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THE RECORDS OF THE FEDERAL CONVENTION

WHEN the Federal Convention met in Philadelphia in 1787, for the purpose of rendering the Articles of Confederation “adequate to the exigencies of Government and the preservation of the Union”, the members of that body were duly aware of the importance of the work they were about to undertake. Some of them were impressed with a sense of their own importance. Men were accustomed in those days to rely for their information more upon private correspondence than upon newspapers—that is, to do their own reporting—and so quite naturally, although there was an official secretary, many of the members of this important convention kept notes of the proceedings for their own use. In the years immediately preceding when the various states had adopted their constitutions, a few days, or a few weeks at most, had been sufficient for the framing of those instruments of government; but in a national assembly the conflicting interests of states and sections could not be reconciled in any short space of time. The very importance of the work protracted the sessions of the Federal Convention beyond expectation. Convening nominally on May 14, but owing to lack of a quorum unable to begin regular work until the 25th, the Convention remained in continuous session until September 17.¹ Other public duties or private interests called away many of the members, and most of those who remained became tired and even irritable: so that of all those who started out so carefully to keep notes of the proceedings, at the present time we know of no one but James Madison who persisted to the end.

INFORMATION UPON THE CONVENTION'S PROCEEDINGS, 1787-1818

The sessions of the Convention were secret; before the final adjournment the secretary was directed to deposit “the Journals and other papers of the Convention in the hands of the President”, and in answer to an inquiry of Washington's, the Convention resolved “that he retain the Journal and other papers subject to the

¹There was an adjournment of two days over the Fourth of July; and another of ten days between July 26 and August 6 to allow the Committee of Detail to prepare its report.

order of Congress, if ever formed under the Constitution".² It was understood that the members would regard the proceedings as confidential, and in general this understanding was lived up to.³ But when the question of the adoption of the Constitution was before the country, to refrain from all allusion as to what had taken place in the framing of that document, was too much to ask of human nature.

1. Franklin, moved by a pardonable vanity, copied with his own hand several of his speeches for distribution among his friends. Some of these, and particularly his plea at the close of the Convention for unanimous action, quickly found their way into print.⁴

2. Charles Pinckney lost no time in printing, both in pamphlet form⁵ and in a South Carolina newspaper,⁶ what is probably a speech he had prepared to deliver at the time when he submitted his plan of government, but which he was prevented from delivering by the lateness of the hour.⁷

3. In practically all of the state conventions upon the adoption of the Constitution, delegates who had been members of the Federal Convention referred to the proceedings of that body and sometimes, in the excitement of debate, made very definite statements as to its action upon particular questions. The proceedings of several of these conventions were printed, and at an early date.⁸

4. The Maryland delegates were required by their instructions to report the proceedings of the Federal Convention to the legislature of their state, and Luther Martin's report was published early in 1788 under the title, *The Genuine Information . . . relative to the Proceedings of the General Convention, lately held at Philadelphia. . . .* This document is more of an arraignment of the action of the majority than a report of the proceedings of the whole Con-

² *Documentary History of the Constitution*, III. 769-770.

³ Both Washington and Madison felt strongly that the proceedings of the Convention should not be made public during the life-times of the members, or at least not as long as the opinions any member might have expressed in debate could in any way be used to his prejudice. J. Q. Adams, *Memoirs*, IV. 175, and *Documentary History of the Constitution*, V. 310.

⁴ *Carey's American Museum* for December, 1787.

⁵ *Observations on the Plan of Government Submitted to the Federal Convention, in Philadelphia, on the 28th of May, 1787* (New York [1787]).

⁶ *State Gazette* of South Carolina, October 29-November 29, 1787. (J. F. Jameson, *Studies in the History of the Federal Convention*, in the *Annual Report of the American Historical Association* for 1902, p. 116, note.)

⁷ See Professor McLaughlin's explanation of the identity of this speech in *AMERICAN HISTORICAL REVIEW*, IX. 735-741.

