

Chapter 1 : New York's Ratification - The U.S. Constitution Online - calendrierdelascience.com

The best evidence suggests that going into these three ratifying conventions, the Federalist-Antifederalist delegate split was in New Hampshire, in Virginia and in New York. And all were scheduled to meet in June: Virginia on the 2nd, New York on the 17th, and New Hampshire on the 18th.

Motivation In groups, pairs or individually, have students examine a chart or map listing each of the states, when they ratified the Constitution, and how many votes were cast for and against ratification. Ask students to list: Give students a couple of minutes to brainstorm theories on why New York was one of the last states to ratify the Constitution and why the vote was so close. Add theories to the chart. **Understanding the Viewpoints Mini-Lecture** or reading on the ratification process. Give students in pairs or groups a packet of primary documents on ratification of the Constitution representing a variety of viewpoints. For each document have students: Identify the source – Who is the author? What do you know about the author? Read each document excerpt carefully, looking up unfamiliar vocabulary. Choose a range of document excerpts based on time available and reading level of students. Teachers may want to give different groups different sets of documents. For more of a challenge, the link below each document will take the students to the full text. As a class, chart the documents as Federalist or Anti-Federalist. Then have students discuss the arguments used in the documents on each side with the rest of the class. **Town Hall Meeting on Ratification Scenario:** A local delegate is holding a town hall meeting to hear the views of his constituency before he votes. Assign each group one of the following identities. For homework, research the lives of real Americans with the same identity during the s, focusing on their role in society, their political and economic power, what their business priorities may be and what struggles they may be facing. Share research and write up a brief profile for your character. Review your notes on arguments for and against the ratification of the Constitution. As a group, decide what position you think your character would take. List at least two reasons for your decision. In order for students to get a sense of other perspectives that will be presented during the town hall meeting, have all the students, or a representative from each group, mingle in character for 5 to 10 minutes discussing their views on the Constitution. Then have students return to groups and share their perspectives. **Prepare for the Town Hall Meeting:** As a group, write down at least three arguments for or against ratification of the Constitution. Be sure to base your responses both on the primary documents AND the logical perspective of your character. Brainstorm opposing arguments and discuss how your group will respond. **Town Hall Meeting** Arrange the room so groups can see one another. Each group has 2 minutes to introduce themselves and their position on ratification of the Constitution. The Delegate opens the floor for arguments. Groups should take turns raising their arguments for ratification. After 5 minutes, the delegate can open the floor for those opposed to ratification. Give students the last 5 to 10 minutes to debate one another over the issue of ratification. Each group has 1 minute to reiterate their position and try to sway the delegate one last time. Give students 5 minutes to respond individually in writing to the following: If you were the delegate, after hearing the arguments of your constituents, which way would you vote at the ratification convention? Students no longer need to argue the position they argued during the Town Hall Meeting. Have the class vote. If time, ask several students to explain their votes. Why do you think ratification of the Constitution was so controversial in New York? Revisit and evaluate theories from the first activity. Recommend a position on ratification again, not necessarily based on the position they argued in class.

Chapter 2 : Contacting states Â» New York Convention

Ratification of the Constitution by the State of New York, July 26, New York was the eleventh state to do so. The assent of Virginia and of New York was seen as essential to the success of the Constitution, and though they were tenth and eleventh to ratify, it is generally agreed that until they both ratified, success was in doubt.

Convention When the Convention met in Poughkeepsie on June 17, , there was a 46 to 19 majority opposed to the Constitution. Livingston, all representing the city and county of New York. The Antifederalists were determined not to ratify the Constitution until it was amended to eliminate their objections. By the time the New York Convention met, eight states had already ratified the Constitution unconditionally. The Constitution provided that once nine states ratified it, it would go into effect among the ratifying states. Thus, ratification by one more state would establish the Constitution. New Hampshire ratified on June 21, and the Constitution was established. On June 25 Virginia ratified. Word of the Virginia ratification arrived in Poughkeepsie on July 2. There was now urgency to the proceedings in the New York Convention. If New York did not ratify the Constitution, there might be terrible consequences. New York would be out of the Union. The federal government, which was located in New York City, would leave for someplace else. Federalists at the Convention threatened that the southern counties around New York City might secede from the state. Leaders on both sides engaged in the art of compromise. The maneuvering took place on and off the floor. John Jay and Melancton Smith, experienced politicians representing opposing points of view, worked with their political peers to negotiate the compromise. Finally, on July 26 New York ratified the Constitution unconditionally. The Convention also recommended amendments to the Constitution, and it unanimously approved a "Circular Letter" to the states urging the call of a second general convention to consider these amendments and those proposed by other states. Antifederalist leaders orchestrated the final vote by suggesting that their delegates either vote to ratify or absent themselves when the vote occurred. Eleven Antifederalist delegates voted to ratify the Constitution while eight did not vote. By a vote of 30 to 27, New York became the eleventh state to ratify the Constitution. The price of ratification was high for New York Antifederalists. The career of Melancton Smith, called "the most profound of the Antifederalists," was ruined. He never held a major office. As an Antifederalist he had disappointed the radical wing of his party by failing to require a bill of rights, agreeing instead to language that expressed confidence that one would be added. Nonetheless, his tireless behind-the-scenes work helped secure final approval of the Constitution.

