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## New York, 27 February 1790

### *Introduction*

On Tuesday, 12 January 1790, the New York Assembly received the governor's message that included the twelve amendments to the Constitution proposed by Congress. Both houses voted on 13 January to consider the governor's message in committees of the whole. On 20 and 23 January, the Senate considered the amendments. On 22 January the Assembly assigned 26 January as the day to consider Congress' amendments in a committee of the whole.

Over the next month, the bicameral legislature considered and eventually on 16 March, the Assembly resolved, with the concurrence of the Senate, to exemplify the act to ratify the amendments to the Constitution and ordered that the resolution be delivered to the Senate. Three days later, the Senate concurred with the resolution and notified the Assembly. Upon receiving the Senate's concurrence, the Assembly transmitted a copy of the resolution to Governor Clinton. On 27 March, Governor Clinton signed the exemplification of New York's ratification of the amendments to the Constitution; and, on 2 April, he transmitted it to President George Washington.

### *Senate Proceedings, Tuesday, A.M., 12 January 1790*

*Ordered*, That Mr. Van Ness and Mr. Vanderbilt wait on his Excellency the Governor, and inform him that the Senate are met, and ready to proceed on business.

*Ordered*, That Mr. Williams and Mr. Savage wait on the Honorable the Assembly, with the like message.

Mr. Van Ness reported that Mr. Vanderbilt and himself had, agreeable to the order of the Senate, waited on his Excellency the Governor, with their message; when his Excellency was pleased to say, that as soon as he should receive a like message from the Honorable the Assembly, he would send a message to the Legislature.

Then the Senate adjourned until eleven of the clock to-morrow morning.

### *Assembly Proceedings, Wednesday, 13 January 1790 (excerpts)*

*Ordered*, That Mr. Watts, and Mr. Crane, junior, wait on his Excellency the Governor, and inform him that this House is met, and ready to proceed on business.

*Ordered*, That Mr. J. Smith, and Mr. Morgan, wait on the Honorable the Senate, and inform them that this House is met, and ready to proceed on business. . . .

A message from the Honorable the Senate, was delivered by Mr. Williams and Mr. Savage, that the Senate are met, and ready to proceed on business.

Mr. Watts reported that, pursuant to the order of the House, Mr. Crane, junior, and himself, had waited on his Excellency the Governor, with the message from this House, who had been pleased to say that he would immediately send a message to the Legislature.

Mr. J. Smith reported that, pursuant to the order of the House, Mr. Morgan and himself had delivered the message from this House to the Honorable the Senate. . . .

A message from his Excellency the Governor, to the Legislature, delivered by his private secretary, was read, and is in the words following, viz.

*Gentlemen of the Legislature,*

THE amendments proposed to the Constitution of the United States, and the other communications which have been made to me in your recess, by the direction of Congress, will be submitted to your consideration with this message. . . .

*Ordered,* That the said message of his Excellency the Governor, and the several matters which accompanied the same, be committed to a committee of the whole House. . . .

The House resolved itself into a committee of the whole House, on the message from his Excellency the Governor, and the several acts of Congress and communications which accompanied the same; and after some time spent thereon, Mr. Speaker re-assumed the chair—

#### ***Senate Proceedings, Wednesday, 13 January 1790 (excerpts)***

A message from the Honorable the Assembly, by Mr. J. Smith and Mr. Morgan, was received, informing that they were met, and ready to proceed on business. . . .

A message from his Excellency the Governor, transmitted by the Honorable the Assembly, was received, and read, viz.

[Governor Clinton's message appears here in the *Senate Journal*. See immediately above.]

*Ordered,* That his Excellency's message, with the several papers accompanying the same, be committed to a committee of the whole.

The Senate thereupon resolved itself into a committee of the whole, on his Excellency's said message, and the papers accompanying it. After some time spent thereon, Mr. President re-assumed the chair; and Mr. Williams, from the committee, reported that they had made some progress, and directed him to move for leave to sit again.

*Ordered,* That the committee have leave to sit again.

#### ***Assembly Proceedings, Thursday, 14 January 1790***

Mr. Watts, from the committee of the whole House on the message of his Excellency the Governor, and the several acts of Congress and communications which accompanied the same reported, that the committee had agreed to certain resolutions, which he was directed to report to the House; and that he was directed to move for leave to sit again.

#### ***Senate Proceedings, Wednesday, 20 January 1790***

*Ordered,* That Saturday next be assigned to take into consideration the amendments proposed to be made to the Constitution of the United States.

