

MONDAY, SEPTEMBER 17, 1787.

JOURNAL

DETAIL OF AYES AND NOES

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	ayes	noes	divided
[567]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	The Constitution unani-			
[568]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	dd	aye		mously agreed to.			
[569]	aye	aye	aye	aye	aye	aye	aye	no	aye	aye	aye	aye		To deliver over the Jour-			
														nals and papers to the			
														President.			

MADISON

Monday Sepr. 17. 1787. In Convention

The engrossed Constitution being read,

Doctr. Franklin rose with a speech in his hand, which he had reduced to writing for his own conveniency, and which Mr. Wilson read in the words following.¹

Mr. President

I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experi-

¹ Franklin seems to have sent copies of this speech in his own handwriting to several of his friends, and one of these soon found its way into print (see Carey's *American Museum*, II, pp. 558-559). After examining several of these copies, it seems probable that Madison's copy represents the speech as it was read. The others all embody subsequent modifications. See further Appendix A, CXXVIII, CLXXXVII, CC.

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enced many instances of being obliged by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. Most men indeed as well as most sects in Religion, think themselves in possession of all truth, and that wherever others differ from them it is so far error. Steele, a Protestant in a Dedication tells the Pope, that the only difference between our Churches in their opinions of the certainty of their doctrines is, the Church of Rome is infallible and the Church of England is never in the wrong. But though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain french lady, who in a dispute with her sister, said "I don't know how it happens, Sister but I meet with no body but myself, that's always in the right" — *Il n'y a que moi qui a toujours raison.*"

In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general Government necessary for us, and there is no form of Government but what may be a blessing to the people if well administered, and believe farther that this is likely to be well administered for a course of years, and can only end in Despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic Government, being incapable of any other. I doubt too whether any other Convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an Assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel; and that our States are on the point of separation, only to meet hereafter for the

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purpose of cutting one another's throats. Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good — I have never whispered a syllable of them abroad — Within these walls they were born, and here they shall die — If every one of us in returning to our Constituents were to report the objections he has had to it, and endeavor to gain partizans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects & great advantages resulting naturally in our favor among foreign Nations as well as among ourselves, from our real or apparent unanimity. Much of the strength & efficiency of any Government in procuring and securing happiness to the people, depends. on opinion, on the general opinion of the goodness of the Government, as well as well as of the wisdom and integrity of its Governors. I hope therefore that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress & confirmed by the Conventions) wherever our influence may extend, and turn our future thoughts & endeavors to the means of having it well administered.

On the whole, Sir, I cannot help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility—and to make manifest our unanimity, put his name to this instrument." — He then moved that the Constitution be signed by the members and offered the following as a convenient form viz. "Done in Convention, by the unanimous consent of *the States* present the 17th. of Sepr. &c — In Witness whereof we have hereunto subscribed our names."

This ambiguous form had been drawn up by Mr. G. M. in order to gain the dissenting members, and put into the hands of Doctr. Franklin that it might have the better chance of success.

Mr. Gorham said if it was not too late he could wish, for the purpose of lessening objections to the Constitution, that

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the clause declaring "the number of Representatives shall not exceed one for every forty thousand —" which had produced so much discussion, might be yet reconsidered, in order to strike out 40,000 & insert "thirty thousand" This would not he remarked establish that as an absolute rule, but only give Congress a greater latitude which could not be thought unreasonable.²

Mr. King & Mr Carrol seconded & supported the ideas of Mr Gorham.

When the President rose, for the purpose of putting the question,³ he said that although his situation had hitherto restrained him from offering his sentiments on questions depending in the House, and it might be thought, ought now to impose silence on him, yet he could not forbear expressing his wish that the alteration proposed might take place. It was much to be desired that the objections to the plan recommended might be made as few as possible — The smallness of the proportion of Representatives had been considered by many members of the Convention, an insufficient security for the rights & interests of the people. He acknowledged that it had always appeared to himself among the exceptionable parts of the plan;⁴ and late as the present moment was for admitting amendments, he thought this of so much consequence that it would give much satisfaction to see it adopted.*

No opposition was made to the proposition of Mr. Gorham and it was agreed to unanimously

On the question to agree to the Constitution enrolled in order to be signed. It was agreed to all the States answering ay.

Mr Randolph then rose and with an allusion to the observations of Doctr Franklin, apologized for⁵ his refusing to sign the Constitution, notwithstanding the vast majority & vener-

*This was the only occasion on which the President entered at all into the discussions of the Convention.

