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## Virginia, 15 December 1791

### *Introduction*

On 25 September 1789 Congress, at the instigation of James Madison, resolved that twelve amendments to the Constitution be submitted to the state legislatures for their consideration. On 28 September 1789 Virginia's U.S. Senators Richard Henry Lee and William Grayson (both former Antifederalists) sent Congress' twelve amendments to Governor Beverley Randolph and to the Speaker of the Virginia House of Delegates. The House of Delegates considered Congress' amendments in a committee of the whole on 25 November 1789. Five days later on 30 November the House read, amended, and agreed to the committee of the whole's report which called for the adoption of all twelve amendments that were said to be "conformable" to the amendments recommended by the Virginia ratifying Convention in June 1788. Two weeks later, on 2 December the House of Delegates also resolved that Congress consider the other amendments proposed by the Virginia Convention.

On 2 December, the Virginia Senate received the resolution of 30 November ratifying the amendments. After a week's consideration in a committee of the whole, the Senate voted to postpone its further consideration of amendments.

On 5 December 1791 the House of Delegates adopted eleven of Congress' amendments. On 15 December the Senate ratified the amendments and notified the House of this action. The Virginia General Assembly formally adopted each of these amendments on 15 December. The eleven enrolled bills were prepared, compared, and signed on 19 December. Three days later Virginia Governor Henry Lee sent the ratification documents to President George Washington, who had his secretary transmit them to Secretary of State Jefferson on 30 December. Jefferson notified the states on 1 March 1792 that ten of Congress' twelve amendments had been adopted by the necessary three-fourths of the state legislatures and therefore had become part of the U.S. Constitution.

### *Letters from Senators Richard Henry Lee and William Grayson*

*New York, 28 September 1789*

Virginia was unique in that it elected two Antifederalists to the first United States Senate. Richard Henry Lee had been appointed to the Constitutional Convention by the state legislature, but he refused the appointment. Lee served in the Confederation Congress where he actively took part in the debate over the transmittal of the Constitution to the states. In that debate, on 27 September 1787, Lee proposed amendments to the

Constitution including a bill of rights. Lee's letter to Virginia Governor Edmund Randolph, 16 October 1787 outlined his objections to the Constitution and appended his proposed bill of rights. The letter and Lee's proposed bill of rights and were widely reprinted throughout the country. Like Lee, William Grayson served in the Confederation Congress and took part in the September 1787 debate to transmit the Constitution to the states. Grayson was one of the leading Antifederalist speakers in the Virginia Convention in June 1788.

*To Governor Beverley Randolph, New York, 28 September 1789*

We have long waited in anxious expectation of having it in our power to transmit effectual amendments to the Constitution of the United States, and it is with grief that we now send forward propositions so inadequate to the purpose of real and substantial amendment, and so far short of the wishes of our Country. By perusing the Journal of the Senate, your Excellency will see that we did in vain bring to view the amendments proposed by our Convention, and approved by the Legislature. We shall transmit a complete set of the Journals of both houses of Congress to your Address, which with a letter accompanying them, we entreat that your Excellency will have the goodness to lay before the honorable Legislature at the ensuing meeting. We have the honor to be, with every sentiment of respect and esteem[.]

*To the Speaker of the Virginia House of Delegates, New York, 28 September 1789*

We have now the honor of enclosing the proposition of Amendments to the Constitution of the United States that has been finally agreed upon by Congress. We can assure you, Sir, that nothing on our part has been omitted to procure the success of those radical amendments proposed by the Convention, and approved by the Legislature of our country, which as our Constituent, we shall always deem it our duty, with respect and reverence to obey. The journal of the Senate herewith transmitted, will at once shew how exact and how unfortunate we have been in this business. It is impossible for us not to see the necessary tendency to consolidated empire in the natural operation of the Constitution, if no further amended then as now proposed; And it is equally impossible for us not to be apprehensive for Civil Liberty, when we know of no instance in the records of history, that shew a people ruled in freedom when subject to one undivided government, and inhabiting a territory so extensive as that of the United States: And when, as it seems, to us, the nature of man and of things join to prevent it. The impracticability in such case, of carrying representation sufficiently near to the people for procuring their confidence and consequent obedience, compels a resort to fear resulting from great force, and excessive power in government. Confederated Republics, where the federal hand is not possessed of absorbing power, may permit the existence of freedom, whilst it preserves union, strength, and safety. Such amendments therefore, as may secure against the annihilation of the State governments we devoutly wish to see adopted.

If a persevering application to Congress from the States that have desired such amendments should fail of its object, we are disposed to think, reasoning from causes to Effects, that unless a dangerous Apathy should invade the public mind, it will not be many years before a constitutional number of Legislatures will be found to *demand* a Convention for the purpose.

We have sent a complete set of the Journals of each house of Congress, and thro the appointed channel will be transmitted the Acts that have passed this Session, in these will be seen the nature

and extent of the judiciary, the estimated expences of the government, and the means, so far adopted for defraying the latter.

We beg Sir to be presented with all duty to the Honorable House of Representatives, and to assure you that we are with every sentiment of respect and esteem

*Governor Beverley Randolph to the Speaker of the Virginia House of Delegates  
Richmond, 19 October 1789 (excerpts)*

I do myself the Honour to transmit to You, all such Papers and Information, as I have received since the rising of the last Assembly, and which appear to be worthy the Attention of the Legislature. . . .

Letters from the Governors of New York and Massachusetts Bay, and from the President of Pennsylvania in answer to mine, inclosing Copies of the Application of the General Assembly, to the Congress of the United States to call a Convention, for proposing Amendments to the Fœderal Constitution, will be found in No. 8. I have not received answers from any other of the States. . . .

