

THE CONCILIATORY PROPOSITION IN THE MASSACHUSETTS CONVENTION OF 1788

BY GEORGE H. HAYNES

In many respects the problem which at this moment engages the United States Senate resembles the problem which confronted the conventions in the several States, after the draft of the Federal Constitution had been submitted to them for approval.

Then, as now, the question was whether they should ratify a plan for a more perfect union. Then, as now, this plan had been formulated in an assembly whose delegates for many months had worked behind closed doors, in even greater secrecy than that which veiled the Paris Conference. Then, as now, the assembly had disregarded limitations which explicitly or traditionally curbed the competence of such bodies, and submitted a project which was genuinely revolutionary. Then, as now, there were the most violent attacks upon the methods, the motives, the characters of the delegates who had formulated the project. Then, as now, there was much talk of the rights of "sovereign States," and the most jealous anxiety lest that sovereignty be in the slightest degree impaired. Then, as now, the outcome of the assembly's labors was an instrument of compromises. As such, it was satisfactory to not one of the delegates who signed it, and its provisions were no sooner published than they called forth the bitterest denunciation. Then, as now, some delegates had refused to sign a compact which they deemed prejudicial to the States which they represented.

An historical analogy should not be "made to go on all fours." Certain fundamental differences between these two historic situations at once suggest themselves. Thus, Massachusetts, New York, Virginia, and their sister States had never been "sovereign States" in any proper sense of that term; they had all been British dependencies, had united in asserting and maintaining not their individual but their common independence, and for half a dozen years had been managing their governmental affairs under what professed to be "Articles of Confederation and Perpetual Union." Obviously the foundations for "a more perfect Union" were more firmly laid among those American States along the Atlantic seaboard than among the motley of widely scattered nations represented at the peace table in Paris.

Nevertheless, then, as now, the great question before the people and the conventions in the several States was: Shall we give our assent to this secretly-framed, revolutionary instrument of compromises, which may provide a more perfect Union, but which in so doing will inevitably impair the "sovereignty" of our own State? And then, as now, the greatest inducement to ratification of the new plan of union—which many feared might prove an entangling alliance—lay in the belief that disorders at home and the menace of war with foreign nations threatened evils which could be avoided only by entrance into some firmer bond.

It is not the present purpose to summarize the grounds of approval or of disapproval of the proposed Constitution in those anxious months which preceded its final ratification, but rather to call to mind the attitude as to ratification taken by several leaders, the *impasse* which seemed to have been reached by the beginning of the year 1788, and the "conciliatory proposition," the acceptance of which by the Massachusetts Convention pointed the way of escape.

In the several States there were not a few men whose

individualism or whose prime concern for the interests of their own States led them into fierce denunciation of the proposed frame of government. Thus in the Virginia Convention, says McMaster, Patrick Henry's speeches "were, in truth, a singular mingling of appeals to God and the American spirit, with such reasons for hating the Constitution as were every night hiccoughed out in the taverns or printed every week in the *Chronicle*. . . . Would Virginia give to Congress a right to collect taxes, duties, imposts and excises? Were Virginians about to abandon their country to the depredations of excisemen? Did they intend that any Assembly but the General Assembly should tax them, or any tribunal but the courts of Virginia adjust their disputes? . . . The new plan was a pernicious, an impolitic, a dangerous system. It was a great consolidated government A standing army would do the will of tyrants. . . . These and a hundred other arguments, just as shallow and absurd, he continued for ten days to set forth, with all the eloquence and ingenuity of which he was master."*

But there were other Virginians of deeper insight and greater sense of responsibility. So thoroughgoing an individualist as Jefferson could not fail to find much that was repugnant in the proposed plan. Nevertheless, he felt it imperative that the Constitution be ratified. He declared: "It will be more difficult, if we lose this instrument, to recover what is good in it than to correct what is bad after we shall have adopted it." At first it was his hope that nine States would promptly ratify it, "in order to conserve what was good in it, and that the others might, by holding off, produce the necessary amendments.¹ In similar fashion, there are those today who would consider it a world catastrophe if the League of Nations should not come into effect, but prefer that

*History of the People of the United States, I, 491.