² Upon this change to 30,000 see Appendix A, CXLVII, CLVIII (39), CCXVIII, CCXLVI.

³ Crossed out "he made a few observations".

⁴ Crossed out "of such peculiar importance was its amendments, he could not therefore suppress his approbation of the mo".

⁵ Crossed out: "yielding to his own judgment against so".

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able names that would give sanction to its wisdom and its worth.⁶ He said however that he did not mean by this refusal to decide that he should oppose the Constitution without doors. He meant only to keep himself free to be governed by his duty as it should be prescribed by his future judgment — He refused to sign, because he thought the object of the convention would be frustrated by the alternative which it presented to the people. Nine States will fail to ratify the plan and confusion must ensue. With such a view of the subject he ought not, he could not, by pledging himself to support the plan, restrain himself from taking such steps as might appear to him most consistent with the public good.

Mr. Govr. Morris said that he too had objections, but considering the present plan⁷ as the best that was to be attained, he should take it with all its faults. The majority had determined in its favor and by that determination he should abide. The moment this plan goes forth all other considerations will be laid aside— and the great question will be, shall there be a national Government or not? and this must take place or a general anarchy will be the alternative — He remarked that the signing in the form proposed related only to the fact that the *States* present were unanimous.

Mr. Williamson suggested that the signing should be confined to the letter accompanying the Constitution to Congress. which might perhaps do nearly as well, and would be found be satisfactory to some members* who disliked the Constitution. For himself he did not think a better plan was to be expected and had no scruples against putting his name to it.

Mr Hamilton expressed his anxiety that every member should sign. A few characters of consequence, by opposing or even refusing to sign the Constitution, might do infinite mischief by kindling the latent sparks which lurk under an enthusiasm in favor of the Convention which may soon subside. No man's ideas were more remote from the plan than

* He alluded⁸ to Mr. Blount for one.

⁶ Upon Randolph's refusal to sign, see above September 15, and Appendix A, CXIV, CXXXI, CXXXVII, CCV.

⁷ Crossed out "results of all deliberations".

⁸ Crossed out "probably".

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his own were known to be; but is it possible to deliberate between anarchy and Convulsion on one side, and the chance of good to be expected from the plan on the other.

Mr Blount said he had declared that he would not sign, so as to pledge himself in support of the plan, but he was relieved by the form proposed and would without committing himself attest the fact that the plan was the unanimous act of the States in Convention.

Doct. Franklin expressed his fears from what Mr Randolph had said, that he thought himself alluded to in the remarks offered this morning to the House. He declared that when drawing up that paper he did not know that any particular member would refuse to sign his name to the instrument, and hoped to be so understood. He professed a high sense of obligation to Mr. Randolph for having brought forward the plan in the first instance, and for the assistance he had given in its progress, and hoped that he would yet lay aside his objections, and, by concurring with his brethren, prevent the great mischief which the refusal of his name might produce

Mr. Randolph could not but regard the signing in the proposed form, as the same with signing the Constitution. The change of form therefore could make no difference with him. He repeated that in refusing to sign the Constitution, he took a step which might be the most awful of his life, but it was dictated by his conscience, and it was not possible for him to hesitate, much less, to change. He repeated also his persuasion, that the holding out this plan with a final alternative to the people, of accepting or rejecting it in toto, would really produce the anarchy & civil convulsions which were apprehended from the refusal of individuals to sign it.

Mr Gerry described the painful feelings of his situation, and the embarrassment under which he rose to offer any further observations on the subject wch. had been finally decided. Whilst the plan was depending, he had treated it with all the freedom he thought it deserved— He now felt himself bound as he was disposed to treat it with the respect due to the Act of the Convention— He hoped he should not violate that respect in declaring on this occasion his fears

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that a Civil war may result from the present crisis of the U. S.— In Massachusetts, particularly he saw the danger of this calamitous event— In that State there are two parties, one devoted to Democracy, the worst he thought of all political evils, the other as violent in the opposite extreme. From the collision of these in opposing and resisting the Constitution, confusion was greatly to be feared. He had thought it necessary for this & other reasons that the plan should have been proposed in a more mediating shape, in order to abate the heat and opposition of parties— As it had been passed by the Convention, he was persuaded it would have a contrary effect— He could not therefore by signing the Constitution pledge himself to abide by it at all events. The proposed form made no difference with him. But if it were not otherwise apparent, the refusals to sign should never be known from him. Alluding to the remarks of Doctr. Franklin, he could not he said but view them as levelled at himself and the other gentlemen who meant not to sign;

Genl Pinkney— We are not likely to gain many converts by the ambiguity of the proposed form of signing. He thought it best to be candid and let the form speak the substance— If the meaning of the signers be left in doubt, his purpose would not be answered— He should sign the Constitution with a view to support it with all his influence, and wished to pledge himself accordingly—

Doctr. Franklin. It is too soon to pledge ourselves before Congress and our Constituents shall have approved the plan.

