

SENATE.....No. 13.

---

**Commonwealth of Massachusetts.**

---

IN GENERAL COURT, A. D. 1832.

*Resolved*, by both Houses, the same being agreed to by a majority of the Senators, and by two thirds of the members of the House of Representatives, present, and voting thereon, That it is proper and expedient to alter and amend the Constitution of this Commonwealth, by adopting the subjoined Article of Amendment; and that the same, as thus agreed to, be entered on the journals of the two Houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen, and that the same be published, to the end that if agreed to by the General Court next to be chosen, in the man-

ner provided by the Constitution, it may be submitted to the People for their ratification, in order that it may become a part of the Constitution of this Commonwealth.

## ARTICLE OF AMENDMENT.

Instead of the Third Article of the Bill of Rights, the following modification and amendment thereof is substituted :

As the public worship of God, and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a Republican Government :—Therefore, the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction and for the payment of necessary expenses :—And all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract, which may be thereafter made or entered into by such society :—And all religious sects and denominations demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law :—and no subordination of any one sect or denomination, to another, shall ever be established by law.

IN HOUSE OF REPRESENTATIVES, February 10, 1832.

The foregoing Resolution and Article of Amendment to the Constitution, having been passed and adopted in this House, two thirds of the members present, and voting thereon, having voted in the affirmative, the same are accordingly sent to the Senate.

W. B. CALHOUN, *Speaker.*

---

IN SENATE, March 9, 1832.

The foregoing Resolve and Article of Amendment, having been agreed to by the Senate, a majority of the members present, and voting thereon, the same, agreeably to the provisions of the Constitution, are referred to the General Court next to be chosen.

WILLIAM THORNDIKE, *President.*

IN HOUSE OF REPRESENTATIVES, January 17, 1833.

The foregoing Resolve and Article of Amendment to the Constitution having been passed and adopted in this House, two thirds of the members present and voting thereon, having voted in the affirmative, the same are accordingly sent to the Senate.

W. B. CALHOUN, *Speaker.*

---

IN SENATE, January 18, 1833.

Committed to Messrs. HOAR, WILLIAMS, and FRENCH.

Attest, CHARLES CALHOUN, *Clerk.*

## REPORT.

---

The Committee of the Senate, to whom was committed the consideration of the proposed Amendment of the Constitution in the Third Article of the Bill of Rights, which passed the last Legislature, and has been sent up from the House of Representatives at the present Session, have attended to the duty assigned to them, and respectfully submit the following

## REPORT.

The amendment proposed, was prepared after the presentment to the Legislature of a great number of petitions, from various parts of the Commonwealth, praying for such a change in the Constitution, that no person

should, in future, be compelled to contribute any thing toward the support of religious instruction or public worship. Your Committee do not find, in the petitions thus presented, any denial of the truth of the general principle announced in the introductory clause of the Third Article of the Bill of Rights, as "essential to the happiness of the people, and the good order and preservation of civil government." No one, as far as your Committee are informed, has denied either the truth or the importance of this principle. Yet the amendment under consideration, proposes to expunge this part of that Article from the Constitution. The substitute merely states that the public worship of God, and the inculcation of piety, religion and morality, promote the happiness and prosperity of a people, and the security of a Republican Government. Your Committee perceive no reason for this change.

As far as the proposed alteration will operate to produce a liberation of the citizens of the Commonwealth from all liability to compulsory taxation, for the support of religious instruction and public worship, a majority of the Committee are of opinion that, in the existing state of the ecclesiastical societies in the Commonwealth, it is expedient, that the proposed alteration should be made in the Constitution; and, as the specific alteration now under consideration must pass as it is, or be wholly rejected, although they feel strongly desirous of retaining the introductory clause of the Third Article of the

Bill of Rights as it now exists, the same majority of the Committee think it best, that said amendment should pass.

By order of the Committee.

SAMUEL HOAR,  
*Chairman,*

The Chairman dissenting.