*Assembly Proceedings, Friday, 22 January 1790 (excerpts)*

Mr. Watts, from the committee of the whole House, on the message of His Excellency the Governor, of the 13th instant, and the several acts of Congress, and communications which accompanied the same, reported, that the committee had agreed to resolutions which he was directed to report to the House, in the words following, viz.

“*Resolved*, That it is the opinion of this committee, that this House should on Tuesday next resolve itself into a committee of the whole House, on the amendments proposed by Congress to the Constitution of the United States.” . . .

Mr. Watts read the said report in his place, and delivered the same in at the table, where the same was again read, and agreed to by the House. Thereupon,

*Resolved*, That this House will on Tuesday next resolve itself into a committee of the whole House, on the amendments proposed by Congress to the Constitution of the United States.

*Senate Proceedings, Saturday, 23 January 1790*

The Senate, agreeable to the order of the day, resolved itself into a committee of the whole, on the amendments proposed to be made to the Constitution of the United States. After some time spent thereon, Mr. President re-assumed the chair; and Mr. Williams, from the committee, reported that they had made some progress therein, and had directed him to move for leave to sit again; which report being agreed to by the Senate—Thereupon,

*Ordered*, That the committee have leave to sit again.

Then the Senate adjourned until ten of the clock on Monday morning next.

*Senate Proceedings, Tuesday, 26 January 1790*

Mr. Williams, from the committee of the whole on his Excellency the Governor’s message, and to whom was referred the amendments proposed to be made to the Constitution of the United States, reported, that the committee had gone through the several amendments, had rejected the second amendment, and unanimously agreed to all the other of the said amendments—and had directed him to move for leave to sit again; which report he read in his place, and delivered the same in at the table, where it was again read and agreed to by the Senate: Thereupon,

*Ordered*, That the committee have leave to sit again.

*Assembly Proceedings, Tuesday, 26 January 1790*

The order of the day having been read, the House resolved into a committee of the whole House, on the amendments proposed by Congress to the Constitution of the United States; and after some time spent thereon, Mr. Speaker reassumed the chair, and Mr. Watts from the said committee reported, that the said proposed amendments having been read, the second article was again read in the words following, viz.

“No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.”

That the question having been put, whether the committee did agree to the same, it passed in the negative, in the manner following, viz.

FOR THE NEGATIVE [52].

Mr. Clarkson,  
Mr. Will,  
Mr. Randall,  
Mr. Post,  
Mr. Childs,  
Mr. J. Smith,  
Mr. Landon,  
Mr. Clowes,  
Mr. Cornwell,  
Mr. Jones,  
Mr. Carman,  
Mr. Vandervoort,  
Mr. Winant,  
Mr. Bancker,  
Mr. Rockwell,  
Mr. Horton,  
Mr. Griffen,  
Mr. Barker,

Mr. Crane, junior,  
Mr. Morgan,  
Mr. Rowan,  
Mr. Savage,  
Mr. S. Van Rensselaer,  
Mr. H. Van Rensselaer,  
Mr. Younglove,  
Mr. Van Cortlandt,  
Mr. J. Brown,  
Mr. Arndt,  
Mr. Converse,  
Mr. Gardiner,  
Mr. Havens,  
Mr. Schoonmaker,  
Mr. Clark,  
Mr. Bruyn,  
Mr. Smith,

Mr. Sickels,  
Mr. Coe,  
Mr. Marvin,  
Mr. Crane,  
Mr. Bronck,  
Mr. Myers,  
Mr. M'Master,  
Mr. Tillotson,  
Mr. Veeder,  
Mr. Livingston,  
Mr. Carpenter,  
Mr. Hitchcock,  
Mr. Talman,  
Mr. Tappen,  
Mr. Gilbert,  
Mr. Van Veghten,  
Mr. Seaman.

FOR THE AFFIRMATIVE [5].

Mr. Speaker,  
Mr. King,

Mr. Scudder,  
Mr. Giles,

Mr. Lewis.

That the committee had gone through the other amendments, and agreed to the same.

Mr. Watts read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the House.

*Ordered*, That Mr. King, Mr. Jones, Mr. Havens, Mr. Livingston and Mr. Gilbert, be a committee to report the form of a ratification of the said amendments.

