

MONDAY, MAY 28, 1787.

JOURNAL

Monday May 28. 1787.

The Convention met agreeably to adjournment —

The honorable Nathaniel Gorham, and Caleb Strong Esquires, Deputies from the State of Massachusetts, The honorable Oliver Elsworth Esq, a deputy from the State of Connecticut — The honble Gunning Bedford Esq. a Deputy from the State of Delaware and The honorable James McHenry Esquire, a Deputy from the State of Maryland, attended and took their seats.

The following Credentials were produced and read.

(here insert the credentials of the Deputies from the States of Massachusetts, and Connecticut, and the credentials of James McHenry Esquire from the State of Maryland)¹ His Excellency Benjamin Franklin Esquire, and of The honorable George Clymer, Thomas Mifflin and Jared Ingersol Esquires four of the Deputies of the State of Pennsylvania attended and took their seats

Mr Wythe reported from the Committee, (to whom the drawing up rules, proper in their opinion, to be observed by the Convention in their proceedings, as standing Orders, was referred) that the Committee had drawn up the rules accordingly, and had directed him to report them to the House — and he read the report in his place, and afterwards delivered it in at the Secretary's table; where the said rules were once read throughout, and then a second time one by one; and upon the question severally put thereupon two of them were disagreed to; and the rest with amendments to some of them were

¹ See Appendix B.

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agreed to by the House, which rules, so agreed to, are as follow:

Rules to be observed as the standing Orders of the Convention.

A House, to do business, shall consist of the Deputies of not less than seven States; and all questions shall be decided by the greater number of these which shall be fully represented; but a less number than seven may adjourn from day to day.

Immediately after the President shall have taken the Chair, and the members their seats, the minutes of the preceding day shall be read by the Secretary.

Every member, rising to speak, shall address the President; and, whilst he shall be speaking, none shall pass between them, or hold discourse with another, or read a book, pamphlet, or paper, printed or manuscript — and of two members, rising at the same time, the President shall name him who shall be first heard.

A member shall not speak oftner than twice, without special leave, upon the same question; and not the second time, before every other, who had been silent, shall have been heard, if he choose to speak, upon the subject.

A motion made and seconded, shall be repeated and, if written, as it shall be when any member shall so require, read aloud, by the Secretary, before it shall be debated; and may be withdrawn at any time before the vote upon it shall have been declared.

Orders of the day shall be read next after the minutes, and either discussed or postponed before any other business shall be introduced.

When a debate shall arise upon a question, no motion, other than to amend the question, to commit it, or to postpone the debate shall be received.

A question, which is complicated, shall, at the request of any member, be divided, and put separately upon the propositions, of which it is compounded.

The determination of a question, although fully debated, shall be postponed, if the Deputies of any State desire it, until the next day.

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A Writing, which contains any matter brought on to be considered, shall be read once throughout, for information, then by paragraphs, to be debated, and again, with the amendments, if any, made on the second reading; and afterwards the question shall be put upon the whole, amended, or approved in it's original form, as the case shall be.

That Committees shall be appointed by ballot; and that the members who have the greatest number of ballots, although not a majority of the votes present, be the Committee. When two or more Members have an equal number of votes, the Member standing first on the list in the order of taking down the ballots shall be preferred.

A member may be called to order by any other Member, as well as by the President, and may be allowed to explain his conduct or expressions, supposed to be reprehensible — And all questions of order shall be decided by the President without appeal or debate.

Upon a question to adjourn, for the day, which may be made at any time, if it be seconded, the question shall be put without a debate.

When the House shall adjourn every Member shall stand in his place until the President pass him.

Resolved that the said rules be observed as standing Orders of the House.

a letter from sundry Persons of the State of Rhode Island addressed to the honorable the Chairman of the General Convention was presented to the Chair by Mr G. Morris² — and, being read, ordered that the said letter do lye upon the table for farther consideration.

A motion was made by Mr Butler, one of the Deputies of South Carolina, that the House provide against interruption of business by absence of members, and against licentious publication of their proceedings: also

A motion was made by Mr Spaight, one of the Deputies of North-Carolina, to provide, that, on the one hand, the house, may not be precluded, by a vote upon any question,

² For this letter see Appendix A, VII.

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from revising the subject matter of it, when they see cause, nor, on the other hand, be led too hastily to rescind a decision, which was the result of mature discussion.

Ordered that the said motions be referred to the consideration of the Committee appointed on Friday last, to draw up rules to be observed as the standing orders of the Convention; and that they do examine the matters thereof, and report thereupon to the House.

adjourned till to-morrow at 10 o'clock A. M

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(From Masst's Nat: Gorham & Caleb Strong. From Connecticut Oliver Elseworth. From Delaware Gunning Bedford. From Maryland James McHenry. From Penna. B. Franklin, George Clymer, Ths. Mifflin & Jared Ingersol took their seats.)³

Mr. Wythe from the Committee for preparing rules made a report which employed the deliberations of this day.

Mr. King objected to one of the rules in the Report authorising any member to call for the yeas & nays and have them entered on the minutes. He urged that as the acts of the Convention were not to bind the Constituents it was unnecessary to exhibit this evidence of the votes; and improper as changes of opinion would be frequent in the course of the business & would fill the minutes with contradictions.

Col. Mason seconded the objection; adding that such a record of the opinions of members would be an obstacle to a change of them on conviction; and in case of its being hereafter promulged must furnish handles to the adversaries of the Result of the Meeting.

The proposed rule was rejected *nem. contradicente*.