The Amendments proposed by the Congress of the United States, to the Fœderal Government accompanied by a letter from the Honourable Richard Henry Lee and William Grayson Esquires, with an Extract from the Journal of the Senate on the same Subject, will be found in No. 12. . . .

*Governor Beverley Randolph to President George Washington, Richmond, 20 October 1789*

I have had the honour to receive yours of the Second instant inclosing a Copy of the Amendments proposed to be added to the Constitution of the United States.

*House of Delegates Proceedings, Wednesday, 25 November 1789*

The House, according to the order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Selden reported, that the committee had, according to order, had the state of the Commonwealth under their consideration, and had come to several resolutions thereupon, which they had directed him to report when the House should think proper to receive the same.

*Ordered*, That the said report be received on Friday next.

Resolved, That this House will, on Friday next, resolve itself into a committee of the whole House on the state of the Commonwealth.

*House of Delegates Proceedings, Monday, 30 November 1789*

Mr. Selden reported, from the committee of the whole House on the state of the Commonwealth, according to order, the resolutions agreed on Wednesday last, respecting the amendments proposed by Congress to the constitution of government of the United States; and he read the same in his place, and afterwards delivered them in at the clerk's table, where the same were again twice read, amended, and agreed to by the House, as followeth:

The Senate and House of Representatives of the United States, having proposed to the Legislatures of the several States, certain articles, as amendments to the Constitution of the United States, all, or any of which articles, when ratified by three-fourths of the said Legislatures, are to be valid to all intents and purposes, as part of the said constitution;

*Resolved, that it is the opinion of this committee,* That such of the said articles as are conformable with the alterations recommended to the consideration of Congress by the Convention of this Commonwealth, ought to be ratified, that is to say, articles the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth.

*Resolved, that it is the opinion of this committee,* That two hundred copies of the said articles, and of the proceedings of the General Assembly thereupon, ought to be printed, and distributed in due proportion, by order of the Executive, among the several counties and cities, and the borough of Norfolk.

*Ordered,* That Mr. Selden do carry the resolutions to the Senate, and desire their concurrence.

### *Senate Proceedings, Wednesday, 2 December 1789*

A message from the House of Delegates by Mr. Selden:

MR. SPEAKER,—The House of Delegates have agreed to several resolutions, ratifying the amendments proposed by Congress to the constitution of the United States;” to which they desire the concurrence of the Senate. And he delivered in the same, and then withdrew.

The said resolutions were read the first time; and ordered to be committed to a committee of the whole House, to-morrow.

### *House of Delegates Proceedings, Wednesday, 2 December 1789*

The House, according to the order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wormeley reported, that the committee had, according to order, had the state of the Commonwealth under their consideration, and had come to several resolutions thereupon, which he read in his place, and afterwards delivered in at the clerk’s table, where the same were again read, and are as followeth:

*Resolved, that it is the opinion of this committee,* That the General Assembly in obedience to the will of the people, as expressed by the Convention, by which certain alterations in the Constitution of the United States were recommended, ought to urge to Congress the reconsideration of such as are not included in the amendments already adopted by this Commonwealth.

*Resolved, that it is the opinion of this committee,* That a representation ought to be made to Congress, in pursuance of the foregoing resolution.

### *Senate Proceedings, Thursday, 3 December 1789 (excerpts)*

The orders of the day, for this House to resolve itself into a committee of the whole House, . . . on the resolution of the House of Delegates, ratifying the amendments proposed by Congress to the constitution of the United States, being read;

*Ordered,* That the same be put off till to-morrow.

And then the House adjourned till to-morrow morning, 11 o’clock.

*Senate Proceedings, Friday, 4 December 1789 (excerpts)*

The orders of the day, for this House to resolve itself into a committee of the whole House, . . . on the resolutions of the House of Delegates, ratifying the amendments proposed by Congress to the constitution of the United States, being read;

*Ordered*, That the same be put off till to-morrow.

*House of Delegates Proceedings, Saturday, 5 December 1789*

The House proceeded to consider the resolutions reported from the committee of the whole House on the state of the Commonwealth, respecting the amendments proposed by the Convention of this State to the Constitution or government of the United States, which lay on the table; and the same being read, are as followeth:

*Resolved*, that it is the opinion of this committee, That the General Assembly, in obedience to the will of the people, as expressed by the Convention, by which certain alterations in the Constitution of the United States were recommended, ought to urge to Congress the reconsideration of such as are not included in the amendments already adopted by this Commonwealth.

*Resolved*, that it is the opinion of this committee, That a representation ought to be made to Congress, in pursuance of the foregoing resolution.

The 1st resolution being read a second time, a motion was made, and the question being put to amend the same, by striking out from the word “resolved,” to the end of the resolution, and inserting in lieu thereof the following words:

“That a communication from the Legislature of this State to the Congress of the United States ought to be made, expressing their ardent desire, that such of the amendments of the Virginia Convention, as have not been proposed by the Congress to the several States, to be established as part of the Constitution of the United States, be reconsidered and complied with.”

The House divided.

Ayes, 62.

Noes, 62.

Whereupon, Mr. Speaker declared himself with the noes.

The ayes and noes being called for by Mr. Jones, and seconded by Mr. Preston;

The names of those who voted in the affirmative are, John Trigg, Thomas Leftwich, Charles Smith, jun., Binns Jones, Sterling Edmunds, John Clarke, John Hunter, Anthony New, Bernard Todd, Henry Southall, Benjamin Harrison, George Markham, Matthew Cheatham, French Strother, Peterson Goodwyn, George Booker, James Upshaw, jun. of Essex, Richard Banks, Ludwell Lee, Charles Scott, Samuel Richardson, William Payne, jun., Joshua Rentfro, Samuel Hairston, John Guerrant, jun., Batte Peterson, Henry E. Coleman, William Terry, Thomas Tinsley, John Winston, Nathaniel Wilkinson, Francis Boykin, Benjamin Eley, Abner Field, William Roane, John Taliaferro, Benjamin Temple, Matthew Myers, Albert Russell, William Gunnell, Henry Pawling, Sterling Niblett, John Stevenson, Samuel Hopkins, Alexander Robertson, Samuel Taylor, Thomas Pindal, Willis Riddick, John Clopton, John Giles, Willis Wilson, William Nelms, Benjamin Lankford, Tarlton Woodson, Henry Washington, Thomas Carter, Andrew Buchanan, John Howell Briggs, Thomas Edmunds, John Scasbrook Langhorn, Samuel Edmiston and William Nelson.