⁸ For a list of printed debates of the state conventions, see Jameson, *Studies*, 164-167.

vention, but some interesting information may be extracted from it.⁹

5. For a year after the Convention was over the public press was filled with arguments for and against the Constitution.¹⁰ In this controversy, no small part was taken by members of the Convention, and not infrequently information was given upon what had taken place in Philadelphia. This was notably the case when Ellsworth indulged in some rather sharp personal criticisms of Gerry and Martin, and goaded those men to reply.¹¹

6. Similarly when constitutional questions arose in Congress after the new government was in operation, statements were made as to what had been said or done in the Federal Convention, in order to support the speaker's argument.¹²

Political capital was made of the fact that Hamilton was supposed to have proposed in the Convention a monarchical form of government, and in support of that contention his sketch of a plan of government, submitted in his speech of June 18, was printed at least as early as 1801, "with a view of destroying his popularity and influence".¹³

But all of these dealt with personalities or scattered incidents of the Convention, and presented no connected account of the whole. Something more of an attempt in the latter direction appeared a few years later, though again its purpose was purely political. Robert Yates of New York had kept notes of the proceedings of the Convention, as long as he remained in attendance upon its sessions, and a copy of these was made by his colleague, John Lansing. This copy seems to have come into the possession of E. C. Genet,¹⁴ former minister from France, who published anonymously in 1808 an abstract of it in *A Letter to the Electors of President and Vice-President of the United States*.¹⁵ This pamphlet was intended to

⁹ In the *Maryland Gazette or Baltimore Advertiser* of February 15, 1788, and in Carey's *American Museum*, III. 362-363, were printed the "Resolves proposed to the Convention by the Honorable Mr. Paterson, and mentioned in Mr. Martin's Information to the House of Assembly." Jameson, *Studies in the History of the Federal Convention*, p. 138.

¹⁰ See "Reference List" in P. L. Ford, *Bibliography of the Constitution*.

¹¹ November, 1787-April, 1788, reprinted in P. L. Ford, *Essays on the Constitution of the United States*.

The relevant portions of a letter of William Pierce to St. George Tucker, dated September 28, 1787, in which the former gave his general impressions of the work of the Convention were printed in the *Georgia Gazette* of March 20, 1788 (*AMERICAN HISTORICAL REVIEW*, III. 311), and indicate a class of material that would be included here.

¹² See, for example, *Annals of Congress*, Fifth Congress, II. 1967, 1992, 2003.

¹³ See Jameson, *Studies*, p. 148.

¹⁴ See below, p. 50 and note 30.

¹⁵ A copy is in the Library of Congress.

be an attack upon Madison, who was then a candidate for the presidency, and the extracts from Yates's notes were used to show that in the Convention Madison had been in favor of a "consolidated government". Although almost all the extracts are direct quotations, the writer has cleverly pieced them together in such a way that Madison stands out conspicuously as the leader of the national party in the Convention. A few years later (1813) this abstract was reprinted in Hall's *American Law Journal*.

THE JOURNAL, 1819

After the War of 1812, the questions of protective tariffs and internal improvements raised constitutional issues of great importance, and quite probably because of this, Congress by a joint resolution in 1818 directed the publication of the "Journal . . . and all Acts and Proceedings" of the Federal Convention, which were in the possession of the government. Accordingly there was printed at Boston in 1819, *Journal, Acts and Proceedings, of the Convention, . . . which formed the Constitution of the United States*,¹⁶ an octavo volume of some 500 pages. Although it is nowhere stated in the work itself, it is well known that John Quincy Adams, then Secretary of State, was the editor, and from his *Memoirs* we learn of the difficulties under which he labored in preparing the material for the press.¹⁷

This printed *Journal* included merely a formal statement of the opening and adjournment of each day's session, the motions that were before the house—occasionally including the names of the mover and seconder—the determination of each question and, in most cases, the vote by states. Great disappointment was, and has been since expressed at the meagreness of the information thus afforded in matters so closely related to important issues, but the accuracy of the *Journal's* records as far as they go has hardly been questioned.¹⁸ Indeed, it has been accepted as the official record of the formal proceedings of the Convention.