¹Letter, Paris, May 27, 1788.

other nations shall put the League into operation, while the United States, "by holding off," may "produce the necessary amendments."

Washington, who had presided over the secret sessions of the Constitutional Convention during those five anxious months in Philadelphia recognized clearly the danger of attempting to force amendments as a condition of ratification. Again and again his letters make this plain. Thus² a week before the Massachusetts Convention assembled, he was writing to Edmund Randolph:

To my judgment it is more clear than ever, that an attempt to amend the constitution, which is submitted, would be productive of more heat and greater confusion than can well be conceived. There are some things in the new form, I will readily acknowledge, which never did, and I am persuaded never will, obtain my cordial approbation; but I did then conceive, and do now more firmly believe, that in the aggregate it is the best constitution, that can be obtained at this epoch, and that this, or a dissolution of the Union, awaits our choice, and is the only alternative before us. Thus believing, I had not, nor have I now, any hesitation deciding on which to lean.

A month later³ he wrote to Lafayette:

Some respectable characters have wished that the States, after having pointed out whatever alterations and amendments may be judged necessary, would appoint another federal convention to modify it (the Constitution) upon those suggestions. For myself, I have wondered that sensible men should not see the impracticability of this scheme. The members would go fortified with such instructions, that nothing but discordant ideas could prevail. Had I but slightly suspected, at the time when the late Convention was in session, that another Convention would not be likely to agree upon a better form of government, I should now be confirmed in the fixed belief that they would not be likely to agree upon any system what ever; so many, I may add, such contradictory and unfounded objections have been urged against the system in contemplation, many of which would operate equally against every effective government that might be proposed. I will only say, as a further opinion founded on

²January 1, 1788. *The Writings of Washington*, (Sparks, 1835) IX, p. 297.

³February 7, 1788. *Ibid.* p. 318.

the maturest deliberation, that there is no alternative, no hope of alteration, no intermediate resting-place, between the adoption of this and a recurrence to an unqualified state of anarchy, with all its deplorable consequences.

To John Armstrong⁴ he wrote:

That the proposed Constitution will admit of amendments is acknowledged by its warmest advocates: but to make such amendments as may be proposed by the several States the condition of its adoption would, in my opinion, amount to a complete rejection of it; for upon examination of the objections which are made by the opponents in the different States, it will be found that what would be a favorite object with one State, is the very thing which is strenuously opposed by another. The truth is, we are too apt to be swayed by local prejudices, and those who are so fond of amendments, which have the particular interests of their own State in view, cannot extend their ideas to the general welfare of the Union. They do not consider, that, for every sacrifice which they make, they receive an ample compensation by the sacrifices, which are made by other States for their benefit; and that those very things which they give up, operate to their advantage through the medium of the great interest.

In addition to these considerations, it should be remembered that a constitutional door is opened for such amendments as shall be thought necessary by nine States. When I reflect upon these circumstances, I am surprised to find, that any person who is acquainted with the critical state of our public affairs, and knows the variety of views, interests, feelings and prejudices, which must be consulted in framing a general government for these States, and how little propositions in themselves so opposite to each other will tend to promote that desirable end, can wish to make amendments the *ultimatum* for adopting the offered system.

That improvement in the Constitution must come after, not before, its ratification he repeatedly urged. To Lafayette he wrote:

We are not to expect perfection in this world; but mankind, in modern times, has apparently made some progress in the science of government. Should that, which is now offered to the people of America, be found on experiment less perfect than it can be made, a constitutional door is left open for its amelioration.

⁴April 25, 1788. Ibid. p. 351.

To this same thought he recurs in a letter to Bushrod Washington:⁵

The warmest friends and the best supporters the Constitution has, do not contend that it is free from imperfections; but they found these unavoidable, and are sensible, if evil is likely to arise therefrom, the remedy must come thereafter. In the present moment it is not to be obtained; and, as there is a constitutional door open for it, I think the people (for it is with them to judge) as they will have the advantage of experience on their side, can decide with as much propriety as ourselves on the alterations and amendments which are necessary. I do not think we are more inspired, have more wisdom or possess more virtue than those who will come after us.