And the names of those who voted in the negative are, Thomas Custis, Wilson Cary Nicholas, Francis Walker, Zachariah Johnston, John Tate, Joseph Swearingen, Robert Harvey, James Breckenridge, Thomas Anderson, James Upshaw of Caroline, Clement Carrington, David Jameson, jun., John Woodson, Miles King, Roger West, John Hawkins, Robert Randolph, Joseph Holmes, Mann Page, Mordecai Cooke, Thomas Underwood, Hugh Caperton, Isaac Parsons, Isaac Miller, John Prunty, Isaac Vanmetre, William Heath, William Norvell, John Pierce, Larkin Smith, Daniel Fitzhugh, James Wallace Ball, John Overton, Francis Corbin, William M'Cleery, Francis Preston, Burwell Bassett, jun., Hardin Burneley, Isaac Davis, jun., Peter Holt, William Patton, Edward Carrington, John Macon, Alexander Henderson, Thomas Lawson, Jonathan Parsons, Cornelius Bogard, Walker Tomlin, John Bowyer, William M'Kee, Francis Kirtley, George Baxter, James Wilkinson, George Brent, John Allen, James Kee, William Tate, Henry Lee, Richard Lee, Robert Shield, Edmund Randolph and John Marshall.

And then the main question being put, that the House do agree to the said resolution;

It was resolved in the affirmative.

The 2d resolution being read a second time was, on the question put thereupon, agreed to by the House.

*Ordered*, That a committee be appointed to prepare a representation to the Congress of the United States, in pursuance of the foregoing resolutions.

And a committee was appointed, of Messrs. Wormeley, Edmund Randolph, Corbin, Zane, Edward Carrington, Nicholas, Breckenridge, Henry Lee, King and Henderson.

#### *Senate Proceedings, Saturday, 5 December 1789*

The House, according to the order of the day, resolved itself into a committee of the whole House, on the resolutions of the House of Delegates, ratifying the amendments proposed by Congress to the constitution of the United States; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wills reported, that the committee had, according to order, had the said resolutions under their consideration, and made some progress therein, but not having time to go through the same, had directed him to move for leave to sit again.

*Resolved*, That this House will, again on Monday next, resolve itself into a committee of the whole House, to take the said resolutions under their further consideration.

#### *Senate Proceedings, Monday, 7 December 1789*

The House, according to the order of the day, again resolved itself into a committee of the whole House, on the resolutions of the House of Delegates, ratifying the amendments proposed by Congress to the constitution of the United States; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wills reported, that the committee had, according to order, again had the said resolutions under their consideration, and made a further progress therein, but not having time to go through the same, had directed him to move for leave to sit again.

*Resolved*, That this House will, again to-morrow, resolve itself into a committee of the whole House, to take the said resolutions under their further consideration.

#### *Senate Proceedings, Tuesday, 8 December 1789*

The House, according to the order of the day, resolved itself into a committee of the whole House, on the resolutions of the House of Delegates, ratifying the amendments proposed by

Congress to the constitution of the United States; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wills reported, that the committee had, according to order, again had the said resolutions under their consideration, and had gone through the same, and made several amendments thereto, which he delivered in at the clerk's table, where they were twice read, and are as follow, viz:

Line 9th, strike out "third;" same line, strike out "eighth;" same line, after the word "ninth," insert "and;" line 10th, strike out "eleventh;" same line, strike out "twelfth," and insert "that the third, eighth, eleventh and twelfth amendments, be postponed till the next session of Assembly, for the consideration of the people;" line 11th, strike out "two hundred," and insert "one thousand."

The question was put on the 1st amendment, and agreed to by the House—Ayes 8—Noes 7.

The ayes and noes being required by Mr. Nelson, seconded by Mr. Anderson;

Ayes,—John Pride, Turner Southall, John S. Wills, Matthew Anderson, Stephens Thomson Mason, Joseph Jones, William Russell and John Pope.

Noes,—Alexander St. Clair, John P. Du-Val, Nicholas Cabell, John Kearnes, Levin Joynes, James Taylor and Hugh Nelson.

The question was put on the 2d amendment, and agreed to by the House—Ayes—8—Noes 6.

Ayes,—Turner Southall, John S. Wills, Matthew Anderson, Stephens Thomson Mason, Joseph Jones, William Russell, John Pope and John Kearnes.

Noes,—Alexander St. Clair, John P. Du-Val, Nicholas Cabell, Hugh Nelson, Levin Joynes and James Taylor.

The question was put on the 3rd amendment, and agreed to by the House.

The question was put on the 4th amendment, and agreed to by the House—Ayes—8—Noes 7.

The ayes and noes being required by Mr. Nelson, seconded by Mr. Anderson;

Ayes,—John Pride, Turner Southall, John S. Wills, Matthew Anderson, Stephens Thomson Mason, Joseph Jones, William Russell and John Pope.

Noes,—Alexander St. Clair, John P. Du-Val, Nicholas Cabell, Hugh Nelson, John Kearnes, Levin Joynes and James Taylor.

The question was put on the 5th amendment, and agreed to by the House—Ayes—8—Noes 7.

