



ARTICLE • THE CONSTITUTIONAL CONVENTION: A DAY BY DAY ACCOUNT FOR SEPTEMBER 1787

September 17, 1787: A Republic, If You Can Keep It

[Independence National Historical Park](#)



The Rising Sun Chair in Independence Hall
NPS photo

"A republic, if you can keep it."

--Benjamin Franklin's response to Elizabeth Willing Powel's question: "Well, Doctor, what have we got, a republic or a monarchy?"

Monday, September 17, 1787: The Convention Today

The day began with a prepared speech from Franklin (PA) who, eighty-one years old and painfully afflicted with gout and kidney stone, was unable to read it himself and delegated that task to Wilson (PA).

While the speech was formally addressed to Washington (VA), the Convention's president, its purpose was to convince the three delegates who had announced their refusal to sign the Constitution—Gerry

(MA), Randolph (VA), and Mason (VA)—to abandon their opposition. Franklin began on a note of humility. "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 experienced 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."

"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 further, 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."

He didn't think another Convention (which Mason and Randolph had argued for) would do any better than the first had. He admitted that the men in the room were all well-reasoned and had a diversity of opinions, making it difficult to find common ground. "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.... Thus I consent, Sir, to this Constitution, because I expect no better, and because I am not sure, that it is not the best."

"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."

Franklin then moved for the form of the signing to be such: "Done in Convention by the unanimous consent of the States present, the seventeenth of September, &c. In witness whereof, we have hereunto subscribed our names."

This form had actually been thought up by Gouverneur Morris (PA), who had given it to Franklin so that Franklin's esteem would lend it credence. The wording of the form doesn't explicitly state that the signer is endorsing the Constitution. It only means that the signer is affirming that the states present in the Convention unanimously approved the Constitution. The idea was to get Gerry, Mason, and Randolph to sign by making their personal objections irrelevant to their signatures.

Gorham (MA) then motioned for Congress to be given the power to increase the size of the House of Representatives from one representative for every 40,000 people to one for every 30,000. (Mind that Congress would not have been required to increase the House to such a size, but just given the option to do so.) Proposals such as this one had repeatedly failed, but King (MA) and Carroll (MD) seconded him.

Now, on this last day of the Convention, Washington (VA) spoke for the only time. While he said it was typically inappropriate for him, as president of the Convention, to offer his opinion, he felt called to support Gorham's motion. He thought increasing the size of the House of Representatives would increase the "security of the rights and the interests of the people." After Washington's speech, no one spoke in opposition to the motion, and it passed unanimously. Jacob Shallus, the scribe who had the day before handwritten the engrossed copy of the Constitution, corrected the text to reflect this final amendment.

Randolph gave a brief speech where (much like one from two days earlier) he was almost apologetic

about refusing to sign the Constitution, but left open the possibility that he might support the Constitution when Virginia considered ratifying it. He stated, "Nine States [the minimum number for the Constitution to take effect] will fail to ratify the plan, and confusion must ensue."

G. Morris and Williamson (NC) gave speeches encouraging the holdouts to sign. Hamilton (NY) spoke similarly, with Madison (VA) summarizing him thus: "No man's ideas were more remote from the plan than 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?"

Blount (NC) stated that his signature should not be taken as a sign of his support for the Constitution but just as his affirmation that the Constitution had been unanimously approved by the states at the Convention.

Franklin gave a second speech where he personally begged Randolph to sign. Randolph said that Franklin's proposed form for the signatures didn't make a difference: signing the Constitution would imply that he supported it, and he didn't. Madison writes that "He [Randolph] 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." Randolph thought that presenting the Constitution to the American people to only accept or reject in total, without amendments, would cause all the "anarchy and civil convulsions" which the soon-to-be signers professed to want to avoid. Gerry gave a speech to the same effect.

Charles Cotesworth Pinckney (SC) did not like the ambiguity in Franklin's proposed form for the signatures. He supported the Constitution and intended his signature to be a sign of that support.

Ingersoll (PA) took a middle position: his signature would not indicate his support for the Constitution, but neither would it merely be his attestation to the Convention's unanimity. His signature would be his "recommendation" that the Convention's final product, "all things considered, was the most eligible."

