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New York Recommendatory Amendments *Poughkeepsie Country Journal*, 12 August 1788

The Recommendatory Amendments of
the Convention of this State to the New Constitution.

And the Convention do in the name and behalf of the people of the State of New-York, enjoin it upon their representatives in the Congress, to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution in the manner prescribed therein, and in all laws to be passed by the Congress in the mean time, to conform to the spirit of the said amendments as far as the Constitution will admit.

That there shall be one Representative for every thirty thousand inhabitants, according to the enumeration or census mentioned in the Constitution, until the whole number of Representatives amounts to two hundred; after which that number shall be continued or increased, but not diminished, as Congress shall direct, and according to such ratio as the Congress shall fix, in conformity to the rule prescribed for the appointment of Representatives and direct taxes.

That the Congress do not impose any excise on any article (except ardent spirits) of the growth, production or manufacture of the United States, or any of them.

That Congress will not lay direct taxes but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies, nor then, until Congress shall first have 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 Legislatures of the respective States shall judge 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 at the rate of six per centum per annum, from the time of payment prescribed in such requisition.

That the Congress shall not make or alter any regulation in any State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and then only until the Legislature of such State shall make provision in the premises; provided, that the Congress may prescribe the time for the election of Representatives.

That no persons except natural born citizens, or such as were citizens on or before the fourth day of July, one thousand seven hundred and seventy-six, or such as held commissions under the United States during the war, and have at any time since the fourth day of July, one thousand seven hundred and seventy six, become citizens of one or other of the United States, and who

shall be freeholders, shall be eligible to the places of President, Vice-President, or members of either House of the Congress of the United States.

That the Congress do not grant monopolies, or erect any company with exclusive advantages of commerce.

That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two-thirds of the Senators and Representatives present in each House.

That no money be borrowed on the credit of the United States, without the assent of two-thirds of the Senators and Representatives present in each House.

That the Congress shall not declare war without the concurrence of two-thirds of the Senators and Representatives present in each House.

That the privilege of the Habeas Corpus shall not by any law, be suspended for a longer term than six months, or until twenty days after the meeting of the Congress, next following the passing of the act for such suspension.

That the right of the Congress to exercise exclusive legislation over such district, not exceeding ten miles square, as may by cession of a particular State and the acceptance of Congress, become the seat of the government of the United States, shall not be so exercised as to exempt the inhabitants of such district from paying the like taxes, imposts, duties and excises as shall be imposed on the other inhabitants of the State in which such district may be; and that no person shall be privileged within the said district from arrest, for crimes committed or debts contracted out of the said district.

That the right of exclusive legislation, with respect to such places as may be purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, shall not authorize the Congress to make any law to prevent the laws of the States respectively in which they may be from extending to such places in all civil and criminal matters, except as to such persons as shall be in the service of the United States, nor to them, with respect to crimes committed without such places.

That the compensation for the Senators and Representatives be ascertained by standing laws, and that no alteration of the existing rate of compensation shall operate for the benefit of the Representatives, until after a subsequent election shall have been had.

That the journals of the Congress shall be published at least once a year, with the exceptions of such parts relating to treaties or military operations as in the judgment of either House shall require secrecy; and that both Houses of Congress shall always keep their doors open during their sessions, unless the business may in their opinion require secrecy. That the yeas and nays shall be entered on the journals whenever two members in either House may require it.

That no capitation tax shall ever be laid by the Congress.

That no person be eligible as a Senator for more than six years in any term of twelve years; and that the Legislatures of the respective States may recal their Senators, or either of them, and elect others in their stead, to serve the remainder of the time for which the Senators so recalled, were appointed.

That no Senator or Representative shall during the time for which he was elected, be appointed to any office under the authority of the United States.

That the authority given to the executives of the States to fill the vacancies of Senators be abolished, and that such vacancies be filled by the respective Legislatures.

That the power of Congress to pass uniform laws concerning bankruptcy, shall only extend to merchants and other traders, and that the States respectively may pass laws for the relief of other insolvent debtors.

That no person shall be eligible to the office of President of the United States a third time.