The ayes and noes being required by Mr. Nelson, seconded by Mr. Anderson;

Ayes,—John Pride, Turner Southall, John S. Wills, Matthew Anderson, Stephens Thomson Mason, Joseph Jones, John Pope and William Russell.

Noes,—Alexander St. Clair, John P. Du-Val, Nicholas Cabell, Hugh Nelson, John Kearnes, Levin Joynes and James Taylor.

The question was put on the 6th amendment, and agreed to by the House—Ayes—10—Noes 4.

The ayes and noes being required by Mr. Nelson, seconded by Mr. Anderson;

Ayes,—Turner Southall, John S. Wills, Matthew Anderson, Stephens Thomson Mason, Joseph Jones, William Russell, John Pope, Nicholas Cabell, John Kearnes and Levin Joynes.

Noes,—Alexander St. Clair, John P. Du-Val, James Taylor and Hugh Nelson.

The question was put on the 7th amendment, and agreed to by the House.

And then the question being put, that the House do agree to the said resolutions, so amended, It was resolved in the affirmative.

*Ordered*, That Mr. Taylor do acquaint the House of Delegates therewith, and desire their concurrence to the amendments.

A motion was made, that the House do agree to the following resolution:

*Resolved*, That all or any of the members who voted for the postponement of the 3rd, 8th, 11th and 12th articles of amendments to the constitution of the United States, be allowed to enter on the Journals of this House, the reasons which have influenced their votes, and all or any of their objections to the articles so postponed.

And the said resolution being read a second time, was agreed to by the House—Ayes—7—Noes 6.

The ayes and noes being required by Mr. Cabell, seconded by Mr. Pope;

Ayes,—Turner Southall, John S. Wills, Matthew Anderson, Stephens Thomson Mason, Joseph Jones, William Russell and John Pope.

Noes,—Alexander St. Clair, John P. Du-Val, James Taylor, Nicholas Cabell, John Kearnes and Levin Joynes.

### *House of Delegates Proceedings, Wednesday, 9 December 1789*

A message from the Senate by Mr. Taylor:

MR. SPEAKER,—The Senate have agreed to the resolutions ratifying the amendments proposed by Congress to the Constitution of government of the United States, with several amendments; to which they desire the concurrence of this House. . . . And then he withdrew.

### *House of Delegates Proceedings, Friday, 11 December 1789*

The House proceeded to consider the amendments of the Senate to the resolution, ratifying the amendments proposed by Congress to the Constitution of government of the United States; and the same being read, are as followeth:

Line 9th. Strike out these words, “third,” “eighth.”

Same line. After the word “ninth,” insert “and.”

Line 10th. Strike out these words, “eleventh and twelfth,” and insert “and that the third, eighth, eleventh and twelfth amendments shall be postponed till the next session of Assembly, for the consideration of the people.”

The 1st, 2d and 3d amendments being again read were, on the questions put thereupon, disagreed to by the House.

The last amendment being again read was, on the question put thereupon, agreed to by the House.

*Ordered*, That Mr. Selden do acquaint the Senate therewith.

On a motion made,

*Ordered*, That a free conference be desired with the Senate, on the subject matter of the foregoing amendments; and that Mr. Edmund Randolph do acquaint the Senate therewith.

*Senate Proceedings, Friday, 11 December 1789*

A message from the House of Delegates by Mr. Edm'd Randolph:

MR. SPEAKER,—The House of Delegates have disagreed to the 1st, 2d and 3d, and agreed to the last of the Senate's amendments to the resolutions of the House of Delegates, ratifying the amendments proposed by Congress to the constitution of the United States. And he delivered in the resolutions, with the amendments, and then withdrew.

The House [i.e., the Senate] proceeded to consider the amendments disagreed to by the House of Delegates; and the same being read, were insisted upon.

*Ordered*, That Mr. Mason do acquaint the House of Delegates therewith.

*House of Delegates Proceedings, Saturday, 12 December 1789*

A message from the Senate by Mr. Mason:

MR. SPEAKER,—The Senate have appointed managers on the part of their House to the free conference desired by this House, on the subject matter of the amendments disagreed to by this House, and insisted on by the Senate to the resolution ratifying the amendments proposed by Congress to the Constitution of government of the United States, and they are now attending in the conference chamber. And then he withdrew.

*Ordered*, That Messrs. Edmund Randolph, Henry Lee, Zachariah Johnston, Corbin, Marshall, Edward Carrington, Zane and Nicholas, be appointed managers at the said free conference on the part of this House, and that they do now withdraw to attend the said free conference.

The managers accordingly withdrew; and after some time returned into the House and reported, that they had, according to order, met the managers on the part of the Senate in the conference chamber, and freely discussed the subject matter of the amendments disagreed to by this House, and insisted on by the Senate to the resolution ratifying the amendments proposed by Congress to the Constitution of government of the United States, and that the managers on the part of the Senate had withdrawn, having promised to report to their House the reasons urged by the managers on the part of this House at the said free conference.

*Senate Proceedings, Saturday, 12 December 1789*

This House having on Tuesday last, resolved that all or any of the members who voted for the postponement of the 3d, 8th, 11th and 12th articles of amendments to the constitution of the United States, be allowed to enter on the Journals of this House, the reasons which have influenced their vote, and all or any of their objections to the articles so postponed—The following reasons were this day ordered to be entered, to wit:

The Senate of Virginia having determined to postpone, until the next session of Assembly, the 3d, 8th, 11th and 12th articles of the amendments to the Constitution of the United States, recommended by Congress, we, the underwritten members of the majority on that question, deem it incumbent on us, not only from the respect we owe to our constituents, and our responsibility to them, but in order to prevent doubt and misrepresentation, to enter on the Journals of the House, the considerations which have influenced our decision on this subject, and our principal objections to those articles.