Recently (1894) the Bureau of Rolls and Library of the Depart-

¹⁶ The *Journal* was reprinted in 1830 as volume IV. of the first edition of Elliot's *Debates*. In the second edition, 1836, and in all subsequent editions, it appears as volume I.

¹⁷ John Quincy Adams, *Memoirs*, IV. 174-387, *passim*.

¹⁸ Madison was the only person really in a position to raise such questions, and he goes no farther than in several cases to note discrepancies between his own record and that of the *Journal*—in some cases, indeed, intimating and in others plainly stating his conviction that the *Journal* is wrong—and Madison's general acceptance of the *Journal's* records is clearly shown elsewhere in this article. See below, pp. 53-56.

ment of State has reprinted with scrupulous accuracy, in volume I. of the *Documentary History of the Constitution*,¹⁹ the papers of the Federal Convention that were left by the secretary²⁰ and later deposited by Washington with the department. We are now in a position to appreciate the task of editing that fell to the lot of John Quincy Adams, and to pass judgment upon the finality of the records embodied in the *Journal* as printed.

In the first place, it is altogether misleading to speak of the printed *Journal* as if it were an official record. It is much better to say that there was an official secretary who, either through incompetence or neglect, kept what according to Adams "were no better than the daily minutes from which the regular journal ought to have been, but never was, made out".²¹ These minutes consist of the formal journal of the Convention, including its sessions when in Committee of the Whole House, and a separate table giving the detail of ayes and noes on the various questions.²² In the second place, while the detail of ayes and noes contains upwards of six hundred votes, there are from sixty to seventy of these votes to which no questions are attached. And in the third place, a careful comparison of the journal with the detail of ayes and noes shows that there are many questions in the former for which no votes can be found in the latter, and many questions and votes in the latter which are not included in the former. The accompanying photo-

¹⁹ Volume I. of the *Documentary History of the Constitution* originally appeared in two instalments as appendices to *Bulletins* 1 and 3 of the Bureau of Rolls and Library. Only 750 copies were printed. The *Report of the Public Printer* for the year ending June 30, 1900, Cong. Docs., 4029:19, p. 161, shows 250 copies printed upon requisition of the Department of State. In 1901 Congress ordered to be printed 7,000 copies of vols. I.-III. of the *Documentary History*. In this Congressional edition there are some minor changes in type, spacing, etc., and Charles Pinckney's letter of December 30, 1818, to John Quincy Adams, is inserted, in volume I., pp. 309-311, changing the page numbering of the pages following.

²⁰ In a formal note to Washington on the last day of the Convention, Jackson states that he will burn "all the loose scraps of paper which belong to the Convention" before turning over the papers to the president. *Doc. Hist.*, IV. 281.

²¹ J. Q. Adams, *Memoirs*, IV. 385. If one may judge from the letters that have been preserved, Jackson owed his appointment as secretary rather to the importunity of his application than to any conviction of his fitness for the position. Cf. *Doc. Hist. of the Constitution*, IV. 121-122, 169; R. H. Lee, *Life of Arthur Lee*, II. 319-320; Rowland, *Life of George Mason*, II. 102. As he himself seems to have taken notes of the debates in addition to his formal minutes, Adams, *Memoirs*, IV. 174-175; *Mass. Hist. Soc. Coll.*, sixth series, VIII. 237; Hazard's *Pennsylvania Register*, II. 386, it is possible that he somewhat neglected his official duties in order to make his private records more complete.

²² This detail of ayes and noes is written partly on loose sheets and partly in a bound blank-book.