*Senate Proceedings, Thursday, 4 February 1790*

Mr. Williams, from the committee of the whole, to whom was referred his Excellency's messages, and the papers accompanying the same, reported, that it was the opinion of the committee, that a special committee be appointed, to devise and report a mode for the ratification of the amendments, proposed to be made to the Constitution of the United States, as agreed to by both Houses of the Legislature of this State, and that he was directed to move for leave to sit again; which report being agreed to by the Senate: Thereupon,

*Ordered*, That Mr. Duane, Mr. L'Hommedieu and Mr. Livingston, be a committee to devise and report a mode for the said ratification.

*Ordered*, That the committee have leave to sit again.

Then the Senate adjourned until ten of the clock to-morrow morning.

*Assembly Proceedings, Friday, 12 February 1790*

Mr. Jones, from the committee appointed for that purpose, according to order, brought in a bill, entitled “An act ratifying certain articles in addition to, and amendment of the Constitution of the United States of America, proposed by the Congress,” which was read the first time, and ordered a second reading.

*Assembly Proceedings, Saturday, 13 February 1790*

The bill, entitled “An act ratifying certain articles, in addition to and amendment of the Constitution of the United States of America, proposed by the Congress,” was read a second time, and committed to a committee of the whole House.

*Assembly Proceedings, Saturday, 20 February 1790 (excerpts)*

Mr. Gilbert, from the committee of the whole House, on the bill, entitled “An act ratifying certain articles, in addition to and amendment of the Constitution of the United States of America, proposed by the Congress,” reported, that in proceeding in the bill, the enacting clause, was read, in the words following, viz.

“Therefore, Be it enacted by the people of the state of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said articles, except the second, shall be, and hereby are ratified by the Legislature of this State.”

That the said enacting clause having been read, Mr. J. Smith, made a motion that the same should be rejected; that the Legislature would ratify the said amendments, except the second, by resolutions; and for that purpose, that a resolution should, after the recitals contained in the bill, be substituted instead of the same clause, in the words following, viz.

“Resolved by the Senate and Assembly of the state of New-York, and it is hereby resolved by the authority of the same, That the said articles, except the second, shall be, and hereby are ratified by the Legislature of this State.”

That the question having been put, on the motion of Mr. J. Smith, it passed in the negative, in the manner following, viz.

FOR THE NEGATIVE [49].

Mr. Speaker,	Mr. Winant,	Mr. Van Cortlandt,
Mr. Watts,	Mr. Bancker,	Mr. J. Brown,
Mr. King,	Mr. Rockwell,	Mr. Arndt,
Mr. Will,	Mr. Seaman,	Mr. Converse,
Mr. Randall,	Mr. Horton,	Mr. Schoonmaker,
Mr. Post,	Mr. Griffen,	Mr. Smith,
Mr. Childs,	Mr. Barker,	Mr. Bruyn,
Mr. Scudder,	Mr. Crane, junior,	Mr. Coe,
Mr. Clowes,	Mr. Morgan,	Mr. Marvin,
Mr. Cornwell,	Mr. Rowan,	Mr. Crane,
Mr. Jones,	Mr. Savage,	Mr. Bronck,
Mr. Carman,	Mr. H. Van Rensselaer,	Mr. Myers,
Mr. Vandervoort,	Mr. Younglove,	Mr. M'Master,

Mr. Lewis,  
Mr. Veeder,  
Mr. Livingston,  
Mr. Carpenter,

Mr. Hitchcock,  
Mr. Tappen,  
Mr. Van Veghten,

Mr. Haight,  
Mr. J. Livingston,  
Mr. Sill.

FOR THE AFFIRMATIVE [2].

Mr. J. Smith,

Mr. Havens.

That the committee had gone through the bill without amendment, which he was directed to report to the House; and he read the report in his place, and delivered the bill in at the table, where the same was again read, and agreed to by the House.

*Ordered*, That the bill be engrossed.

*Assembly Proceedings, Monday, 22 February 1790 (excerpts)*

The engrossed bill, entitled “An act ratifying certain articles in addition to, and amendment of the Constitution of the United States of America, proposed by the Congress,” was read the third time.

*Resolved*, That the bill do pass. . . .

*Ordered*, That Mr. Gordon and Mr. Will, deliver the two last mentioned bills to the Honorable the Senate, and request their concurrence to the same respectively.