We are satisfied that the people of Virginia would never have ratified the constitution of the United States, but from a confident hope and firm persuasion of speedily seeing it much more

materially altered and amended, than it would be by ratifying the propositions lately submitted by Congress to the State Legislatures.

That although we consider some of the amendments offered as similar, and others nearly equivalent, to a part of the amendments proposed by Virginia and other States, yet, that some of them which seem analogous to other amendments so proposed, are not substantially the same, and fall far short of affording the same security to personal rights, or of so effectually guarding against the apprehended mischiefs of the government; of this description we consider the 3d, 8th, 11th and 12th articles.

We conceive that the 3d article, which seems given in lieu of the 15th, 16th, 19th and 20th articles of the bill of rights, proposed by the Virginia Convention, will not bear a comparison with those articles.

The 15th, expressly declares the right of the people to assemble together to consult for the common good, to instruct their representatives, and to petition for redress of grievances. The 16th, asserts the right of the people to freedom of speech, and of writing and publishing their sentiments, and secures the liberty of the press. The 19th and 20th, hold sacred the rights of conscience, secures to every religious sect or society, the most perfect equality, and effectually guards against any religious establishments.

The 3d amendment, recommended by Congress, does not prohibit the rights of conscience from being violated or infringed; and although it goes to restrain Congress from passing laws establishing any national religion, they might, notwithstanding, levy taxes to any amount, for the support of religion or its preachers; and any particular denomination of christians might be so favored and supported by the General Government, as to give it a decided advantage over others, and in process of time render it as powerful and dangerous as if it was established as the national religion of the country.

This amendment does not declare and assert the right of the people to speak and publish their sentiments, nor does it secure the liberty of the press. Should these valuable rights be infringed or violated by the arbitrary decisions of Judges, or by any other means than a legislative act directly to that effect, the people would have no avowed principle in the constitution to which they might resort for the security of these rights.

The right of the people to instruct their representatives, and their right to consult with each other for the common good, seem too evident to be questioned in a republican government; yet, these rights are denied by Congress, and they have refused to allow any amendments declaratory of them, as we discover by their Journals; and even the humble privilege of petitioning against oppression is not fully asserted or secured; as this privilege may be abridged or rendered nugatory without any law upon the subject, not to mention other means, it might be defeated by a rule of either House, without violating the 3d article of the amendments.

This amendment then, when considered as it relates to any of the rights it is pretended to secure, will be found totally inadequate, and betrays an unreasonable, unjustifiable, but a studied departure from the amendment proposed by Virginia and other States, for the protection of these rights. We conceive that this amendment is dangerous and fallacious, as it tends to lull the apprehensions of the people on these important points, without affording them security; and mischievous, because by setting bounds to Congress, it will be considered as the only restriction

on their power over these rights; and thus certain powers in the government, which it has been denied to possess, will be recognized without being properly guarded against abuse.

The 8th article of the proposed amendments, so far from securing the valuable trial by a jury of the vicinage in criminal prosecutions, leaves Congress the same power to abridge this right as they possess by the original constitution. They have already by law fixed the districts co-extensive with the respective States; and they will at all times possess the power of regulating the districts at pleasure, so that there appears to us nothing in this amendment to restrain government from carrying a man accused of a crime, out of his own neighbourhood to any distance within the limits of a State, to be tried by strangers, perhaps enemies, where the advantages of this excellent mode of trial might be entirely defeated, and where a person, obnoxious to Congress, might fall an innocent sacrifice to their resentment.

We do not find that the 11th article is asked for by Virginia or any other State; we therefore conceive that the people of Virginia should be consulted with respect to it, even if we did not doubt the propriety of adopting it; but it appears to us highly exceptionable. If it is meant to guard against the extension of the powers of Congress by implication, it is greatly defective, and does by no means comprehend the idea expressed in the 17th article of amendments proposed by Virginia; and as it respects personal rights, might be dangerous, because, should the rights of the people be invaded or called in question, they might be required to shew by the constitution what rights they have *retained*; and such as could not from that instrument be proved to be retained by them, they might be denied to possess. Of this there is ground to be apprehensive, when Congress are already seen denying certain rights of the people, heretofore deemed clear and unquestionable.

We conceive that the 12th article would come up to the 1st article of the Virginia amendments, were it not for the words “or to the people.” It is not declared to be the people of the respective States; but the expression applies to the people generally as citizens of the United States, and leaves it doubtful what powers are reserved to the State Legislatures. Unrestrained by the constitution or these amendments, Congress might, as the supreme rulers of the people, assume those powers which properly belong to the respective States, and thus gradually effect an entire consolidation.

We consider that of the many and important amendments recommended by the Conventions of Virginia and other States, these propositions contain all that Congress are disposed to grant; that all the rest are by them deemed improper, and that these are offered in full satisfaction of the whole: and although the ratification of a part of the amendments that have been prayed for by Virginia, would not absolutely preclude us from urging others, yet we conceive that by the acceptance of particular articles, we are concluded as to the points they relate to. Considering therefore, that they are far short of what the people of Virginia wish, and have asked, and deeming them by no means sufficient to secure the rights of the people, or to render the government safe and desirable, we think our countrymen ought not to be put off with amendments so inadequate.

That being satisfied of the defects and dangerous tendency of these four articles of the proposed amendments, we are constrained to withhold our assent to them; but unwilling for the present to determine on their rejection, we think it our duty to postpone them until the next session of Assembly, in order that the people of Virginia may have an opportunity to consider of

them, and judge for themselves; and that the members of the Legislature may be enabled to consult with, and know the sentiments of their constituents on the subject.

John Pride,	Joseph Jones,
M. Anderson,	W. Russell,
John Scasbrook Wills,	Turner Southall,
Stephens Thomas Mason,	John Pope.