Chapter 3 : Day-by-Day Summary of the New York Ratifying Convention | Teaching American History

THE DEBATES IN THE CONVENTION OF THE STATE OF NEW YORK, ON THE ADOPTION OF THE FEDERAL CONSTITUTION.. IN CONVENTION, POUGHKEEPSIE, June 17, ON the 1st of February, , the legislature of the state of New York passed a resolution in the words following, to wit: “

But this matter, Sir, depends on circumstances; It is impossible, in the first instance to be precise and exact with regard to the number; and it is equally impossible to determine to what point it may be proper in future to increase it. On this ground I am disposed to acquiesce. In my reasonings on the subject of government, I rely more on the interests and the opinions of men, than on any speculative parchment provisions whatever. I have found, that Constitutions are more or less excellent, as they are more or less agreeable to the natural operation of things: I am therefore disposed not to dwell long on curious speculations, or pay much attention to modes and forms; but to adopt a system, whose principles have been sanctioned by experience; adapt it to the real state of our country; and depend on probable reasonings for its operation and result. I contend that sixty-five and twenty-six in two bodies afford perfect security, in the present state of things; and that the regular progressive enlargement, which was in the contemplation of the General Convention, will leave not an apprehension of danger in the most timid and suspicious mind. It will be the interest of the large states to increase the representation: This will be the standing instruction to their delegates. But, say the gentlemen, the Members of Congress will be interested not to increase the number, as it will diminish their relative influence. In all their reasoning upon the subject, there seems to be this fallacy: They suppose that the representative will have no motive of action, on the one side, but a sense of duty; or on the other, but corruption: They do not reflect, that he is to return to the community; that he is dependent on the will of the people, and that it cannot be his interest to oppose their wishes. Sir, the general sense of the people will regulate the conduct of their representatives. I admit that there are exceptions to this rule: There are certain conjunctures, when it may be necessary and proper to disregard the opinions which the majority of the people have formed: But in the general course of things, the popular views and even prejudices will direct the actions of the rulers. All governments, even the most despotic, depend, in a great degree, on opinion. In free republics, it is most peculiarly the case: In these, the will of the people makes the essential principle of the government; and the laws which control the community, receive their tone and spirit from the public wishes. It is the fortunate situation of our country, that the minds of the people are exceedingly enlightened and refined: Here then we may expect the laws to be proportionably agreeable to the standard of perfect policy; and the wisdom of public measures to consist with the most intimate conformity between the views of the representative and his constituent. If the general voice of the people be for an increase, it undoubtedly must take place: They have it in their power to instruct their representatives; and the State Legislatures, which appoint the Senators, may enjoin it also upon them. It has been farther, by the gentlemen in opposition, observed, that a large representation is necessary to understand the interests of the people. This principle is by no means true in the extent to which the gentleman seems to carry it. I would ask, why may not a man understand the interests of thirty [thousand] as well as of twenty? The position appears to be made upon the unfounded presumption, that all the interests of all parts of the community must be represented. No idea is more erroneous than this. Only such interests are proper to be represented, as are involved in the powers of the General Government. These interests come compleatly under the observation of one, or a few men; and the requisite information is by no means augmented in proportion to the increase of number. What are the objects of the Government? In order to comprehend the interests of commerce, is it necessary to know how wheat is raised, and in what proportion it is produced in one district and in another? Neither is this species of knowledge necessary in general calculations upon the subject of taxation. The information necessary for these purposes, is that which is open to every intelligent enquirer; and of which, five men may be as perfectly possessed as fifty. In royal governments, there are usually particular men to whom the business of taxation is committed. These men have the forming of systems of finance; and the regulation of the revenue. I do not mean to commend this practice. It proves however, this point; that a few individuals may be competent to these objects; and that large numbers