1 N. A.	2 Maha.	3 G.	4 K. I.	5 N. P.	6 N. A.	7 P.	8 D.	9 May.	10 V.	11 N. B.	12 I. C.	13 Q.
	aye	aye		no		no	aye		no	no	aye	.
	aye	no		divd		aye	aye		aye	aye	aye	
	aye	aye		aye		aye			aye	aye	aye	
	aye	aye		aye		no	aye		aye	aye	aye	
	aye	divid		aye	no	aye	divid		aye	aye	no	aye
8	9	no	no		no	no	divid		no	no	no	no
3	7	aye	no		no	no	no		aye	no	aye	no
9	-	aye	divd		aye	aye	aye		aye	aye	aye	aye
5	4	divided	no	<small>on the end of the 77 page for verisimilitude</small>	aye	aye	aye	aye	aye	no	no	no
3	9	no	no		aye		aye	no	aye	no	no	no
2	7	no	no		divid		aye	no	aye	no	no	no
2	8	aye	aye		aye		no	aye	no	aye	aye	aye
3	7	no	aye		no		no	no	no	no	no	no
1	9	no	no		no		no	aye	no	no	no	no
2	7	aye	no	<small>copying to the original</small>	aye		divid	aye	aye	aye	aye	no
6	4	aye	aye		aye		no	no	no	no	aye	aye
7	3	aye	aye	<small>paste on end</small>	no		aye	no	no	aye	aye	aye
6	4	aye	no		aye		aye	no	no	no	aye	aye
6	10	no	no	<small>on giving the original a couple of lines</small>	no		no	no	no	no	no	no
		no	no		no		no	no	no	no	no	no
2	8	aye	no	<small>on giving the original a couple of lines</small>	aye		aye	aye	no	aye	aye	aye
8	2	aye	no		aye		aye	aye	aye	aye	no	aye
8	2	aye	no	<small>12th reproduction</small>	aye		aye	no	aye	aye	aye	aye
7	3	aye	aye		aye		no aye	aye	aye	no	aye	no
6	4	divided aye	aye		no	aye	no	no	aye	aye	no	aye
6	5	no	aye	<small>to complete</small>	aye	no	aye	aye	aye	aye	no	no
5	4	divided	aye	<small>to check over the original</small>	divd	aye	no	no	no	no	aye	aye
7	3	aye	no		divd	no	aye	aye	aye	aye	no	aye

graph of the first page of this table will show better than any long description or criticism the looseness of the secretary's methods.²³

The task of editing was evidently not an easy one, and for a time Adams regarded it as almost hopeless. Even Jackson, the secretary of the Convention, was unable to help him out. Adams reports that he called and "looked over the papers, but he had no recollection of them which could remove the difficulties arising from their disorderly state, nor any papers to supply the deficiency of the missing papers".²⁴ With the expenditure of considerable time and labor, of which he complains bitterly,²⁵ and with the exercise of no little ingenuity, Adams was finally able to collate the whole to his satisfaction. General Bloomfield supplied him with several important documents from the papers of David Brearley; Charles Pinckney sent him a copy of the plan he "believed" to be the one he presented to the Convention;²⁶ Madison furnished the means of completing the records of the last four days;²⁷ and Adams felt that "with all these papers suitably arranged, a correct and tolerably clear view of the proceedings of the Convention may be presented".

It is evident that the ascription of the votes from the detail of ayes and noes, where no questions were attached, to their respective questions in the journal, and the insertion in the journal of questions and votes that were taken from the detail of ayes and noes to supply omissions in the text of the journal, were matters of more or less uncertainty.²⁸ Mistakes were inevitable. Some of these in ascribing votes to the wrong questions are important; others, such as the assignment of questions to a wrong place in the proceedings, are of less importance; some are insignificant.²⁹ But in view of these mistakes, and because of the suspicion that would rest upon notes so carelessly kept as were the minutes of the secretary, the

²³ It is only fair to say that the secretary seems to have profited by experience, and that the later pages of the detail of ayes and noes are not as bad as the first, although uncertainty and confusion are by no means eliminated.

²⁴ *Memoirs*, IV. 174-175.

²⁵ *Ibid.*, IV. 174-387, *passim*.

²⁶ *Ibid.*, IV. 365. These papers are included among those reprinted in *Doc. Hist.*, I.

²⁷ Evidently from this fact arose the belief that Madison revised the *Journal* before it was sent to the press, but the correspondence, as well as internal evidence, proves conclusively that this was not the case.