We of the minority, do dissent from the foregoing resolution, for the following reasons:

1st. Because there is no rule of the House, permitting the majority on a question to enter their reasons upon the Journals; and because entering reasons, except in cases of protest, is unprecedented.

2d. Because there is a rule of the House, if not positively, yet impliedly, against it in the following words: *Resolved*, that upon the motion of any member, and having a second to his motion, that the yeas and nays be entered, and that any member or members hath or have a right to enter a protest on the Journals on the determination of any act, resolution or question." And the order of the House must be intended to govern the majority, as otherwise they will have it in their power to insert reasons on the Journals on the most trivial questions, and swell them to an enormous and unnecessary size.

3d. Because a protest must be against a question carried, and because the matter of the reasons to be entered upon the Journals is not a disagreement signed by the minority.

4th. Because the reasons of any majority who have carried a vote must have in view one or all of the following things, to wit: either to hold up the minority to public censure, to shew their own superiority, or to excite public disquietudes; for a vote of a majority always being supposed to have right on its side, there is no propriety or necessity for urging reasons after such vote.

5th. Because all the same reasons may not actuate all those who vote in the majority, in which case only a majority of a majority can subscribe the reasons so drawn up, in which case this absurdity might appear on the Journals of the Senate, that is, reasons of the majority signed by a minority.

Levin Joynes,	James Taylor,
Alexander St. Clair,	Nicholas Cabell.

A message from the House of Delegates by Mr. Henry Lee:

MR. SPEAKER,—The House of Delegates have nominated managers on their behalf, and are now ready to proceed to a free conference with the Senate, on the subject matter of their disagreement to the Senate's amendments to the resolutions of the House of Delegates, ratifying the amendments proposed by Congress to the constitution of the United States. And then he withdrew.

*Ordered*, That Messrs. Mason, Pope and Anderson, be appointed managers on behalf of this House, in a free conference, to be held in the conference chamber with the managers appointed by the House of Delegates, on the subject matter of their disagreement to the amendments of this House to the resolutions of the House of Delegates, ratifying the amendments proposed by Congress to the constitution of the United States.

The managers then withdrew; and after some time, returned into the House and reported, that they had, according to order, met the managers from the House of Delegates in the confer-

ence chamber, and freely discussed the matters of their disagreement, and reported the reasons offered by the managers from the House of Delegates in support thereof.

On a motion being made, that this House doth adhere to their said amendments,

The previous question was demanded, shall the main question be now put?

And on the question, shall the main question be now put,

It was resolved in the affirmative.—Ayes 7—Noes 6.

The ayes and noes being required by Mr. Cabell, seconded by Mr. Anderson;

Ayes,—Turner Southall, John S. Wills, Matthew Anderson, Stephens Thomson Mason, Joseph Jones, William Russell and John Pope.

Noes,—Alexander St. Clair, John P. Du-Val, James Taylor, Nicholas Cabell, Hugh Nelson and Levin Joynes.

We the subscribers being of the minority, dissent from the vote for adhering to the amendments of the Senate to the resolutions of the House of Delegates, for ratifying the amendments proposed by Congress:

Because the said resolutions were sent to the House of Delegates, and not returned; was under their consideration, and therefore could not be open to that of the Senate.

Hugh Nelson,            Levin Joynes,

Nicholas Cabell,      James Taylor.

#### *House of Delegates Proceedings, Monday, 14 December 1789*

The House proceeded to reconsider the amendments of the Senate disagreed to by this House and insisted on by the Senate to the resolution ratifying the amendments proposed by Congress to the Constitution of Government of the United States; and the same being read;

Resolved, That this House doth adhere to their disagreement to the said amendments.

Ordered, That Mr. Selden do acquaint the Senate therewith.

#### *Senate Proceedings, Monday, 14 December 1789 (excerpts)*

“We the subscribers, in protesting against the votes of the Senate for amending the resolutions of the House of Delegates, for ratifying the several articles of amendments propounded by Congress, do not conceive it necessary to answer the several arguments entered upon the Journals by the majority, in support of their vote upon the occasion, nor do we conceive it necessary to urge the whole of our reasons for voting in the negative; resting such as we do not here offer upon the good opinion of the people of Virginia, whom we represent in common with our respective districts, do dissent:

“1st. Because that although the 3d, 8th and 12th of the said amendments come not fully up in form to those proposed by the Convention of this State, in June 1788, we are of opinion they are analogous thereto, and contain important and essential matter, tending further to secure to the States in the Union, and the people their inherent and undoubted political and natural rights, and are calculated the better to secure them against any undue encroachments of the Federal Government.

“2dly. Because that by adopting these amendments, we by no means meant to abandon the prosecution or true constitutional grounds of other amendments, and considered the accepting

of such as were at present offered as a measure better calculated to insure others, than either rejecting or postponing the consideration of them.

“3dly. Because the 11th amendment, though not called for by any of the adopting States, we consider as tending to quiet the minds of many, and in no possible instance productive of danger to the liberties of the people, and because the constitution gives a right to Congress to propose, when two-thirds concur, amendments to the State Legislatures for their ratification.

James Taylor,     Nicholas Cabell,  
Levin Joynes,     Hugh Nelson.”

. . . Ordered, That Mr. Mason do acquaint the House of Delegates, that this House hath adhered to their amendments to the resolutions of the House of Delegates, ratifying the articles of amendments proposed by Congress to the constitution of the United States.

*House of Delegates Proceedings, Monday, 14 December 1789*

A message from the Senate by Mr. Mason:

MR. SPEAKER,—The Senate adhere to their amendments disagreed to by this House, to the resolution ratifying the amendments proposed by Congress to the Constitution of the United States. And then he withdrew.