are not necessary to perfection in the science of taxation. But granting, for a moment, that this minute and local knowledge of the gentlemen contend for, is necessary, let us see, if under the New Constitution, it will not probably be found in the representation. The natural and proper mode of holding elections, will be to divide the state into districts, in proportion to the number to be elected. This state will consequently be divided at first into six. One man from each district will probably possess all the knowledge the gentlemen can desire. Are the senators of this state more ignorant of the interests of the people, than the assembly? Have they not ever enjoyed their confidence as much? Yet, instead of six districts, they are elected in four; and the chance of their being collected from the smaller divisions of the state consequently diminished. Their number is but twenty-four; and their powers are co-extensive with those of the assembly, and reach objects, which are most dear to the people--life, liberty and property. Sir, we hear constantly a great deal, which is rather calculated to awake our passions, and create prejudices, than to conduct us to truth, and teach us our real interests. I do not suppose this to be the design of the gentlemen. Why then are we told so often of an aristocracy? For my part, I hardly know the meaning of this word as it is applied. If all we hear be true, this government is really a very bad one. But who are the aristocracy among us? Where do we find men elevated to a perpetual rank above their fellow citizens; and possessing powers entirely independent of them? The arguments of the gentlemen only go to prove that there are men who are rich, men who are poor, some who are wise, and others who are not. That indeed every distinguished man is an aristocrat. This reminds me of a description of the aristocrats, I have seen in a late publication, styled the Federal Farmer. The author reckons in the aristocracy, all governors of states, members of Congress, chief magistrates, and all officers of the militia. This description, I presume to say, is ridiculous. The image is a phantom. Does the new government render a rich man more eligible than a poor one? It requires no such qualification. It is bottomed on the broad and equal principle of your state constitution. Sir, if the people have it in their option, to elect their most meritorious men; is this to be considered as an objection? Shall the constitution oppose their wishes, and abridge their most invaluable privilege? As riches increase and accumulate in few hands; as luxury prevails in society; virtue will be in a greater degree considered as only a graceful appendage of wealth, and the tendency of things will be to depart from the republican standard. This is the real disposition of human nature: It is what, neither the honorable member nor myself can correct. It is a common misfortune, that awaits our state constitution, as well as all others. It is a harsh doctrine, that men grow wicked in proportion as they improve and enlighten their minds. Experience has by no means justified us in the supposition, that there is more virtue in one class of men than in another. Look through the rich and the poor of the community; the learned and the ignorant. Where does virtue predominate? The difference indeed consists, not in the quantity but kind of vices, which are incident to the various classes; and here the advantage of character belongs to the wealthy. Their vices are probably more favorable to the prosperity of the state, than those of the indigent; and partake less of moral depravity. Edited by Harold C. New York and London: Columbia University Press,

Chapter 4 : Representation: Melancton Smith, New York Ratifying Convention

Ratification of the Constitution by the State of New York: July 26, [1]. WE the Delegates of the People of the State of New York, duly elected and Met in Convention, having maturely considered the Constitution for the United States of America, agreed to on the seventeenth day of September, in the year One thousand Seven hundred and Eighty seven, by the Convention then assembled at.

America was the only country, in which the first fair opportunity had been offered. When we were Colonies, our representation was better than any that was then known: Since the revolution we had advanced still nearer to perfection. He considered it as an object, of all others the most important, to have it fixed on its true principle; yet he was convinced that it was impracticable to have such a representation in a consolidated government. However, said he, we may approach a great way towards perfection by encreasing the representation and limiting the powers of Congress. He considered that the great interests and liberties of the people could only be secured by the State Governments. He admitted, that if the new government was only confined to great national objects, it would be less exceptionable; but it extended to every thing dear to human nature. That this was the case could be proved without any long chain of reasoning: He had already observed, that by the true doctrine of representation, this principle was established--that the representative must be chosen by the free will of the majority of his constituents: It therefore followed that the representative should be chosen from small districts. This being admitted, he would ask, could 65 men, for 3,, or 1 for 30,, be chosen in this manner? Would they be possessed of the requisite information to make happy the great number of souls that were spread over this extensive country? If great affairs of government were trusted to a few men, they would be more liable to corruption. We were now in that stage of society, in which we could deliberate with freedom;--how long it might continue, God only knew! Twenty years hence, perhaps, these maxims might become unfashionable; we already hear, said he, in all parts of the country, gentlemen ridiculing that spirit of patriotism and love of liberty, which carried us through all our difficulties in times of danger. To determine whether the number of representatives proposed by this Constitution is sufficient, it is proper to examine the qualifications which this house ought to possess, in order to exercise their powers discreetly for the happiness of the people. The idea that naturally suggests itself to our minds, when we speak of representatives is, that they resemble those they represent; they should be a true picture of the people; possess the knowledge of their circumstances and their wants; sympathize in all their distresses, and be disposed to seek their true interests. The knowledge necessary for the representatives of a free people, not only comprehends extensive political and commercial information, such as is acquired by men of refined education, who have leisure to attain to high degrees of improvement, but it should also comprehend that kind of acquaintance with the common concerns and occupations of the people, which men of the middling class of life are in general much better competent to, than those of a superior class. To understand the true commercial interests of a country, not only requires just ideas of the general commerce of the world, but also, and principally, a knowledge of the productions of your own country and their value, what your soil is capable of producing, the nature of your manufactures, and the capacity of the country to increase both. To exercise the power of laying taxes, duties and excises with discretion, requires something more than acquaintance with the abstruse parts of the system of finance. It calls for a knowledge of the circumstances and ability of the people in general, a discernment how the burdens imposed will bear upon the different classes. From these observations results this conclusion that the number of representatives should be so large, as that while it embraces men of the first class, it should admit those of the middling class of life. I am convinced that this Government is so constituted, that the representatives will generally be composed of the first class in the community, which I shall distinguish by the name of the natural aristocracy of the country. I do not mean to give offence by using this term. I am sensible this idea is treated by many gentlemen as chimerical. I shall be asked what is meant by the natural aristocracy--and told that no such distinction of classes of men exists among us. It is true it is our singular felicity that we have no legal or hereditary distinctions of this kind; but still there are real differences: Every society naturally divides itself into classes. The author of nature has