²⁸ Take for instance the first page of votes as shown in the photograph. The ninth is the first for which a question is given, and is thus readily identified with the question in the journal of the Committee of the Whole of June 1. For the preceding eight votes, there was nothing for the editor to do but to trace back the questions in the journal and to ascribe the votes to them according as they were passed in the affirmative or the negative.

²⁹ See below, pp. 54-56.

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printed *Journal* cannot be relied upon. The statement of questions in the great majority of cases is probably accurate, but the determination of those questions, and in particular the votes upon them, require confirmation or can be accepted only tentatively.

YATES, AND PIERCE, 1821-1828

When the seal of secrecy had been broken by the publication of the *Journal*, Yates's notes were printed (1821) in full. They bear the imprint of an Albany firm, but J. C. Hamilton stated that Genet was the one responsible for their publication.³⁰ They were entitled *Secret Proceedings and Debates of the Convention Assembled . . . for the Purpose of Forming the Constitution*, etc. Luther Martin's *Genuine Information* was included in this work.³¹ As Yates and his colleague Lansing left the Convention early—because they felt that their instructions did not warrant them in countenancing, even by their presence, the action which the Convention was taking—these notes cease with the fifth of July. For the earlier days of the Convention the notes of proceedings are quite brief; and while the reports are somewhat fuller after the presentation of the New Jersey plan on June 15, it was evident that they did not give at all a complete picture of the proceedings, though they threw a great deal of light upon what had taken place, and in particular upon the attitude of individuals in the debates.

Just as Genet earlier had made use of these notes in an attack upon Madison, so now prompt advantage of this material was taken by political partisans. Extracts were at once used in the newspapers to charge Madison with inconsistency between his position in the Convention and that which he had subsequently taken. Without waiting to see the work itself, and basing his judgment solely upon the newspaper extracts referred to, Madison pronounced the notes of Yates as "not only a very mutilated but a very erroneous edition of the matter to which it relates".³² This dictum of Madison's has been very generally accepted in later years, but Yates's notes excited considerable interest and were much valued at the time of their

³⁰ J. C. Hamilton, *Life of Alexander Hamilton*, II. 466, note.

³¹ The documents in the appendix, such as the Randolph Resolutions, etc., were copied from the printed *Journal*.

³² Letters to Joseph Gales of August 26, and to Thomas Ritchie, September 15, 1821. *Doc. Hist. of the Constitution*, V. 308-312.

In 1829, in writing to J. C. Cabell, *Doc. Hist. of the Const.*, V. 349-350, Madison described Yates's notes as "crude and broken". Personal feeling might account for some of this, for Madison went on to say: "When I looked over them some years ago, I was struck with a number of instances in which he had totally mistaken what was said by me."

publication. They were reprinted in Elliot's *Debates*,³³ and in separate editions in several cities in the South and West.³⁴

William Pierce, a member from Georgia, also printed some brief notes and character sketches in the *Savannah Georgian* for April, 1828, but they seem to have attracted but little contemporary notice.³⁵

The interest that was evidently aroused by these publications seems to have called forth a number of anecdotes, which were more or less traditional. The most interesting of these was one related by a certain William Steele upon the authority of Dayton. The point of the story lies in Hamilton's opposition to Franklin's motion for the reading of prayers when the Convention seemed likely to break up before the adoption of the "great compromise". Hamilton is reported to have delivered a "high strained eulogium on the assemblage of *wisdom, talent, and experience*", and to have reached a climax with the claim that the Convention was in no need of "calling in *foreign aid*". The anecdote is so inaccurate in every other particular, that no credence can be placed in it, nor would it be worthy of mention, had it not received somewhat wide circulation.³⁶

MADISON, 1840

James Madison died in 1836. His manuscripts were purchased by Congress, and shortly afterwards, in 1840, under the editorship of H. D. Gilpin, *The Papers of James Madison* were published in three volumes.³⁷ More than half of this work was given over to his notes of the debates in the Federal Convention,³⁸ and at once

³³ In volume IV. of the first edition, and in volume I. of all subsequent editions.

³⁴ Washington, Richmond, Cincinnati, and Louisville, 1836-1844.

³⁵ Reprinted in AMERICAN HISTORICAL REVIEW, III. 310-334.