That the Executive shall not grant pardons for treason, unless with the consent of the Congress, but may, at his discretion, grant reprieves to persons convicted of treason, until their cases can be laid before the Congress.

That the President, or person exercising his powers for the time being, shall not command an army in the field, in person, without the previous desire of the Congress.

That all *letters patent*, commissions, pardons, writs and process of the United States, shall run in the name of *the people of the United States*, and be tested in the name of the President of the United States, or the person exercising his powers for the time being, or the first Judge of the Court out of which the same shall issue, as the case may be.

That the Congress shall not constitute, ordain, or establish any tribunal or inferior Courts with any other than appellate jurisdiction, except such as may be necessary for the trial of causes of admiralty and maritime jurisdiction, and for the trial of piracies and felonies committed on the high seas, and in all other cases to which the judicial power of the United States extends, and in which the Supreme Court of the United States has not original jurisdiction, the causes shall be heard, tried, and determined, in some one of the State Courts, with the right of appeal to the Supreme Court of the United States, or other proper Tribunal to be established for that purpose by the Congress, with such exceptions and under such regulations as the Congress shall make.

That the Court for the trial of Impeachments, shall consist of the Senate, the Judges of the Supreme Court of the United States, and the first or senior Judge for the time being, of the highest Court of the general and ordinary common law jurisdiction in each State: That the Congress shall by standing laws, designate the Courts in the respective States, answering this description, and in States having no Courts exactly answering this description, shall designate some other Court preferring such, if any there be, whose Judge or Judges may hold their places during good behaviour: Provided, that no more than one Judge, other than Judges of the Supreme Court of the United States, shall come from one State: That the Congress be authorised to pass laws for compensating the said Judges for such services, and for compelling their attendance; and that a majority, at least, of the said Judges shall be requisite to constitute the said Court: That no person impeached shall sit as a member thereof: That each member shall, previous to his entering upon any trial, take an oath or affirmation, honestly and impartially to hear and determine the cause; and that a majority of the members present shall be necessary to a conviction.

That persons aggrieved by any judgment, sentence or decree of the Supreme Court of the United States in any cause in which that Court has original jurisdiction, *with such exceptions*, and under such regulations, as the Congress shall make concerning the same, shall upon application have a commission, to be issued by the President of the United States, to such men learned in the law as he shall nominate, and by and with the advice and consent of the Senate, appoint not less than seven, authorising such Commissioners, or any seven or more of them, to correct the errors in such judgment, or to review such sentence and decree, as the case may be, and to do justice to the parties in the premises.

That no Judge of the Supreme Court of the United States shall hold any other office under the United States or any of them.

That the judicial power of the United States shall extend to no controversies respecting land, unless it relate to claims of territory or jurisdiction between States, or to claims of lands between individuals, or between States and individuals, under the grants of different States.

That the militia of any State shall not be compelled to serve without the limits of the State for a longer term than six weeks, without the consent of the Legislature thereof.

That the words *without the consent of the Congress* in the 7th clause¹ of the 9th section of the first article of the Constitution, be expunged.

That the Senators and Representatives, and all executive and judicial officers of the United States, shall be bound by oath or affirmation, not to infringe or violate the Constitutions or Rights of the respective States.

That the Legislatures of the respective States may make provision by law, that the Electors of the Election District to be by them appointed, shall chuse a citizen of the United States, who shall have been an inhabitant of such District for the term of one year immediately preceding the time of his election for one of the Representatives of such State.

Done in Convention, at Poughkeepsie in the County of Dutchess, in the State of New-York, the twenty-sixth day of July, in the year of our Lord, one thousand seven hundred and eighty-eight.

By Order of the Convention,
GEO. CLINTON, President,

Attested, JOHN MC. KESSON, }
ABM. B. BANCKER, } Secretaries.

1. Article I, section 9, clause 7 reads: “No title of nobility shall be granted by the United States:—And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.”

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XVIII: Commentaries on the Constitution, Public and Private [6] (Madison, Wis.: Wisconsin Historical Society Press, 1995), 301–5.