With this view Henry Knox was in entire accord. To Lafayette he had written, a few weeks after the draft Constitution had been published:⁶

In desiring that the proposed government may be adopted I would not have you believe that I think it all perfect. There are several things in it that I confess I could wish to see altered. But I apprehend no alterations can be effected peaceably. All the States represented agreed to the Constitution as it stands. There are substantial reasons to believe that such an agreement could not again be produced even by the same men.

The outcome of the Massachusetts's Conventions deliberations was awaited with keen expectancy, for it was generally recognized that her decision was likely to determine the Constitution's fate. Five States had promptly given their ratification, but there the movement stalled, and in Pennsylvania retraction of the ratification was being vigorously urged by the minority. The New Hampshire Convention had hardly met when it was adjourned, avowedly to await the Massachusetts verdict. Madison wrote to Washington that the decision of Massachusetts would involve the result in New York, and he added that an adverse decision would also probably embolden the

⁵February 7, 1788. *Ibid.* p. 318.

⁶October 24, 1787. F. S. Drake, *Life of Henry Knox*, p. 96.

Pennsylvania minority to set at naught the ratification in that State and make some rash but dangerous move against the new system.

With like expectancy the world today awaits the action of the United States Senate, which is to say whether the League of Nations shall have substance and reality. Is there a single signatory to the Treaty whose people will not clamor that alterations be made in its interest, if the United States Senate gives the cue in a conditional or qualified ratification?

How did the Massachusetts Convention face its similarly momentous decision? Opposition to the Constitution was known to be strong. It was the current report that from twenty to thirty of Shays's officers were members of the Convention. Edward Bangs wrote to George Thatcher (January 1, 1788): "Of upwards of 50 members for this (Worcester) county not more than seven or eight delegates are of my present sentiments, [i. e. favorable to the Constitution,] and yet some of them are good men.—Not all insurgents, I assure you." The Federalists saw clearly that the opposition to the Constitution was so widely distributed and so deep-rooted that ratification would be impossible unless the grounds of that opposition were frankly recognized and unless there were opened up a hopeful prospect for their removal. An agreement was promptly reached that no votes should be taken till the provisions of the Constitution had received thorough consideration. But the Federal leaders soon became convinced that defeat awaited them, unless votes could be won by some compromise. They took counsel together, and formulated their proposals. Theophilus Parsons, so his son later declared, wrote these resolutions, and every word of them. Then the problem was how to launch them in the Convention. It was essential that the proposal should "seem to emanate from some one who, if not an opponent of the Constitution, had at least taken no steps toward securing its adoption; from some one,

too, in whom the popular party had full confidence.”⁷

This combination of qualities was found in John Hancock, Governor of the Commonwealth and titular President of the Convention. “Up to January 30 his gout, a convenient disease which, as John Adams had remarked some years before, always seized him when there was anything unpleasant or unpopular to do, had prevented him from taking his seat in the Convention. Ten days before, Rufus King had ironically written: “Hancock is still confined, or rather he has not yet taken his seat: as soon as the majority is exhibited on either side, I think his Health will suffice him to be abroad.” Gerry’s biography also conveys the same impression. “The Governor” he writes,⁸ “has held his opinions in reserve; both parties chose to claim his vote. In this doubtful state of things, each was anxious to secure his influence, while they, who were not his friends, attributed his absence not so much to disease, which was the assigned cause, as to a desire of knowing which side should be taken for popularity.”

To the Convention’s President, absent in body and supposedly open of mind, the Federalist leaders therefore resorted. Gerry’s biographer gives a crabbed account of what he understood took place at that interview. They presented “a series of amendments, which had been the result of much anxious deliberation. These could not, indeed, be incorporated into the Constitution by the vote of a State, but they could accompany the ratification as the wish and expectation of this important member of the confederation, and be by that measure finally secured. They tendered to his excellency the honor of proposing them in Convention. The reputation of having devised this middle course, the credit of announcing

⁷So writes Prof. Samuel B. Harding whose monograph, “The Federal Constitution in Massachusetts,” gives an excellent account of the course of events attending the ratification in this Commonwealth. Harvard Historical Studies, 1896. See p.85.)