*Senator Richard Henry Lee to John Walker, Speaker of the Virginia House of Delegates  
New York, 9 August 1790*

An inclosed certified paper will shew the progress made in the proffered Amendments of last Session to the Constitution of the United States. The Assent of our Commonwealth may, we humbly conceive, secure the establishment of principles, that, by being fixed on the minds of the People, will be conducive hereafter to arrest the progress of power, should it be disposed to exert itself in future times to the injury of public liberty.

*House of Delegates Proceedings, Tuesday, 19 October 1790 (excerpts)*

The Speaker laid before the House a letter from the senators of this State in the Congress of the United States, enclosing . . . a report of a committee of the House of Representatives of the United States, relative to the proceedings of the several States on the subject of the amendments proposed by Congress to the Constitution of the United States; which were read, and ordered to be referred to a committee of the whole House on the state of the Commonwealth.

*House of Delegates Proceedings, Monday, 15 November 1790*

On a motion made,

Ordered, That the amendments proposed by Congress to the Constitution of the United States, which were laid before the General Assembly at their last session, be referred to the committee of the whole House on the state of the Commonwealth.

*Governor Beverley Randolph to Speaker of the House of Delegates, Richmond, In Council  
17 October 1791 (excerpt)*

I do myself the Honour to transmit to you, all such Papers and Information, as have been received since the last Session of the General Assembly, and which appear to be proper subjects for the consideration of that honourable Body. . . .

*House of Delegates Proceedings, Tuesday, 18 October 1791*

The Speaker laid before the House a letter from the Governor, stating various matters for the consideration of the General Assembly, and referring to sundry letters and papers enclosed, which were read, and ordered to lie on the table.

*House of Delegates Proceedings, Monday, 24 October 1791*

On a motion made, *Ordered*, That the Governor's letter with its enclosures, which lay on the table, be referred to the Committee of the whole House, on the state of the Commonwealth.

The House, according to the order of the day, resolved itself into a committee of the whole House, on the state of the Commonwealth, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Harrison reported, that the Committee had, according to order, had the state of the Commonwealth under their consideration, and having made some progress therein, had directed him to move the House for leave to sit again.

*Resolved*, That this House will to-morrow, resolve itself into a Committee of the whole House, on the state of the Commonwealth.

*House of Delegates Proceedings, Tuesday, 25 October 1791 (excerpts)*

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the state of the Commonwealth, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Harrison reported, that the Committee had, according to order, had the state of the Commonwealth under their consideration, and had come to several resolutions thereupon, which he read in his place, and afterwards delivered in at the clerk's table, where the same were again read, and are as followeth: . . .

3. Resolved, That it is the opinion of this Committee, that the first article of the amendments proposed by Congress to the Constitution of the United States, ought to be ratified by this Commonwealth. . . .

The first, second, and third resolutions being severally read a second time, were, on the questions put thereupon, agreed to by the House. . . .

*Ordered*, That Mr. Harrison do carry the first, second, and third resolutions to the Senate, and desire their concurrence.

And then the House adjourned till to-morrow morning, 11 o'clock.

*Senate Proceedings, Tuesday, 1 November 1791 (excerpts)*

A message from the House of Delegates by Mr. Harrison.

Mr. Speaker,

The House of Delegates . . . have agreed to a resolution respecting the ratification of the amendment proposed by Congress to the first article of the constitution of the United States . . . to which they desire the concurrence of the Senate. And he delivered in the same, and then withdrew. . . .

The first of the said resolutions was read the first time, and ordered to be committed to a committee of the whole House to-morrow.

*Senate Proceedings, Wednesday, 2 November 1791*

The order of the day for this House to resolve itself into a committee of the whole House on the resolution of the House of Delegates respecting the ratification of the amendment proposed by Congress to the first article of the constitution of the United States; being read.

Ordered, that the same be put off till to-morrow.

And then the House adjourned 'till to-morrow morning, 11 o'clock.

*House Proceedings, Wednesday, 2 November 1791 (excerpts)*

A message from the Senate, by Mr. Campbell.

Mr. Speaker—The Senate have passed the bill . . . and “Ratifying the first article of the amendment proposed by Congress, to the Constitution of the United States.” And then he withdrew.

*General Assembly Resolution, 3 November 1791*

In the House of Delegates

Tuesday 25th. of October, 1791

Resolved, that the first Article of the Amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.

Teste, Charles Hay, C.H.D

November 3d, 1791

Agreed to by the Senate,  
H. Brooke C.S.

A Copy, Teste Charles Hay

*Senate Proceedings, Thursday, 3 November 1791*

Ordered, that the committee of the whole House be discharged from further proceeding on the resolution of the House of Delegates, respecting the ratification of the amendment proposed by Congress to the first article of the constitution of the United States.

The said resolution was read the second time, and on the question put thereupon, agreed to by the House.

Ordered, that Mr. Cabell do acquaint the House of Delegates therewith.

*Governor Beverley Randolph to President George Washington, Council Chamber  
Richmond, 4 November 1791*

I do myself the Honour to transmit to you a Resolution of the General Assembly of Virginia ratifying the first Article of the Amendments proposed by Congress to the Constitution of the United States, and have the Honour to be with the highest Respect.

*Tobias Lear to U.S. Secretary of State Thomas Jefferson, Philadelphia  
11 November 1791 (excerpt)*

By the President's command T. Lear has the honor to transmit to the Secretary of State to be deposited in his office, a letter from the Governor of Virginia inclosing a copy of the Resolution

of the General Assembly of that Commonwealth ratifying the first article of the Amendments proposed by Congress to the Constitution of the United States. . . .

*House of Delegates Proceedings, Monday, 5 December 1791 (excerpts)*

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the state of the Commonwealth, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Harrison reported, that the Committee had, according to order, had the state of the commonwealth under their consideration, and had come to several resolutions thereupon, which he read in his place, and afterwards delivered in at the clerk's table, where the same were again twice read, and agreed to by the House, as followeth:

*Resolved*, That it is the opinion of this Committee, that the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and 12th amendments proposed by Congress to the Constitution of the United States, ought to be ratified by this commonwealth. . . .