bestowed on some greater capacities than on others--birth, education, talents and wealth, create distinctions among men as visible and of as much influence as titles, stars and garters. In every society, men of this class will command a superior degree of respect--and if the government is so constituted as to admit but few to exercise the powers of it, it will, according to the natural course of things, be in their hands. Men in the middling class, who are qualified as representatives, will not be so anxious to be chosen as those of the first. When the number is so small the office will be highly elevated and distinguished--the stile in which the members live will probably be high--circumstances of this kind, will render the place of a representative not a desirable one to sensible, substantial men, who have been used to walk in the plain and frugal paths of life. Besides, the influence of the great will generally enable them to succeed in elections--it will be difficult to combine a district of country containing 30 or 40, inhabitants, frame your election laws as you please, in any one character; unless it be in one of conspicuous, military, popular, civil or legal talents. The great easily form associations; the poor and middling class form them with difficulty. If the elections be by plurality, as probably will be the case in this state, it is almost certain, none but the great will be chosen--for they easily unite their interest--The common people will divide, and their divisions will be promoted by the others. There will be scarcely a chance of their uniting, in any other but some great man, unless in some popular demagogue, who will probably be destitute of principle. A substantial yeoman of sense and discernment, will hardly ever be chosen. From these remarks it appears that the government will fall into the hands of the few and the great. This will be a government of oppression. I do not mean to declaim against the great, and charge them indiscriminately with want of principle and honesty. The circumstances in which men are placed in a great measure give a cast to the human character. Those in middling circumstances, have less temptation--they are inclined by habit and the company with whom they associate, to set bounds to their passions and appetites--if this is not sufficient, the want of means to gratify them will be a restraint--they are obliged to employ their time in their respective callings--hence the substantial yeomanry of the country are more temperate, of better morals and less ambition than the great. The latter do not feel for the poor and middling class; the reasons are obvious--they are not obliged to use the pains and labour to procure property as the other. The great consider themselves above the common people--entitled to more respect--do not associate with them--they fancy themselves to have a right of pre-eminence in every thing. In short, they possess the same feelings, and are under the influence of the same motives, as an hereditary nobility. I know the idea that such a distinction exists in this country is ridiculed by some--But I am not the less apprehensive of danger from their influence on this account--Such distinctions exist all the world over--have been taken notice of by all writers on free government--and are founded in the nature of things. It has been the principal care of free governments to guard against the encroachments of the great. Common observation and experience prove the existence of such distinctions. Will any one say, that there does not exist in this country the pride of family, of wealth, of talents; and that they do not command influence and respect among the common people? Congress, in their address to the inhabitants of the province of Quebec, in , state this distinction in the following forcible words quoted from the Marquis Beccaria. The intent of good laws is to oppose this effort, and to diffuse their influence universally and equally. Being in the habit of profuse living, they will be profuse in the public expences. They find no difficulty in paying their taxes, and therefore do not feel public burthens: Besides if they govern, they will enjoy the emoluments of the government. The middling class, from their frugal habits, and feeling themselves the public burdens, will be careful how they increase them. But I may be asked, would you exclude the first class in the community, from any share in legislation? I answer by no means--they would be more dangerous out of power than in it--they would be factious--discontented and constantly disturbing the government--it would also be unjust--they have their liberties to protect as well as others--and the largest share of property. But my idea is, that the Constitution should be so framed as to admit this class, together with a sufficient number of the middling class to controul them. You will then combine the abilities and honesty of the community--a proper degree of information, and a disposition to pursue the public good. A representative body, composed principally of respectable yeomanry is the best possible security to liberty. And because the interest of both the rich and the poor are involved in that of the middling class. No burden can be laid on the poor, but what will sensibly affect the middling class. Any law rendering property insecure, would be

injurious to them. University of Chicago Press,

Chapter 5 : Education from LVA: Va. Ratifying Convention Letter to N.Y. Convention

1. After debate on the proposed "Bill of Rights" and recommendatory amendments, the New York Convention on July 23 took up the crucial part of John Lansing, Jr.'s plan for ratification (see "New York Ratifying Convention.

