joint committee printed in the General Assembly Proceedings, 6 November, immediately above.]

By order of the Committees,

JONATHAN DAYTON,
ISAAC NICOLL.

Which report being again read,

Resolved, That the House do approve thereof. . . .

General Assembly Proceedings, Monday, 9 November 1789

The report of Mr. Nicoll of the 6th Instant, was read a second Time, agreed to, and committed to Messrs Dr. Elmer and Jones.

General Assembly Proceedings, Tuesday, 10 November 1789

Dr. Elmer from the Committee appointed for that purpose, reported the Draught of a Bill intituled, “An Act to ratify on the part of this State, certain amendments to the Constitution of the United States,” which was read, and ordered a second reading.

New Jersey Journal, 11 November 1789

We hear from Amboy that the proposed amendments to the constitution of the United States, have been under consideration of the legislature, and will be all agreed to except the second article.—

General Assembly Proceedings, Wednesday, 18 November 1789

The Bill intituled, “An Act to ratify on the part of this State, certain Amendments to the Constitution of the United States,” was read a second Time, debated, and ordered to be engrossed.

General Assembly Proceedings, Thursday, 19 November 1789

The engrossed Bill, intituled, “An Act to ratify on the Part of this State, certain Amendments to the Constitution of the United States,” was read and compared.

Resolved unanimously, That the same do pass.

Ordered, That the Speaker do sign the same.

Ordered, That Mr. Holmes do carry the said Bill to Council for concurrence.

Legislative Council Proceedings, Thursday, A.M., 19 November 1789

Mr. Holmes from the House of Assembly, presented to this House for concurrence, a Bill, intituled, “An Act to ratify on the part of this State, certain amendments to the Constitution of the United States,” which was read and ordered a second reading.

Legislative Council Proceedings, Thursday, P.M., 19 November 1789

The Bill, intituled, “An Act to ratify on the part of this State, certain amendments to the Constitution of the United States,” was read a second Time, and ordered a third reading.

Legislative Council Proceedings, Friday, 20 November 1789

The Bill, intituled, “An Act to ratify on the part of this State, certain amendments to the Constitution of the United States,” was read a third Time.

On the question, whether the said Bill do pass, it was carried in the Affirmative, *nem. con.*

Ordered, That the President do sign the same.

Ordered, That Mr. Randolph do wait on the House of Assembly and acquaint them, that the said Bill is passed by this House without amendment.

Mr. Randolph reported, that he had obeyed the order of the House.

General Assembly Proceedings, Friday, 20 November 1789

A Message from the Council by Mr. Randolph.

Mr. Speaker—I am directed to wait on the House of Assembly, and acquaint them, that the Bill intituled, “An Act to ratify on the part of this State, certain Amendments to the Constitution of the United States,” is passed by Council without amendments.

New Jersey Act Ratifying Constitutional Amendments, 20 November 1789

An ACT to ratify on the Part of this State certain Amendments to the Constitution of the United States.

Whereas the Congress of the United States, begun and held at the City of New-York on Wednesday the fourth Day of March One Thousand Seven Hundred and Eighty-nine, Resolved, two thirds of both Houses concurring that sundry Articles be proposed to the Legislatures of the several States as Amendments to the Constitution of the United States, all or any of which Articles when ratified by three-fourths of the said Legislatures to be valid to all Intents and Purposes as Part of the said Constitution: And whereas the President of the United States did, in pursuance of a Resolve of the Senate and House of Representatives of the United States of America in Congress assembled, transmit to the Governor of this State the Amendments proposed by Congress, which were by him laid before the Legislature for their Consideration; wherefore,

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 following Articles, proposed by Congress in Addition to and Amendment of the Constitution of the United States; *to wit.*

[With the exception of the second amendment, which New Jersey did not approve, here follows the text of Congress' proposed amendments.]

be and the same are hereby Ratified and Adopted by the State of New-Jersey.

A. Passed at Perth-Amboy, November 20, 1789.

Certification of the Act Ratifying Constitutional Amendments, 3 August 1790 (excerpts)

State of New Jersey.

The Honorable Elisha Lawrence Esquire, Vice President, Captain General and Commander in Chief in and over the State of New-Jersey and Territories thereunto belonging Chancellor and Ordinary in the same. —

To all to whom these Presents shall come Greeting.

These are to Certify. That Bowes Reed Esqr. whose name is subscribed to the annexed Certificate, certifying the annexed Law, to be a true Copy taken from the Original enrolled in his Office, is, and was at the time of signing thereof, Secretary of the State of New Jersey; and that full faith and credit is and ought to be due to his attestation as such.

In Testimony whereof I have hereunto subscribed my name and caused the Great Seal of the State of New Jersey to be hereunto affixed at the City of Burlington the third day of August in the year of Our Lord One thousand seven hundred and ninety, and of Our Independence the fifteenth. —

By his Honors Comand.

Elisha Lawrence.

Bowes Reed Secy . . .

These are to Certify that the annexed Law is a true Copy taken from the Original enrolled in my Office.

Bowes Reed, Secy

*New Jersey Vice President Elisha Lawrence to President George Washington
Burlington, N.J., 4 August 1790*

I have the Honour to transmit An Exemplified Copy of A Law of the State of New-Jersey, Ratifying Certain Amendments to the Constitution of the United States,—
I have the Honour to be Your Most Obedt. Humbl. Servt.

*President George Washington to the U.S. Senate and House of Representatives
New York, 6 August 1790*

Gentlemen of the Senate and House of Representatives,

I have directed my Secretary to lay before you a Copy of an exemplified Copy of a Law, to ratify, on the part of the State of New Jersey, certain Amendments to the Constitution of the United States; together with the Copy of a letter which accompanied said ratification, from The Honorable Elisha Lawrence Esquire Vice President of the State of New Jersey to the President of the United States.

*Memorandum Book: Entry Regarding the Ratification of Amendments by New Jersey
5 August 1790*

Received from the President of the United States, a Letter to him from Elisha Lawrence of August 4th. enclosing an exemplification of an Act to ratify, on the part of the State of New Jersey, certain amendments to the Constitution of the United States.—

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XXXVII: Bill of Rights [1] (Madison, Wis.: Wisconsin Historical Society Press, 2019), 519–28.