*Ordered*, That Mr. Harrison do carry the resolutions to the Senate, and desire their concurrence.

*Senate Proceedings, Tuesday, 6 December 1791 (excerpts)*

A Message from the house of Delegates by Mr. Harrison.

Mr. Speaker,

The House of Delegates have agreed to . . . eleven resolutions ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of the amendments proposed by Congress to the constitution of the United States; to which they desire the concurrence of the Senate. And he delivered in the same and then withdrew. . . .

The other resolutions ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; were severally read the first time, and ordered to be committed to a committee of the whole House to-morrow.

*Senate Proceedings, Wednesday, 7 December 1791 (excerpts)*

The several orders of the day for this House to resolve itself into a committee of the whole House on . . . the several resolutions of the House of Delegates, ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; being read.

*Ordered*, that the same be put off 'till to-morrow.

And then the House adjourned till to-morrow morning 11 o'clock.

*Senate Proceedings, Thursday, 8 December 1791 (excerpts)*

The several orders of the day for this House to resolve itself into a committee of the whole House on . . . the several resolutions of the house of Delegates, ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; being read.

*Ordered*, that the same be put off 'till to-morrow.

And then the House adjourned till to-morrow morning 11 o'clock.

***Senate Proceedings, Friday, 9 December 1791 (excerpts)***

The several orders of the day for this House to resolve itself into a committee of the whole House on . . . the several resolutions of the house of Delegates, ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; being read.

Ordered, that the same be put off 'till to-morrow.

And then the House adjourned till to-morrow morning 11 o'clock.

***Senate Proceedings, Saturday, 10 December 1791 (excerpts)***

The several orders of the day for this House to resolve itself into a committee of the whole House on . . . the several resolutions of the House of Delegates, ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; being read.

Ordered, that the same be put off 'till to-morrow.

***Senate Proceedings, Monday, 12 December 1791 (excerpts)***

The several orders of the day for this House to resolve itself into a committee of the whole House on . . . the several resolutions of the house of Delegates, ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; being read.

Ordered, that the same be put off 'till to-morrow.

And then the House adjourned till to-morrow morning 11 o'clock.

***Senate Proceedings, Tuesday, 13 December 1791 (excerpts)***

The House according to the order of the day resolved itself into a committee of the whole House on the several resolutions of the House of Delegates, ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the Constitution of the United States; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Nelson reported, that the committee had, according to order, had the said resolutions under their consideration and made some progress therein, but not having time to go thro' the same, had directed him to move for leave to sit again.

Resolved that this House will to-morrow resolve itself into a committee of the whole House to take the said resolutions under their consideration.

And then the House adjourned till to-morrow morning 11 o'clock.

***Senate Proceedings, Wednesday, 14 December 1791***

The order of the day for this House to resolve itself into a committee of the whole House on the several resolutions of the House of Delegates, ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; being read.

Ordered, that the same be put off 'till to-morrow.

And then the House adjourned till to-morrow morning 11 o'clock.

*Senate Proceedings, Thursday, 15 December 1791*

The House according to the order of the day resolved itself into a committee of the whole House on the several resolutions of the House of Delegates ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the constitution of the United States; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wills reported, that the committee had, according to order, had the said resolutions under their consideration, and had gone thro' the same, and directed him to report them without any amendment.

The said resolutions were read the second time, and on the question thereupon being severally put, agreed to by the House.

Ordered that Mr. Carrington do acquaint the House of Delegates therewith.

*House of Delegates Proceedings, Thursday, 15 December 1791 (excerpts)*

A message from the Senate, by Mr. Carrington.

Mr. SPEAKER—The Senate have . . . agreed to the resolutions ratifying the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and 12th articles of amendments proposed by Congress to the Constitution of the United States. And then he withdrew.

*General Assembly Resolution on Congress' Proposed Amendments  
Thursday, 15 December 1791*

*Resolved* That the second Article of the Amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.

December 15th, 1791

Agreed to by the Senate.

John Pride S.S.

Thomas Matthews Sec. H.D.

*Senate Proceedings, Monday, 19 December 1791 (excerpts)*

Mr. Wills reported from the committee appointed to examine the enrolled bills, that the committee had, according to order, examined several other enrolled bills and resolutions to them referred, and found them to be truly enrolled. . . .

The Speaker then signed the following enrolled bills to wit: . . . Eleven resolutions ratifying the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles of amendments proposed by Congress to the Constitution of the United States: . . .

Ordered, that Mr. Wills do carry the said enrolled bills and resolutions to the House of Delegates and acquaint them that the said bills and resolutions have been examined by the Senate and signed by the Speaker.

*Governor Henry Lee to President George Washington, Council Chamber, Richmond  
22 December 1791*

The General Assembly during their late Session have adopted, on the part of this Commonwealth, all the amendments proposed by Congress to the Constitution of the United States; their ratification whereof I do myself the honor herewith to transmit.

I have the honor to be Sir, with entire respect

*Tobias Lear to U.S. Secretary of State Thomas Jefferson, Philadelphia, 30 December 1791*

By the President's command T. Lear has the honor to transmit to the Secretary of State the ratification by the Commonwealth of Virginia, of the Articles of Amendment proposed by Congress to the Constitution of the United States—and a letter which accompanied said ratification from the Governor of Virginia to the President of the United States.

*U.S. Secretary of State Thomas Jefferson to Governor Henry Lee, Philadelphia  
1 March 1792 (excerpts)*

I have the honor to send you herein enclosed . . . the ratification by three-fourths of the Legislatures of the several States, of certain articles in addition to & amendment of the Constitution of the United States proposed by Congress to the said Legislatures. . . .

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