Friday, June 20, Mr. He defended the ability of the Articles to secure the common defense and domestic tranquility. He supported removing the defects of the powers of Congress under the Articles rather than scrapping them entirely and moving toward a consolidated government. And the number of representatives is not all that bad: Smith agrees that adequate representation is not provided for by this Constitution and the legislature is unlikely to rectify this. Smith clarified his position on the Constitution: But in large confederacies, the alarm excited by small and gradual encroachments rarely extends to the distant members, or inspires a general spirit of resistance. They will institute regular modes of inquiry. He is concerned that Congress has the authority to both raise and reduce the ratio. Who knows ahead of time how many representatives we should have? Livingston is the one who is uttering nonsense. He offers a rotation and recall amendment. Livingston amendment; he too is concerned by the vast powers put into the hands of such a small number of representatives. Livingston disagrees with the rotation and recall amendment; why not let the people decide who shall represent them? Lansing thinks that recall is important so that Senators do not lose touch with the people. Smith, and Mr. Lansing continue their discussion on the merits of recall and rotation of Senators. Smith defends the rotation and recall amendment. He agrees with Hamilton that the Senate needs more stability than the House, but there is a difference between stability and perpetuity! The purpose of the Senate is different than the House. But shall the individual states be the judges how far? Duane deems this district representation amendment to be impracticable. Lansing proposed the following, and it was passed: Article I, Section 8 Mr. He offers the following amendment: Per annum, from the time of payment prescribed in such requisition. Williams challenges the supporters of the Constitution to defend Article I, Section 8 and refute the wisdom of his amendment proposal. He feels that the ability for both state governments and the federal government to have the concurrent power to tax items will result in a disadvantage to the state governments. But the power to raise money is vital to the survival of the country and cannot be abridged. He denies that the federal government and state governments will clash over taxes. Governor Clinton acknowledged that, at the times of those resolutions, the people were indeed fed up with the inabilities of the Confederation government. He then launches into the current controversy over concurrent taxation. Moreover, the Constitution, he says, must be capable of responding to unforeseen emergencies; thus the Congressional power to tax cannot be limited ahead of time. He repeats his critique of requisitions and the proposed amendment. The suspicion, sir, is unjust; the charge is uncharitable. This was a received opinion in the late Convention in Philadelphia. That honorable gentleman was then fully convinced that it would exist, and argued, with much decision and great plausibility, that the state governments ought to be subverted, at least so far as to leave them only corporate rights, and that, even in that situation, they would endanger the existence of the general government. Lansing, and contradicted, in the most positive terms, the charge of inconsistency included in the preceding observations. This produced a warm personal altercation between those gentleman which engrossed the remainder of the day. Smith anticipates hostilities between the federal and the state governments. He said that the public papers indicated that requisitions were ineffective. He supported the notion that Congress must have unlimited taxation powers to finance the common defense. Jay argues that the Constitution does not and should not limit the powers of the general government. He was particularly concerned about the war powers. Smith urges practicality about the costs of defense: As they do not appear to have any fixed maxims in their politics, it is not to be wondered at that they talk at random, and run into inconsistencies. What, then, must be this government of a day? It is the third time we have been making a government, and God grant it may be the last. According to the Recorder. As the secretary read the paragraphs, amendments were moved, in the order and form hereafter recited. Lansing proposed the following amendment: Jones moved the following amendment: Lansing proposed the following: Respecting the power to make all laws necessary for the carrying the Constitution into execution: To the clause respecting the power

of regulating commerce: Relative to the right of declaring war: Respecting the privilege of habeas corpus: Respecting ex post facto laws: Respecting the ratio in which taxes shall be laid: Clause relative to the publication of the receipts and expenditures: Clause relating to the granting titles of nobility: Article II Section 1. Clause respecting the office of President: Clause 1, respecting the powers of the President: Jones proposed the following amendments, which he explained in a speech of some length, and was followed by Mr. Smith ; but no debate ensued: To the 2d clause of Article VI, Mr. Lansing proposed the following amendments: Smith moved the following addition: Smith moved for the following amendment to Article I, Section 8, Clause Nor shall it be so exercised, as to authorize any inhabitant of the said district to bring any suit in any court, which may be established by the Congress within the same, against any citizen or person not an inhabitant of the said district. And it is understood that the stipulations in this Constitution , respecting all essential rights, shall extend as well to this district as to the United States in general. Resolved, further, as the opinion of this committee, that the right of exclusive legislation, with respect to such places as may be purchased for the erection of forts, magazines, arsenals, and dock-yards, and other needful buildings, shall not be construed to authorize the Congress to make any law to prevent the laws of the states in which they may lie, 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. Lansing then read, and presented to the committee, a Bill of Rights to be prefixed to the Constitution.

