New Hampshire Convention Amendments, 21 June 1788

The New Hampshire Convention convened in Exeter on 13 February 1788. Realizing they lacked the votes needed to ratify, Federalists convinced the Convention to adjourn on the 22nd without ratifying the Constitution and to meet again in Concord on 18 June. The Convention reconvened on 18 June, and the next day Federalist Samuel Livermore moved that a committee be appointed to consider amendments to the Constitution. anti-federalist Joshua Atherton moved to postpone Livermore's motion so that the delegates could continue to discuss the Constitution. Livermore (supported by other Federalists) thought that "the general debate" would be "a needless waste of time"; the Constitution "had been fully debated at Exeter." Atherton and other antifederalists, however, stated that the debates at Exeter were only an introduction to what they wanted to say. "After considerable debate," the Convention postponed Livermore's motion and the delegates spent the rest of the day in "a general discussion" of the Constitution.

The Convention having ratified the new Constitution, were of opinion that the following amendments and alterations in the same, would remove the fears and quiet the apprehensions of many of the good people of this state, and at the same [time] guard against an undue administration of the federal government, they therefore recommended that they be introduced into the said Constitution,

1st. That it be explicitly declared, that all powers not expressly and particularly delegated by the aforesaid Constitution, are reserved to the several states, to be by them exercised.

2d. That there shall be one representative to every 30,000 persons, according to the census mentioned in the Constitution, until the whole number of the representatives amounts to 200.

3d. That Congress do not exercise the powers vested in them by the 4th section of the first article, but in cases when a state shall neglect or refuse to make the regulations therein mentioned, or shall make regulations contrary to a free and equal representation.

4th. That Congress do not lay direct taxes, but when the money arising from the Impost, Excise, and their other resources are insufficient for the public exigenc[i]es; nor then, until Congress shall have first made a requisition upon the states to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said constitution, in such way and manner as the legislature of the state shall think best; and in such case if any state shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion—together with interest thereon at the rate of 6 per cent. per annum, from the time of payment prescribed in such requisition.

5th. That Congress erect no company of merchants, with exclusive advantages of commerce.

6th. That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury; except in such cases as may arise in the government and regulation of the land and naval forces.

7th. All common law causes between citizens of different states shall be commenced in the common law courts of the respective states—and no appeal shall be allowed to the federal court in such cases, unless the sum or value of the thing in controversy amount to 3000 dollars.[1]

8th. In civil actions between citizens of different states, every issue of fact arising in actions at common law, shall be tried by a jury, if the parties or either of them request it.

9th. 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.

10th. That no standing army shall be kept up in time of peace, unless with the consent of three-quarters of the members of each branch of Congress—nor shall soldiers in time of peace be quartered upon private houses, without the consent of the owner.

11th. Congress shall make no laws touching religion, or to infringe the rights of conscience.

12th. Congress shall never disarm any citizen, unless such as are or have been in actual rebellion.

1. The seventh Massachusetts amendment reads: "The supreme judicial federal court shall have no jurisdiction of causes between citizens of different states, unless the matter in dispute, whether it concerns the reality or personality, be of the value of three thousand dollars, at the least: Nor shall the federal judicial powers extend to any actions between citizens of different states where the matter in dispute, whether it concerns the reality or personality, is not of the value of fifteen hundred dollars, at the least."

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