*Senate Proceedings, Monday, 22 February 1790*

A message from the Honorable the Assembly, by Mr. Gordon and Mr. Will, was received with the two following bills for concurrence, viz. the bill, entitled “An act to continue the acts for the appointment of an Auditor, and the settlement of the public accounts of this State,” and the bill, entitled “An act ratifying certain articles, in addition to and amendment of the Constitution of the United States of America, proposed by the Congress,” which were respectively read the first time, and ordered a second reading.

*Senate Proceedings, Tuesday, 23 February 1790*

The bill, entitled “An act to continue the acts for the appointment of an Auditor, and the settlement of the public accounts of this State;” the bill, entitled “An act ratifying certain articles, in addition to and amendment of the Constitution of the United States of America, proposed by the Congress,” and the bill, entitled “An act for building a bridge across Haerlem river,” were respectively read a second time, and committed to a committee of the whole.

*Senate Proceedings, Wednesday, 24 February 1790 (excerpts)*

Mr. Duane, from the committee of the whole, to whom was referred the bill entitled, “An act ratifying certain articles in addition to, and amendment of the Constitution of the United States of America, proposed by the Congress,” reported, that the committee had gone through the bill without amendment, and agreed to the same; which report he read in his place, and delivered the bill in at the table, where it was again read, and agreed to by the Senate. Thereupon,

*Resolved*, That the bill do pass. . . .

*Ordered*, That Mr. Morris and Mr. Peter Schuyler deliver the said three bills to the Honorable the Assembly, and inform them that the Senate have passed the said bills respectively, without amendment.

*Assembly Proceedings, 24 February 1790*

A message from the Honorable the Senate, delivered by Mr. Morris and Mr. Peter Schuyler, with the bills therein mentioned, was read, that the Senate have passed the bill, entitled, “An act ratifying certain articles, in addition to and amendment of the Constitution of the United States of America, proposed by the Congress;” the bill, entitled “An act to continue the acts for the appointment of an Auditor, and the settlement of the public accounts of this State;” and the bill, entitled “An act for the more equal assessment of estates in the county of Richmond,” respectively without amendment.

*Ordered*, That Mr. Tappen and Mr. Hitchcock deliver the three last mentioned bills to the Honorable the Council of Revision.

*Council of Revision Minutes, 25 and 27 February 1790 (excerpts)*

The Council then adjourned untill the 25 Instant at 10 o’clock A.M.

The Council met pursuant to adjournment.

Pres[en]t His Excellency Governor Clinton

The Honor[able] Mr. Chief Justice [Richard] Morris

The Honor[able] Mr. Justice [Robert] Yates. . . .

. . . The bill entitled An act ratifying certain Articles in addition to and amendment of the Constitution of the United States of America proposed by the Congress. . . .

Resolved that It does not appear improper to the Council that the said bills Should respectively become Laws of this State

Ordered that a copy of the preceeding resolution signed by his Excellency the Governor be delivered to the Honorable the Assembly by Mr. Justice Yates.

The Council then adjourned untill the 27 Instant at 10 o’clock A.M.

The Council met pursuant to adjournment.

Present His Excellency Governor Clinton

The Honor[able] Mr. Chief Justice Morris

The Honor[able] Mr. Justice Yates.

The bill entitled An Act ratifying certain articles in addition to and amendment of the Constitution of the united States of America proposed by the Congress. and the Bill entitled An Act for the more equal assessment of the Estates in the County of Richmond were read a second time, agreeably to Order and duly considered

Resolved that It does not appear improper to the Council that the said bills should respectively become laws of this State.

Ordered that a Copy of the preceeding resolution signed by his Excellency the Governor be delivered to the honorable the Assembly by Mr. Justice Yates.

*Assembly Proceedings, Saturday, 27 February 1790*

A message from the Honorable the Council of Revision, delivered by the Honorable Mr. Justice Yates, was read, “That it does not appear improper to the Council, that the bill, entitled

‘An act ratifying certain articles, in addition to, and amendment of the Constitution of the United States of America, proposed by the Congress,’ and the bill, entitled ‘An act for the more equal assessment of estates in the county of Richmond,’ should respectively become laws of this state.”

***Act Ratifying Eleven Amendments, 27 February 1790***

CHAPTER XV.

*An ACT ratifying certain Articles in Addition to, and Amendment of  
the Constitution of the United States of America, proposed by the Congress.  
Passed 27th February, 1790.*

Whereas by the fifth article of the Constitution of the United States of America, it is provided that the Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to the said Constitution, which shall be valid to all intents and purposes, as part of the said Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. And whereas in the session of the Congress of the United States of America, begun and held at the city of New-York on Wednesday the fourth of March one thousand seven hundred and eighty-nine, it was resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses concurring, That the following articles be proposed to the legislatures of the several states, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.