Chapter 6 : Introduction to the New York Ratifying Convention | Teaching American History

The remaining source of information on the New York Ratifying Convention is the manuscript "Journal of the Proceedings of the Convention of the State of New York. To ratify the proposed Constitution of the United States.

This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought. The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration. The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, shall, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed. Article III Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply: If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that: Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that: Article VI If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V 1 e , the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon. The Geneva Protocol on Arbitration Clauses of and the Geneva Convention on the Execution of Foreign Arbitral Awards of shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention. This Convention shall be open until 31 December for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized

agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories. Article XI In the case of a federal or non-unitary State, the following provisions shall apply: This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General. This Convention shall continue to be applicable to arbitral awards in respect of which recognition and enforcement proceedings have been instituted before the denunciation takes effect. Article XIV A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

Chapter 7 : Avalon Project - Ratification of the Constitution by the State of New Jersey; December 18,

A Biography of Alexander Hamilton () The war of words: ratifying Convention (Summer) Less than three weeks after Hamilton pounded out the last number of the Federalist, he attended the New York ratifying convention in Poughkeepsie.

Wisconsin Historical Society Press, That all power is originally vested in and consequently derived from the people; and that government is instituted for their common benefit, protection and security. That in all cases in which a man may be subjected to a capital or infamous punishment, no one ought to be put on his trial unless on an indictment by a grand jury; and that, in all capital or criminal prosecutions, the accused hath a right to demand the cause and nature of his accusation, and witnesses; to produce testimony and have counsel in his defence, and to a fair, public and 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 and naval forces , nor ought he to be compelled to give evidence against himself. That no freeman ought to be taken, imprisoned, or disseized of his freehold, or be exiled or deprived of his privileges, franchises, life, liberty, or property, but by the law of the land. That no person ought to be put in jeopardy of life or limb, or otherwise punished twice for one and the same offence, unless upon impeachment. 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 thereof, if unlawful. That in all controversies respecting property, and in all suits between man and man, the ancient trial of facts by jury is one of the greatest securities of the rights of a free people, and ought to remain sacred and inviolate forever. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel, or unusual punishments inflicted. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, and his property, without information upon oath or affirmation of sufficient cause; and 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 and oppressive, and ought not to be granted. 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. That the Freedom of the Press ought not to be violated or restrained. That the militia should always be kept well organized, armed and disciplined, and include, according to past usages of the State, 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 militia should be under strict subordination to the civil power. That standing armies in time of peace are dangerous to liberty, and ought not to be kept up but in cases of absolute necessity. That no soldier in time of peace ought to be quartered in any house without the consent of the owner; and in time of war, only by the civil magistrate, in such manner as the laws may direct. That any person religiously scrupulous of bearing arms ought to be exempted therefrom, upon payment of an equivalent. That the free and peaceable enjoyment of religious profession and worship is a natural and unalienable right, and ought never to be abridged or violated. That nothing in the said Constitution is to be construed to prevent the Legislature of any State to pass laws from time to time to divide such State into as many convenient districts as the State shall be entitled to elect representatives for Congress; nor to prevent such Legislature from making provision that the electors in each district shall chuse a citizen of the United States, who shall have been an inhabitant of the district for the term of one year immediately preceding the time of election, for one of the representatives of such State. That no power is to be exercised by Congress, but such as is expressly given by the said Constitution, and all other powers not expressly given, are reserved to the respective States to be by them exercised. That the prohibition in the said Constitution against passing ex post facto laws, extend only to laws concerning criminals. That all appeals from any Court, proceeding according to the course of the common law, are to be by writ of error and not otherwise. That the judicial powers of the United States, as to controversies between citizens of the same State claiming lands under grants of different States, is not to be construed to extend to any other controversies than those relating to such lands as shall be claimed by two or more persons under grants of different States.