(The standing rules * agreed to were as follow:⁴

* Previous to the arrival of a majority of the States, the rule by which they ought to vote in the Convention had been made a subject of conversation among the mem-

³ Copied from *Journal*.

⁴ Originally Madison had recorded:

"The Rule restraining members from communicating the proceedings of the

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viz, A House to do business shall consist of the Deputies of not less than seven States; and all questions shall be decided by the greater number of these which shall be fully represented: but a less number than seven may adjourn from day to day.

Immediately after the President shall have taken the chair, and the members their seats, the minutes of the preceding day shall be read by the Secretary.

Every member, rising to speak, shall address the President; and whilst he shall be speaking, none shall pass between them, or hold discourse with another, or read a book, pamphlet or paper, printed or manuscript — and of two members rising at the same time, the President shall name him who shall be first heard.

A member shall not speak oftener than twice, without special leave, upon the same question; and not the second time, before every other, who had been silent, shall have been heard, if he choose to speak upon the subject.

A motion made and seconded, shall be repeated, and if written, as it shall be when any member shall so require, read aloud by the Secretary, before it shall be debated; and may be withdrawn at any time, before the vote upon it shall have been declared.

Orders of the day shall be read next after the minutes,

bers present. It was pressed by Gouverneur Morris and favored by Robert Morris and others from Pennsylvania, that the large States should unite in firmly refusing to the small States an equal vote, as unreasonable, and as enabling the small States to negative every good system of Government, which must in the nature of things, be founded on a violation of that equality. The members from Virginia, conceiving that such an attempt might beget fatal altercations between the large & small States, and that it would be easier to prevail on the latter, in the course of the deliberations, to give up their equality for the sake of an effective Government, than on taking the field of discussion, to disarm themselves of the right & thereby throw themselves on the mercy of the large States, discountenanced & stifled the project.

Convention &c. was agreed to nem. con. for reasons similar to those above mentioned.

One Another of the Rules being disagreed to, the sett was agreed to understand as follows. See note B."

This was later struck out and there was substituted, "see the Journal & copy here the printed rules." The rules as given in the text were copied from the *Journal* and pasted over the original record.

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and either discussed or postponed, before any other business shall be introduced.

When a debate shall arise upon a question, no motion, other than to amend the question, to commit it, or to postpone the debate shall be received.

A question⁵ which is complicated, shall, at the request of any member, be divided, and put separately on the propositions. of which it is compounded.

The determination of a question, altho' fully debated, shall be postponed, if the deputies of any State desire it until the next day.

A writing which contains any matter brought on to be considered, shall be read once throughout for information, then by paragraphs to be debated, and again, with the amendments if any, made on the second reading; and afterwards, the question shall be put on the whole, amended, or approved in its original form, as the case shall be.

Committees shall be appointed by ballot; and the members who have the greatest number of ballots, altho' not a majority of the votes present, shall be the Committee — When two or more members have an equal number of votes, the member standing first on the list in the order of taking down the ballots, shall be preferred.

A member may be called to order by any other member, as well as by the President; and may be allowed to explain his conduct or expressions supposed to be reprehensible. — and all questions of order shall be decided by the President without appeal or debate.

Upon a question to adjourn for the day, which may be made at any time, if it be seconded, the question shall be put without a debate.

When the House shall adjourn, every member shall stand in his place, until the President pass him.)

(A letter⁶ from sundry persons of the State of Rho. Island

⁵ From this point to the end of the rules a line is drawn across the page of the MS, but not apparently to strike it out, as the rules were actually adopted by the Convention.

⁶ The remainder of this day's records were copied from *Journal*.

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YATES

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addressed to the Honorable The Chairman of the General Convention was presented to the chair by Mr. Govr. Morris, and being read, was ordered to lie on the table for further consideration. (For the letter see Note in the appendix).⁷

Mr Butler moved that the house provide agst. interruption of business by absence of members, and against licentious publications of their proceedings — to which was added by — Mr. Spaight — a motion to provide that on the one hand the House might not be precluded by a vote upon any question, from revising the subject matter of it, When they see cause, nor, on the other hand, be led too hastily to rescind a decision, which was the result of mature discussion. — Whereupon it was ordered that these motions be referred to the consideration of the Committee appointed to draw up the standing rules and that the Committee make report thereon.

Adjd till to morrow 10. OClock)⁸

[May] 28.⁹ (pa. 4 to 10). Other members attended — Mr. Wythe from Commee reports rules — one of them rejected others adopted — note of J. M. on rule of voting. a letter from R. I. presented by G. Morris.

Y A T E S

MONDAY, MAY 28, 1787

Met pursuant to adjournment.

A committee of three members, (whose appointment I omitted in the entry of the proceedings of Friday last,) reported a set of rules for the order of the convention; which being considered by articles, were agreed to, and additional ones proposed and referred to the same committee. The representation was this day increased to nine states — Massachusetts and Connecticut becoming represented. Adjourned to next day.

⁷ See Appendix A, VII, XLV, CII.

⁸ See further Appendix A, XXV, XXVI.

⁹ Memoranda by Madison, see May 25 note 13.

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McHENRY

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McHENRY

PHILADELPHIA 14 May 1787.¹⁰
Convention.

On the 25th seven states being represented viz. New-York New Jersey, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina George Washington was elected (unanimously) president of the convention.

The convention appoint a committee to prepare and report rules for conducting business which were reported, debated, and in general agreed to on the 28th.

¹⁰ According to the Journal, McHenry first attended on May 28; his notes are therefore assigned to this date.