ARTICLES in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original Constitution.

[The twelve amendments to the Constitution proposed by Congress are printed here.]

And whereas the Legislature of this state have considered the said articles, and do agree to the same, except the second article. Therefore,

*Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the said articles, except the second, shall be, and hereby are ratified by the Legislature of this State.

***Senate Proceedings, Monday, 1 March 1790***

A message from the Honorable the Council of Revision, transmitted by the Honorable the Assembly, was received and read, That it does not appear improper to the Council, that the following bills, to wit, the bill, entitled “An act ratifying certain articles in addition to, and amendment of the Constitution of the United States of America, proposed by the Congress;” and the bill, entitled “An act for the more equal assessment of estates in the county of Richmond,” should respectively become laws of this State.

***Assembly Proceedings, Tuesday, 16 March 1790 (excerpts)***

*Resolved,* (if the Honorable the Senate concur therein) That the Governor be, and he is hereby requested to cause an exemplification of the act, entitled “An act ratifying certain articles in addition to and amendment of the Constitution of the United States of America, proposed by

the Congress,” . . . under the great seal of this State to be made, and to transmit the same to the President of the United States.

*Ordered*, That Mr. Talman and Mr. Carpenter deliver a copy of the preceding resolution to the Honorable the Senate.

*Senate Proceedings, Friday, 19 March 1790 (excerpts)*

A message from the Honorable the Assembly, by Mr. Talman and Mr. Carpenter, was received, with the following resolution for concurrence, which was read, viz.

*Resolved*, (if the Honorable the Senate concur herein) That the Governor be, and he is hereby requested to cause an exemplification of the act, entitled “An act ratifying certain articles in addition to and amendment of the Constitution of the United States of America, proposed by the Congress” . . . under the great seal of this State, to be made, and to transmit the same to the President of the United States. Thereupon,

*Resolved*, That the Senate do concur with the Honorable the Assembly in their preceding resolution.

*Ordered*, That Mr. Clinton and Mr. Peter Schuyler deliver a copy of the preceding concurrent resolution to the Honorable the Assembly.

*Assembly Proceedings, Friday, 19 March 1790*

A copy of a resolution of the Honorable the Senate was read, concurring with this House in their resolution of the sixteenth instant, for the exemplification of certain laws of this State, and the transmission thereof to the President of the United States.

*Ordered*, That Mr. Tappen and Mr. J. Smith, deliver a copy of the said resolution of this House, and of the resolution of concurrence of the Honorable the Senate, to his Excellency the Governor.

*Exemplification of New York’s Ratification of Amendments to the Constitution  
27 March 1790*

[Here appears New York’s act ratifying eleven of Congress’ proposed amendments.]

IN TESTIMONY whereof WE have caused these our Letters to be made patent and the Great Seal of our said State to be hereunto affixed: WITNESS our Trusty and well beloved GEORGE CLINTON Esquire, Governor of our said State, General and Commander in Chief of all the Militia and Admiral of the Navy of the same, at our City of New York, the twenty seventh day of March in the Year one thousand seven hundred and ninety, and in the fourteenth Year of our Independence.

Geo. Clinton

Passed the Secretary’s Office the 27th March 1790.

Lewis A. Scott, Sec’y.

*Governor George Clinton to President George Washington, New York, 2 April 1790*

I have the Honor of transmitting to your Excellency herewith inclosed, Exemplifications of three Acts of the Legislature of this State, passed at their present Session, and to be with the highest Respect

*Newspaper Reports of New York's Ratification of Amendments to the Constitution  
10 February–7 April 1790*

*New Hampshire Gazette, 10 February 1790*

The amendments, proposed to be added to the Constitution of the United States have been adopted by the Assembly of New-York, except the 2d article.

*New York Daily Gazette, 16 February 1790*

A message from the President by Mr. Lear, was received [by the House of Representatives], communicating a vote of the Legislature of New-York, acceding to the amendments proposed by Congress to the Constitution of the United States.

*New York Gazette of the United States, 7 April 1790 (excerpts)*

A message from the President of the United States, with exemplifications of three acts passed by the State of New-York, was received [by the House of Representatives], viz. . . . an act ratifying the amendments to the Constitution.

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