⁸J. T. Austin, *Life of Elbridge Gerry*, II, p. 73.

it, the imperishable glory of its success, they had deemed it respectful to offer to him, that to the fame of having given his official sanction to the declaration of his country's independence, might be added that of securing for it a permanent constitution of government." These glowing phrases are probably the product of Gerry's historical imagination, for he was an outsider. It seems evident that more definite allurements were presented,—for, a few days after the interview, Rufus King wrote to Henry Knox: "Hancock will hereafter receive the universal support of Bowdoin's friends, and we tell him that if Virginia does not unite, which is problematical, that he is considered the only fair candidate for President."⁹

Accordingly, January 30, Governor Hancock's health did "suffice him to be abroad." "The charm was irresistible. Wrapped in his flannels, Hancock . . . took the chair of the Convention, and a scene ensued more in the character of a dramatic representation, than of that serious and important business, which was the occasion of the assembly. In a speech, vain and plausible enough in itself, but sufficiently ludicrous to those behind the scenes, the Governor and President announced the anxiety of his mind, his doubts, his wishes, his conciliatory plans."¹⁰

To quote from the report of his speech, as given in the Debates of the Convention:

His situation had not permitted him to enter into the debates of this Convention: it however appeared to him necessary from what had been advanced in them, to adopt the form of government proposed; but, observing a diversity of sentiment in the gentlemen of the Convention, he had frequently had conversation with them on the subject; and from this conversation, he was induced to propose to them, whether the introduction of some general amendments would not be attended with the happiest consequences. For that purpose he should, with the leave of the honorable Convention, submit to their consideration a proposition, in order to remove the

⁹E. S. Drake, *Life of Henry Knox*, p. 98. (Feb. 3, 1788.)

¹⁰*Life of Gerry*, II, p. 75.

doubts, and quiet the apprehensions of gentlemen He should, therefore, submit them; for he was, he said, unable to go more largely into the subject, if his abilities would permit him; relying on the candor of the Convention to bear him witness that his wishes for a good Constitution were sincere. [His Excellency then read his proposition.] This, gentlemen, concluded his Excellency, is the proposition which I had to make and I submit it to your consideration, with the sincere wish that it may have a tendency to promote a spirit of union."¹¹

The essential feature of the proposal—"a scheme so simple, and yet so important in its results"—was that Massachusetts should give the Constitution an unqualified ratification, but should accompany that action by urging the prompt addition of specific amendments.

The effect of its introduction was instantaneous. No sooner had Hancock ended his speech when Samuel Adams took the floor. Up to this moment he had been neutral in the Convention, though known to be strongly opposed to some features of the Constitution. He began:

"Mr. President: I feel myself happy in contemplating the idea that many benefits will result from your Excellency's *conciliatory proposition*, to this Commonwealth and to the United States; . . . I have said, that I have had my doubts of this Constitution. I could not digest every part of it, as readily as some gentlemen; . . . Other gentlemen have had their doubts, but in my opinion, the proposition submitted, will have a tendency to remove such doubts and to conciliate the minds of the Convention and the people without doors. This subject, Sir, is of the greatest magnitude, and has employed the attention of every rational man in the United States; but the minds of the people are not so well agreed on it as all of us could wish. A proposal of this sort, coming from Massachusetts, from her importance, will have its weight. Four or five States have considered and ratified the Constitution as it stands; but we know there is a diversity of opinion, even in these States, and one of them is greatly agitated. If this Convention should particularize the amendments necessary to be proposed, it appears to me it must have

¹¹Massachusetts Convention, 1788 (Ed. of 1856) p. 225.

weight in other States where Conventions have not yet met." He therefore moved that the proposition be at once taken into consideration by the Convention."¹²

Brought forward by John Hancock and immediately enlisting the support of Samuel Adams, the proposition was assured of the Convention's earnest attention. "On motion of a doubtful character" (to use Madison's phrase), it was promptly referred to a large committee, consisting of two members from each of the large counties, and of one from two small ones. It was characteristic of the spirit of the Convention that it was further agreed that "each county should nominate their own members, and that they should take one who had given his vote for, and one who had given his opinion against, the Constitution, in each county wherein two were chosen."¹³

