



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > The Constitutional Convention >
Instructions to the Convention Delegates

New York, 26–28 February 1787

Assembly and Senate Authorize Election of Delegates, 26–28 February 1787

THE ASSEMBLY, 26 February¹

Resolved (if the honorable the Senate concur herein), That five delegates be appointed on the part of this state, to meet such delegates as may be appointed on the part of the other states respectively, on the second Monday in May next, at Philadelphia, for the sole and express purpose of revising the Articles of Confederation and reporting to Congress, and to the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the several states, render the federal constitution adequate to the exigencies of government and the preservation of the Union; and that in case of such concurrence, the two houses of the legislature will meet, on Thursday next, at such place as the honorable the Senate shall think proper, for the purpose of electing the said delegates, by joint ballot.

Ordered, That Mr. John Livingston deliver a copy of the last preceding resolution to the honorable the Senate.

THE SENATE, 26 February

Ordered, That the consideration of the said resolution be postponed until tomorrow.

THE SENATE, 27 February

Resolved, That the Senate do not concur with the honorable the Assembly in their said resolution.

Ordered, That Mr. Williams deliver a copy of the preceding resolution of nonconcurrence to the honorable the Assembly.

THE SENATE, 28 February

[A resolution was offered which copied the House resolution of 26 February, except for two changes: (1) the election was to be held on the following Tuesday instead of Thursday and (2) the delegates were to be elected in the manner provided by the state constitution for the election of delegates to Congress; that is by the two houses balloting separately rather than jointly.]

Which resolution having been read, Mr. Haring moved that instead of *five*, that *three* delegates be appointed for the purposes set forth in the said resolution. Debates arose, and the question being put thereon, it was carried in the affirmative, in manner following, viz.:

For the affirmative. Mr. Yates, Mr. Tredwell, Mr. Haring, Mr. Ward, Mr. Russell, Mr. Hopkins, Mr. Swartwout, Mr. Hathorn, Mr. Humfrey, Mr. Parks, Mr. Williams.

For the negative. Mr. Stoutenburgh, Mr. Vanderbilt, Mr. Townsend, Mr. Morris, Mr. Peter Schuyler, Mr. L'Hommedieu, Mr. Philip Schuyler.

Mr. Haring then moved to expunge, after the words “Tuesday next” to the end of the resolution, and to substitute the following, viz.: “Meet at such place as the honorable the Assembly shall think proper for the purpose of electing the said delegates by joint ballot.” Debates arose, and the question being put thereon, it was carried in the negative, in manner following viz.:

For the negative. Mr. Stoutenburgh, Mr. Tredwell, Mr. Vanderbilt, Mr. Townsend, Mr. Morris, Mr. Peter Schuyler, Mr. Swartwout, Mr. L’Hommedieu, Mr. Humfrey, Mr. Parks, Mr. Williams, Mr. Philip Schuyler.

For the affirmative. Mr. Yates, Mr. Haring, Mr. Ward, Mr. Russell, Mr. Hopkins, Mr. Hathorn.

Mr. Yates then moved to insert in the said resolution, after the words “and provisions therein,” the following, viz.: “not repugnant to or inconsistent with the constitution of this state.” Debates arose, and the question being put thereon, it was carried in the negative, in manner following, viz.:

For the negative. Mr. Stoutenburgh, Mr. Tredwell, Mr. Vanderbilt, Mr. Townsend, Mr. Morris, Mr. Peter Schuyler, Mr. L’Hommedieu, Mr. Williams, Mr. Philip Schuyler.

For the affirmative. Mr. Yates, Mr. Haring, Mr. Ward, Mr. Russell, Mr. Hopkins, Mr. Swartwout, Mr. Hathorn, Mr. Humfrey, Mr. Parks.

The Senate being equally divided upon the question, His Honor the President [Pierre Van Cortlandt] voted in the negative. Thereupon,

Resolved (if the honorable the Assembly concur herein), That three delegates be appointed on the part of this state, to meet such delegates as may be appointed on the part of the other states respectively, on the second Monday in May next at Philadelphia for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and to the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the several states, render the federal constitution adequate to the exigencies of government and the preservation of the Union; and that in case of such concurrence the two houses of the legislature will on Tuesday next, proceed to nominate and appoint the said delegates in like manner as is directed by the constitution of this state, for nominating and appointing delegates to Congress.

Ordered, That Mr. Williams deliver a copy of the preceding resolution to the honorable the Assembly.

THE ASSEMBLY, 28 February

Resolved, That the House do concur with the honorable the Senate, in the said resolution.

Ordered, That Mr. Dongan deliver a copy of the last preceding resolution of concurrence, to the honorable the Senate.

1. On 13 January Governor George Clinton delivered the report of the Annapolis Convention to the legislature.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. I: Constitutional Documents and Records, 1776–1787 (Madison, Wis.: Wisconsin Historical Society Press, 1976), 209–11.