That nothing in the said Constitution contained, is to be construed to authorise any suit to be brought against any State in any manner whatever. That the judicial powers of the United States in cases in which a State shall be a party, is not to be construed to extend to criminal prosecutions. That the judicial power of the United States as to controversies between citizens of different States, is not to be construed to extend to any controversies relating to any real estate not claimed under grants of different States. That nothing in the said Constitution contained, is to be construed to authorise Congress to grant monopolies, or to erect any company with exclusive advantages of commerce. That no treaty is to be construed to operate so as to alter the Constitution of any State; that the jurisdiction of the Supreme Court of the United States, or of any other Court to be substituted [i. That the clauses in the said Constitution which declare that the Congress shall not have or exercise certain powers, are not to be interpreted in any manner whatsoever, to extend the powers of the Congress, but are to be construed either as exceptions to the specified powers, or as inserted for great caution. And with a firm reliance and on the express condition that the rights aforesaid, will not and shall not be lost, abridged, or violated, and that the said Constitution shall, in the cases above particularised, receive the construction herein before expressed, with a solemn appeal to the searcher of hearts for the purity of our intentions, and in the confidence that whatever imperfections may exist in the Constitution, will as soon as possible be submitted to the consideration of a General Convention:

Chapter 8 : Convention - Nation at the Crossroads

The answer lies in New York's ratification process and the struggle between the Anti-Federalist contingent, led by Governor George Clinton, and the Federalists, led by Alexander Hamilton, the only New York member of the Constitutional Convention to have signed the Constitution.

Departing from the usual suffrage requirements, the legislature resolved that every free male citizen of twenty-one years or over was to have a vote. To deliberate and decide on the Form of Federal Government recommended by the General Convention at Philadelphia, on the 17th September, Taken in Short Hand [New-York: Printed and Sold by Francis Childs,]. But as the engagements of some of the Gentlemen prevented them from undertaking the task, and as it might have appeared unfair to submit them to a partial revision, he resolved, after waiting a considerable time, to defer no longer the gratification of the Public curiosity, but, without their assistance, to enter upon the business, extensive and arduous as it was. As he proceeded, he discovered that a much greater portion of time and labor was necessary, than he at first apprehended. The approach of the Session of the Legislature also reminded him of the duty he owed the Public, and which could not be dispensed with. These circumstances, together with the pressure of his other employments, while they furnish an apology for the long delay with which this publication has been attended, he hopes will be a sufficient excuse for confining himself, towards the close of the work, to a short sketch of the Proceedings. Not long accustomed to the business, he cannot pretend to as much accuracy as might be expected from a more experienced hand; and it will easily be comprehended how difficult it must be to follow a copious and rapid Speaker, in the train of his reasoning, much more in the turn of his expression. As secretary of the Convention, McKesson was custodian of its official records. In addition to his official duties, he took notes on many of the speeches. Smith was the Antifederalist representative of Dutchess County at the Convention. Between July 14 and the end of the Convention the most complete record of debates in the Convention is that kept by Gilbert Livingston, a delegate from Dutchess County. They are unfortunately so brief as to be incomprehensible. Livingston undoubtedly took notes on the earlier sessions of the Convention, but these notes have not been found. An account of the debates kept by Robert R. These notes, however, are so fragmentary and cryptic that they have not been used to supplement the other records of the debates. Newspaper reports of debates in the Convention were incomplete. They have been used only when they are more complete than the report of the debates given by Childs, McKesson, Smith, or Gilbert Livingston. To ratify the proposed Constitution of the United States. When the New York delegates met in Poughkeepsie on June 17, , eight states had adopted the Constitution. With its acceptance by nine states the Constitution would go into operation as the government of the United States. The first and second days of the Convention were occupied in electing George Clinton president and in adopting rules.

Chapter 9 : Representation: Alexander Hamilton, New York Ratifying Convention

The Convention having met, the bill of rights, and form of the ratification of the Constitution, with the amendments, were read, when the question being put, whether the same should pass, as agreed to and ratified by the Convention, it was carried in the affirmative. The vote was in favor of ratification.