Mr Ingersol did not consider the signing, either as a mere attestation of the fact, or as pledging the signers to support the Constitution at all events; but as a recommendation, of what, all things considered, was the most eligible.

On the motion of Doctr. Franklin

N. H. ay. Mas. ay— Ct. ay— N. J. ay— Pa. ay— Del— ay. Md. ay. Va. ay— (N. C. ay)^o S. C. divd.* Geo. ay. [Ayes — 10; noes — 0; divided — 1.]

* Genl Pinkney & Mr. Butler disliked the equivocal form of the signing, and on that account voted in the negative

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Mr. King suggested that the Journals of the Convention should be either destroyed, or deposited in the custody of the President. He thought if suffered to be made public, a bad use would be made of them by those who would wish to prevent the adoption of the Constitution—¹⁰

Mr Wilson preferred the second expedient. he had at one time liked the first best; but as false suggestions may be propagated it should not be made impossible to contradict them—

A question was then put on depositing the Journals and other papers of the Convention in the hands of the President, On which,

N— H— ay. Mtts ay. Ct. ay— N. J. ay. Pena. ay. Del. ay. Md.* no. Va. ay. N. C. ay— S. C. ay. Geo. ay. [Ayes 10; noes — 1.]

The President having asked what the Convention meant should be done with the Journals &c, whether copies were to be allowed to the members if applied for. It was Resolved nem: con: “that he retain the Journal and other papers, subject to the order of Congress, if ever formed under the Constitution.”¹¹

The members then proceeded to sign the instrument.

Whilst the last members were signing it Doctr. Franklin looking towards the Presidents Chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that Painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun.

The Constitution being signed by all the Members except

* This negative of Maryland was occasioned by the language of the instructions to the Deputies of that State, which required them to report to the State, the *proceedings* of the Convention.

¹⁰ See further appendix A, CX, CXI, CCCXX.

¹¹ For the subsequent history of these papers, see Introduction.

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Mr Randolph, Mr Mason, and Mr. Gerry who declined giving it the sanction of their names,¹² the Convention dissolved itself by an Adjournment sine die ———

~~(See~~ The few alterations and corrections made in these debates which are not in my hand writing, were dictated by me and made in my presence by John C. Payne.

James Madison)

McHENRY

Monday 17 Sepr. 1787.

Read the engrossed constitution. Altered the representation in the house of representatives from 40 to thirty thousand.

Dr. Franklin put a paper into Mr Willsons hand to read containing his reasons for assenting to the constitution. It was plain, insinuating persuasive — and in any event of the system guarded the Doctor's fame.

Mr Randolp Mr Mason and Mr Gerry declined signing—
The other members signed—

Being opposed to many parts of the system I make a remark why I signed it and mean to support it.

1sly I distrust my own judgement, especially as it is opposite to the opinion of a majority of gentlemen whose abilities and patriotism are of the first cast; and as I have had already frequent occasions to be convinced that I have not always judged right.

2dly Alterations may be obtained, it being provided that the concurrence of $\frac{2}{3}$ of the Congress may at any time introduce them.

3dly Comparing the inconveniences and the evils which we labor under and may experience from the present confederation, and the little good we can expect from it — with the possible evils and probable benefits and advantages promised

¹² See above note 6, and Appendix A, CVIII, CX, CXXIV, CXXXVII, CLVI, CLXXXIX, CCXLII, CCXLIV, CCCLIX, CCCLXII.

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us by the new system, I am clear that I ought to give it all the support in my power.

Philada. 17 Sepr. 1787 James McHenry.

Major Jackson Secry. to carry it to Congress — Injunction of secrecy taken off. Members to be provided with printed copies — adjourned sine die — Gentn. of Con. dined together at the City Tavern.¹⁴

¹⁴ See Appendix A, CX.