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John R. Lansing's Proposed Amendments: New York Convention, 10 July 1788 (excerpt)

JOHN LANSING, JR.: PLAN OF AMENDMENTS.¹ In Convention.

This Convention having deliberately and maturely examined and considered the proposed Constitution reported to Congress by the Convention of delegates from the United States of America submitted to this Convention by concurrent Resolutions of the Senate and Assembly of the State of New York passed at their last Session do in the Name & in Behalf of the people of the State of New York make known and declare—

Resolved

That all *Freemen* Men have essential Rights of which they cannot by Compact deprive or divest [their Posterity, among which are the?] Enjoyment of Life & Liberty & the pursuit of Happiness. <19th agd>

That all power is originally vested in & consequently derived from the people & that Government is instituted for their common Benefit, protection & Security. <agd>

That in all Cases in which a Man may be subjected to a capital or infamous punishment no one ought to be put to his Trial unless on an Indictment by a grand Jury & that in all capital or criminal prosecutions the accused hath a Right to demand the Cause & Nature of his Accusation; to be confronted with his Accusers and Witnesses to produce Testimony and have Council in his Defence and to a fair public & speedy Trial by an impartial Jury of the County in which the Crime was committed without whose unanimous Consent he ought not to be found guilty (except in the Government of the Land & Naval Forces) nor ought he to be compelled to give Evidence against himself. <agd>

That no Freeman ought to be taken imprisoned or dissiesed of his Freehold or be exiled or deprived of his privileges Franchises, Life, Liberty or property but by due Course Process of Law.² <agd>

That no person ought to be put in Jeopardy of Life or Limb or otherwise punished twice for one & the same offence except in Cases of Impeachmt.³ <agd>

That every Freeman restrained in his Liberty is entitled to an Enquiry into the Lawfulness of such Restraint without Denial or Delay and to a Removal there of if unlawful. <agd>

That in all Cases Controversies respecting property and in all Suits between Man & Man the antient Trial of Facts by Jury is one of the greatest Securities of the Rights of a free people & ~~ought to remain secured & inviolate forever.~~ <agd>

That excessive Bail ought not to be ~~taken~~ required nor excessive punishments inflicted. <agd>

That every Freeman has a Right to be secure from all *unreasonable* Searches & Seizures of his person his papers & his property without Information upon Oath or Affirmation of sufficient Cause & that all general warrants to search suspected places or to apprehend any suspected person without specially describing or naming the place or person are dangerous & oppressive & ought not to be granted.⁴ <agd>

That the people have a Right peaceably to assemble together to consult for their common Good or to instruct their Representatives and that every Freeman has a Right to petition or apply to the Legislature for a Redress of Grievances. <agd>

That the Freedom of the press ought not to be violated or restrained. <agd>

That the Militia should always be kept well organized armed & disciplined and include, according to past usages of the States, all the Men capable of bearing Arms and ought not to be subject to martial Law (except in Time of War Invasion or Rebellion) and that in all Cases the Military should be under strict Subordination to the civil power. <3. agd>

That standing Armies in Time of peace are dangerous to Liberty & ought not to be kept up but in Case of absolute Necessity. <agd>

That no Soldier in Time of peace ought to be quartered in any House without the Consent of the owner & in Time of War only by the civil Magistrates in such Manner as the Law may direct. <agd>

~~That any person religiously Scrupulous of bearing Arms ought to be exempted therefrom upon payment of an Equivalent.⁵~~

That the free and peaceable Exercise & enjoyment of religious profession & worship is a natural & unalienable Right & ought never to be abridged or violated. <agd> . . .

1. This item in the hand of John Lansing, Jr., is in the McKesson Papers at the New-York Historical Society. It is docketed "A." On the top of the first page are two lines: "July. 10th.—1st. Motion/July 19th. 88. 2d. Motion." Contemporary annotation throughout the document indicates whether the various provisions were agreed to, were to be moved, or were disagreed with. A number is sometimes given to indicate the order in which the provision was to appear in the final form of ratification. The annotation for each provision follows it in angle brackets. The last two paragraphs were added later by McKesson on a separate page.

John McKesson's working draft of the committee of the whole report reads: "That the said proposed Constitution of Government having been read, was considered and debated by Clauses, and afterwards sundry Amendments were proposed thereto from day to day until the 10th. day of July Instant, ~~on which day the several Amendments proposed with a form of a Ratification delivered by Mr. Lansing was read in the words following vizt.~~" Both the final version of the working draft and the printed committee of the whole report omits 10 July and continues with John Jay's motion of 11 July.

2. The original version reads "but by the Law of the Land." The original version was not crossed out but was replaced by the final version "due Course Process of Law."

3. The original version "unless upon Impeachment" was not crossed out but was replaced by the final version "except in Cases of Impeachmt."

4. "See Virginia Plan" is in the margin—a reference to the recommendatory amendments proposed by the Virginia Convention.

5. This amendment was crossed out and the following note appears in the margin: "[— —] ~~here~~ and to be Inserted in some other part."

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XXII: New York [4] (Madison, Wis.: Wisconsin Historical Society Press, 2008), 2119–21.