Nevertheless, Madison reported to Washington: "We have a majority of Federalists on this committee, and flatter ourselves the result will be favorable."¹⁴

That forecast proved justified. The committee made no essential changes; they did little else than fill certain blanks which had been left in the original draft. In less than a week the Convention was ready for the final vote. On that very morning, Samuel Adams introduced a series of amendments—in the nature of a Bill of Rights—to be added to those reported by the Committee. In the words of the record of the Debates of the Convention: "But they not meeting the approbation of those gentlemen whose minds they were intended to ease, after they were debated a considerable time, the honorable gentlemen withdrew them." They were, however, promptly proposed by another member, whereupon Adams found himself constrained to vote against the measure

¹²Ibid. pp. 225-6.

¹³Benjamin Lincoln to George Washington, Feb. 3, 1788.

¹⁴Works of Madison, I, 376. Feb. 11, 1788.

which he had himself proposed. Of this peculiar episode Jeremy Belknap wrote that Adams¹⁵

“had almost upset the applecart by *intruding* an amendment on the morning of the day of ratification . . . It was apprehended this manoeuver lost the Constitution several votes. Some suspect his *intention* was to upset the whole; but ‘Charity hopeth all things,’ and I am seriously of the mind that it rather proceeded from vanity of increasing his *own* popularity, as Hancock had his, by the midwifeing the other amendments into the world. Had it not been for this step, the whole exertion had been in vain. Adams has made himself unpopular.”

In a conciliatory speech, urging all to acquiesce in the decision expressed by the majority, President Hancock, February 6, submitted to the Convention the question of ratifying the Constitution. The vote stood: Yeas, 187; Nays, 168, so that it was carried by a majority of nineteen.¹⁶

Despite the narrowness of the majority, the vote was accepted as decisive and in the closing hours of the Convention many of the Constitution’s former opponents acknowledged that many of their doubts had been removed, that they had been fairly outvoted, and declared their intention of going back to their constituents and trying—as one Worcester County member phrased it—“to infuse a spirit of harmony and love among the people”. Throughout the Commonwealth the action of the Convention soon met with cordial acquiescence, even in the counties where opposition had been most pronounced.

What were these amendments, whose proposal had such a conciliatory effect, and in what form were they associated with the resolution of ratification? The essential portions of the resolution are as follows:¹⁷

¹⁵Letter to Hazard, Feb. 10, 1788. Massachusetts Historical Society, *Collections* Fifth Series, III, 17.

¹⁶It is interesting to observe that Worcester County’s delegation proved impervious to argument. Only two or three of them had taken any part in the debates. In the final vote their stand was exactly as Bangs had forecast it before the Convention assembled,—43 against ratification to seven in favor of it.

¹⁷Journal of the Convention of 1788. (Ed. of 1856) pp. 83-85.

The Convention, having impartially discussed and fully considered the Constitution of the United States of America . . . do, in the name and in behalf of the people of the Commonwealth of Massachusetts, *assent to and ratify* the said CONSTITUTION FOR THE UNITED STATES OF AMERICA.

And as it is the opinion of this Convention, that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the federal government, the Convention do therefore recommend that the following alterations and provisions be introduced into the said Constitution.

The nine proposed amendments may be summarized as follows:

- First.* That it be explicitly declared, that all powers not expressly delegated by the Constitution, are reserved to the several States. (Cf. Article X, Amendments.)
- Second.* That there should be one representative to every 30,000, until the whole number of representatives reached 200.
- Third.* That Congress should exercise the power to regulate elections only when a State neglected or refused to make adequate provision therefor, or made regulations subversive of the rights of the people to a free and equal representation.
- Fourth.* That Congress should lay direct taxes only when the revenue from imposts and excises was insufficient.
- Fifth.* That Congress should erect no company with exclusive advantages of commerce.
- Sixth.* That indictment by a grand jury must precede trial for a capital or otherwise infamous crime, except in the land or naval forces. (Cf. Amendment V.)
- Seventh.* That in suits between citizens of different States the jurisdiction of the Federal Courts should be limited to causes wherein the matter in dispute was of a certain value.
- Eighth.* That in all civil actions between citizens of different States, every issue of fact arising in actions at common law, should be tried by a jury, at the request of either party. (Cf. Amendment VII.)
- Ninth.* Congress shall at no time consent that any person holding an office of trust or profit under the United States, shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state. (Cf. Art. I, Sec. 9, Par. 8.)