Franklin's motion (related to the form of the signing) passed 10–1, with South Carolina's vote divided on account of C.C. Pinckney and Butler wanting the form to be more emphatically supportive.

The Convention then voted to deposit their official journals (which ended up being much less detailed than Madison's personal notes) with Washington.

The delegates then proceeded to sign the engrossed copy of the United States Constitution. Thirty-eight men signed thirty-nine names—Dickinson (DE) was ailing with a headache and had asked Read (DE) to sign for him two days earlier. Despite so many personal appeals, Gerry, Randolph, and Mason still refused to sign. Hamilton, as the only New Yorker present at this point, signed in a personal capacity, since New York could not be effectively represented in the Convention by only one delegate. The signatures were grouped by state, with Pennsylvania's eight being the most. The listing of state names next to the signatures appears to be in the hand of Hamilton. Rhode Island, the only state not to send delegates to the Convention, is not listed.

After the signing, the Convention adjourned for a final time.

The signatures did not have any legal significance. The Constitution was clear: it would only go into effect when nine of the thirteen states chose to ratify it. As hard as the past four months had been, the real

challenge lay ahead, in convincing the American people to embrace the government that these men had authored.

As the last names were being signed, Franklin, in a personal aside to some other members, made an observation about the chair that Washington had been sitting in as he presided over the Convention. The chair had an emblem of half of a sun. Franklin noted that artists often have a hard time distinguishing between a rising and a setting sun in their artwork. "I have 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."

Synopsis

- Despite multiple speeches pleading for their signatures, Gerry (MA), Randolph (VA), and Mason (VA) refused to sign the United States Constitution.
- In his longest speech of the Convention, Franklin (PA) said the Constitution was "near to perfection."
- The delegates harbored some disagreements about what their signatures would exactly mean, but ultimately thirty-nine names were appended to the final document.
- The signing of the Constitution did not legally enact it. The Constitution states that nine of the thirteen states would need to ratify it for it to go into effect.

Delegates Today

- The Convention delegates dined at City Tavern.
- McHenry (MD) wrote a diary entry describing the conversation between Franklin (PA) and Elizabeth Willing Powel quoted at top.
- Johnson (CT) spent the evening paying bills—Moyston's bill for meals at City Tavern, 29 shillings; washing, 25 shillings; servants, five dollars. He also paid 1 shilling 6 pence for watch repair and bought \$22.00 worth of buckles.
- Mason (VA) drew a bill of exchange on Lt. Governor Beverly Randolph in favor of Robert Morris (PA) for fifty pounds current money of Virginia to pay money loaned Mason by R. Morris so the former could get home.
- After dining with his colleagues Washington (VA) returned to his room, did some business, received the Convention's papers from Secretary Jackson, and "retired to meditate on the momentous work which had been executed, after not less than five, for a large part of the time six, and sometimes 7 hours sitting every day, [except] Sundays & the ten days adjournment ... for more than four months." The business he did included recommending coach maker Clark to William Washington and his friends, signing forty diplomas for Rhode Island members of the Society of the Cincinnati, and accepting a John Pine engraving from Robert Edge Pine.

Philadelphia Today

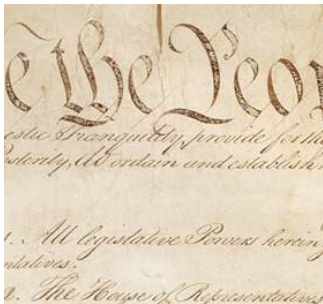
- The fall session of the Court of Oyer and Terminer and General Gaol Delivery opened in the court room of the State House (directly across the hall from the Convention). Chief Justice Thomas McKean and Justices William Augustus Atlee and George Bryan attended. This court focused on punishment of severe crimes, such as robbery, arson, rape, and murder.
- Printers Dunlap and Claypoole made 500 official copies of the United States Constitution, thirteen of

which survive to this day. These copies were to be distributed to the delegates, to newspaper printing offices, to the state legislatures, and to the Confederation Congress in New York. The copies contain a typographical error. The Constitution forbids any amendment that bans the slave trade prior to 1808, but Dunlap and Claypoole miswrote the date as "one thousand seven hundred and eight." Washington's (VA) copy has a handwritten correction where "seven" is crossed out and replaced with "eight."

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