New York was the eleventh state to do so. The assent of Virginia and of New York was seen as essential to the success of the Constitution, and though they were tenth and eleventh to ratify, it is generally agreed that until they both ratified, success was in doubt. We, the delegates of the people of the state of New York, duly elected and met in Convention, having maturely considered the Constitution for the United States of America, agreed to on the 17th day of September, in the year , by the Convention then assembled at Philadelphia, in the commonwealth of Pennsylvania, a copy whereof precedes these presents, and having also seriously and deliberately considered the present situation of the United States, “ Do declare and make known, “ That all power is originally vested in, and consequently derived from, the people, and that government is instituted by them for their common interest, protection, and security. That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights, which every government ought to respect and preserve. That the powers of government may be reassumed by the people whensoever it shall become necessary to their happiness; that every power, jurisdiction, and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remains to the people of the several states, or to their respective state governments, to whom they may have granted the same; and that those clauses in the said Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution. That the people have an equal, natural, and unalienable right freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favored or established by law in preference to others. That the people have a right to keep and bear arms; that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defence of a free state. That the militia should not be subject to martial law, except in time of war, rebellion, or insurrection. That standing armies, in time of peace, are dangerous to liberty, and ought not to be kept up, except in cases of necessity; and that at all times the military should be under strict subordination to the civil power. That, in time of peace, no soldier ought to be quartered in any house without the consent of the owner, and in time of war only by the civil magistrate, in such manner as the laws may direct. That no person ought to be taken, imprisoned, or disseized of his freehold, or be exiled, or deprived of his privileges, franchises, life, liberty, or property, but by due process of law. That no person ought to be put twice in jeopardy of life or limb, for one and the same offence; nor, unless in case of impeachment, be punished more than once for the same offence. That every person restrained of his liberty is entitled to an inquiry into the lawfulness of such restraint, and to a removal thereof if unlawful; and that such inquiry or removal ought not to be denied or delayed, except when, on account of public danger, the Congress shall suspend the privilege of the writ of habeas corpus. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. That except in the government of the land and naval forces, and of the militia when in actual service, and in cases of impeachment a presentment or indictment by a grand jury ought to be observed as a necessary preliminary to the trial of all crimes cognizable by the judiciary of the United States; and such trial should be speedy, public, and by an impartial jury of the county where the crime was committed; and that no person can be found guilty without the unanimous consent of such jury. But in cases of crimes not committed within any county of any of the United States, and in cases of crimes committed within any county in which a general insurrection may prevail, or which may be in the possession of a foreign enemy, the inquiry and trial may be in such county as the Congress shall by law direct; which county, in the two cases last mentioned, should be as near as conveniently may be to that county in which the crime may have been committed; “ and that, in all criminal prosecutions, the accused ought to be informed of the cause and nature of his accusation, to be confronted with

his accusers and the witnesses against him, to have the means of producing his witnesses, and the assistance of counsel for his defence; and should not be compelled to give evidence against himself. That the trial by jury, in the extent that it obtains by the common law of England, is one of the greatest securities to the rights of a free people, and ought to remain inviolate. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, or his property; and therefore, that all warrants to search suspected places, or seize any freeman, his papers, or property, without information, upon oath or affirmation, of sufficient cause, are grievous and oppressive; and that all general warrants or such in which the place or person suspected are not particularly designated are dangerous, and ought not to be granted. That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives, and that every person has a right to petition or apply to the legislature for redress of grievances. That the freedom of the press ought not to be violated or restrained. That there should be, once in four years, an election of the President and Vice-President, so that no officer, who may be appointed by the Congress to act as President, in case of the removal, death, resignation, or inability, of the President and Vice-President, can in any case continue to act beyond the termination of the period for which the last President and Vice-President were elected. That nothing contained in the said Constitution is to be construed to prevent the legislature of any state from passing laws at its discretion, from time to time, to divide such state into convenient districts, and to apportion its representatives to and amongst such districts. That the prohibition contained in the said Constitution, against ex post facto laws, extends only to laws concerning crimes. That all appeals in causes determinable according to the course of the common law, ought to be by writ of error, and not otherwise. That the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a state. That the judicial power of the United States, as to controversies between citizens of the same state, claiming lands under grants from different states, is not to be construed to extend to any other controversies between them, except those which relate to such lands, so claimed, under grants of different states. That the jurisdiction of the Supreme Court of the United States, or of any other court to be instituted by the Congress, is not in any case to be increased, enlarged, or extended, by any faction, collusion, or mere suggestion; and that no treaty is to be construed so to operate as to alter the Constitution of any state. Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, “We, the said delegates, in the name and in the behalf of the people of the state of New York, do, by these presents, assent to and ratify the said Constitution. Done in Convention, at Poughkeepsie, in the county of Dutchess, in the state of New York, the 26th day of July, in the year of our Lord 1788. By order of the Convention. And the Convention do, in the name and behalf of the people of the state of New York, enjoin it upon their representatives in 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 the Congress shall direct, and according to such ratio as the Congress shall fix, in conformity to the rule prescribed for the apportionment of representatives and direct taxes. That the Congress do not impose any excise on any article ardent spirits excepted of the growth, production, or manufacture of the United States, or any of them. That the Congress shall not make or alter any regulation, in any state, respecting the times, places, and manner, of holding elections for senators and 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 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 4th day of July, 1788, or such as held commissions under the United States during the war, and have at any time since the 4th day of

July, , 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 the act for such suspension. That the right of 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 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 exception 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 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 recall 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 up 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 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 processes 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 tribunals of inferior courts, with any other than appellate jurisdiction, except such as may be necessary for the trial of cases 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 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 behavior; 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 authorized to pass laws for compensating the 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 the 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, authorizing 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.