Then followed the paragraph which set forth the future course to be pursued as to these proposals:—

“And the Convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their representatives in Congress, at all times, until the alterations and provisions aforesaid have been considered, agreeably to the fifth article of the said Constitution: to exert all their influence and use all reasonable and legal methods to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.” And with the formal notice of the assent and ratification of the Constitution this recommendation and injunction should also be transmitted to the United States, in Congress assembled.

The importance which at the time was attached to the Massachusetts Convention's action is evidenced by the eager comment upon it in the letters of leaders of the day. Hardly a week passed during its sessions in which Washington did not receive direct personal reports of its doings from his own correspondents in Boston, or from Madison and others conveying the news which had reached them. Washington's solicitude as to the outcome was very great. To Benjamin Lincoln¹⁸ he wrote: “There is no doubt but the decision of other States will have great influence here, particularly one so respectable as Massachusetts.” To Madison, a few weeks later, he wrote:¹⁹ “A rejection of the new form by that State (Massachusetts) would invigorate the opposition, not only in New York, but in all those which are to follow; at the same time it would afford materials for the minority in such as have already agreed to it, to blow the trumpet of discord more loudly.”

Nine days had passed after the ratification before Madison could relieve Washington's anxiety by this message: “I have at length the pleasure to enclose to you the favorable result of the Convention at Boston. The amendments are a blemish, but are

¹⁸Washington's Writing, IX, p. 311. Jan. 31, 1788.

¹⁹Feb. 5, 1788. Ibid. p. 312.

in the least offensive form."²⁰ To this, Washington replied: "The decision of Massachusetts, notwithstanding its concomitants, is a severe stroke to the opponents of the proposed constitution in this State."²¹ To Benjamin Lincoln he wrote: "The conciliatory behaviour of the minority will strike a damp on the hopes, which opponents in other States might otherwise have formed from the smallness of the majority, and must be greatly influential in obtaining a favorable determination in those States which have not yet decided upon it."²² To Henry Knox he sent the comment: "Had this (ratification) been done without its concomitants, by a larger majority, the stroke would have been more severely felt by the anti-federalists in other States. As it is, it operates as a damper to their hopes, and is a matter of disappointment and chagrin to them all . . . It will be very influential on the equivocal States."²³ In reporting the outcome to Lafayette, Washington wrote:²⁴ "Massachusetts adopted the constitution *in toto*, but recommended a number of specific alterations as an early, serious and unremitting subject of attention."

There were some who felt slight confidence in the course which had been here pursued. Thus Richard Henry Lee²⁵ wrote: "Massachusetts, I see, had adopted the plan, but proposes to insist perseveringly on amendments. If it were permitted an individual to question so enlightened an assembly, I would ask, why submit to a system requiring such amendments, and trust to creatures of our own creation, for the correcting of evils in it that threaten the destruction of those ends for which the system was formed."

²⁰Feb. 15, 1788. Works of Madison, I, p. 376.

²¹Virginia, Writings of Washington, IX, p. 330. March 2, 1788.

²²Feb. 28, 1788. Ibid, p. 328.

²³March 3, 1788. Ibid. p. 333.

²⁴April 28, 1788. Ibid. p. 357.

²⁵April 28, 1788.

But, on the other hand, the hitherto doubting Thomas Jefferson, when the news from Boston reached him in Paris, at once declared the Massachusetts solution far preferable to that which he, himself, had advocated, and expressed the hope that this example—this “noble conduct” of Massachusetts—would be “followed by the [States] who are yet to decide,” declaring that, if they did so, “it is impossible but that they must attain the essential amendments.”²⁶

Of the actual influence which the action of the precedent set by the Massachusetts Convention exercised, Professor Harding says: “The ratification of the proposed Constitution by Massachusetts was the turning point in the contest. Not only had that State influence enough to decide many who before had been wavering, but she had by her conciliatory proposition shown a way by which the Constitution might be saved, while at the same time the dangers would be obviated which many conceived would result from unconditional acceptance. . . . To the rank and file of the opposition in other States, as in Massachusetts, the idea proved exceedingly taking.

. . . The most striking testimony to the influence of Massachusetts in this particular, however, is found in the action of the Conventions themselves. Prior to the inauguration by Massachusetts of the practice of recommending amendments, the issue presented had been the bare one of acceptance or rejection. Of the five States which had already ratified the Constitution, not one had officially proposed a single amendment to that instrument. After Massachusetts had once pointed out the way, however, all this was changed: of the seven States which had yet to ratify, only one, Maryland, omitted to take such action.”

Great doors often turn upon small hinges. But for our Convention’s adoption of that “conciliatory proposition,” it would seem that the ratification of the Constitution would have been impossible. The only

²⁶Writings of Jefferson, (May 27, 1788) V. 20; (June 3), p. 23-5.

alternative, so Washington declared, would have been "a recurrence to an unqualified state of anarchy."²⁷ Yet hardly had the new government been put in operation than Americans' attitude toward the Constitution underwent an almost incredible transformation. Von Holst follows his account of the desperate struggle over the Constitution's ratification by a chapter entitled, "The Worship of the Constitution." Years later, Mr. Bryce observed: "It has long been the habit of Americans to talk of their Constitution with almost superstitious reverence."

Out of the 103 amendments suggested by the various States, the First Congress approved twelve, which were submitted for ratification. Ten of these forthwith were added to the Constitution. In these ten amendments we find traces of only three of those nine proposals which had been put forward in the Massachusetts Convention, under such critical circumstance. It may be doubted whether even these proposals, which did find their way into the fundamental law through what Washington called the "constitutional door," made any material difference in the development through which our government was to pass. As to the other six proposals, it needed but a few years' experience to prove some of them superfluous, some immaterial, and at least one preposterous. Our representatives in Congress speedily forgot that solemn injunction that they "exert all their influence, and use all reasonable and legal methods to obtain a ratification" of those precious amendments. Yet it was genuine statesmanship which formulated them to meet the anxious fears of Massachusetts opponents of the Constitution, and which secured their being put forward in such wise as not to delay or endanger the formation of that more perfect union the need for which was becoming so tragically evident.

The clock from the stairway yonder warns me that I have trespassed too long upon your patience. One

²⁷Writings, IX, p. 319.

hundred and thirty-one years ago, that very clock, in John Hancock's home, warned him that the time had come for him, wrapped in his flannels, to proceed to the Convention, to introduce that "conciliatory proposition." At this moment, as four generations ago, the opportunity to formulate and to secure the adoption of a new "conciliatory proposition," upon which shall turn the fate, not of a more perfect union of a few little American States but of the League of all the Great Nations of the earth, may lie within the grasp of another Massachusetts statesman, her senior Senator, an honored member of this Society.

When four generations more shall have passed, will meetings of this already venerable Society still gather in this Library, built to bid defiance to Time? Will John Hancock's clock still chime a reminder of its owner's part in connection with the ratification of the Constitution, and all the progress which that act made possible? Will the objections which today delay America's acceptance of membership in the League of Nations then seem momentous enough to justify her refusal to join the League, or to justify the qualifying of her ratification of the Treaty with such reservations as will force the re-opening of all the major issues at the Paris Conference, or to justify the withdrawal of America from all concern with the affairs of the other nations of the earth, except as Congress may decide that America's interests are involved? Will America's best service to the world then be seen to have required such withdrawal? Or, in comparison with the earnest seeking to attain a League of Nations which shall enforce peace and justice, will these anxiously debated present-day amendments and reservations seem as superfluous, as immaterial, as most of the nine suggested amendments which constituted that "conciliatory proposition" of long ago?

Who shall say? For Antiquarians what rôle could be less fitting than that of the prophet!

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