³⁶ The anecdote appeared in the *National Intelligencer* for August 26, 1826, where it is cited as from the *New York Gazette*. It was reprinted in the *New York Observer*, April 27, 1850, and in *Littell's Living Age* for May 25, 1850. An introductory note in *Littell's* states that it "was published in the *Daily Advertiser* in 1825".

Madison undoubtedly refers to this in a letter to Jared Sparks, April 8, 1831—"It was during that period of gloom that Dr Franklin made the proposition for a religious service in the Convention, an account of which was so erroneously given, with every semblance of authenticity, through the *National Intelligencer*, several years ago." Sparks, *Life of Gouverneur Morris*, I. 285.

³⁷ Washington: Langtree and O'Sullivan. Other issues of this edition with change of date were published in New York, Mobile, and Boston. P. L. Ford, *Bibliography of the Constitution*.

³⁸ The Debates entire and some of the other material from Gilpin were published in a revised form as volume V. of Elliot's *Debates* in 1845. Albert, Scott and Company (Chicago, 1893), reprinted, both in a two-volume and a one-volume edition, the Gilpin text of the Debates, but inexcusably entitled the work *The Journal of the Federal Convention*. Gaillard Hunt includes the Debates in volumes III. and IV. of his edition of *The Writings of James Madison* (New

all other records paled into insignificance. Many years before Jefferson had been given an opportunity to examine these notes, and in 1815 he wrote to John Adams:

Do you know that there exists in manuscript the ablest work of this kind ever yet executed, of the debates of the constitutional convention of Philadelphia in 1788? The whole of everything said and done there was taken down by Mr. Madison, with a labor and exactness beyond comprehension.³⁹

Charles Pinckney stated in 1818 that he would have made public some account of what had taken place in the Convention, "had I not always understood Mr. Madison intended it—he alone I believed possessed and retained more numerous and particular notes of their proceedings than myself".⁴⁰

Before his death Madison had written a preface to the Debates, in which he explained with what care the material was gathered and written up:⁴¹

I chose a seat in front of the presiding member, with the other members, on my right and left hand. In this favorable position for hearing all that passed, I noted in terms legible and in abbreviations and marks intelligible to myself what was read from the Chair or spoken by the members; and losing not a moment unnecessarily between the adjournment and reassembling of the Convention I was enabled to write out my daily notes during the session or within a few finishing days after its close.⁴²

Indeed Madison was evidently regarded by his fellow-members in the Convention as a semi-official reporter of their proceedings, for several of them took pains to see that he was supplied with copies of their speeches and motions.⁴³ And from the day of their York, Putnams, 1900), again unfortunately entitling them the "*Journal*". Mr. Hunt states in the preface to volume III. that the "original manuscript has been followed with rigid accuracy", which is apparently true, but with one important limitation—the original manuscript was not copied, but the Gilpin text was corrected from the manuscript; accordingly a large number of errors (minor ones, in general) to be found in Gilpin will be found in the Hunt text also. Hunt's text is not quite as accurate as that of the *Documentary History* (referred to below), but it is more readily usable, because it is free from the confusing manuscript corrections embodied in the *Documentary History*.

³⁹ P. L. Ford, *Writings of Thomas Jefferson*, IX. 528.

⁴⁰ To John Quincy Adams, December 30, 1818. Printed in the *Nation*, May 23, 1895, and in *Documentary History*, I. 309-311. See above, p. 48, note 19.

⁴¹ Gilpin, *Papers of Madison*, 716-717. *Doc. Hist.*, III. 7960. See below, note 44.

⁴² "Mr. Madison told Governor Edward Coles that the labor of writing out the debates, added to the confinement to which his attendance in Convention subjected him, almost killed him; but that having undertaken the task, he was determined to accomplish it." H. B. Grigsby, *Virginia Federal Convention of 1788*, I. 95, note.

⁴³ Notice for example Franklin's speeches, Charles Pinckney's effort on June 25, and see below, note 58, on G. Morris's corrections.

publication until the present, Madison's notes of the Debates have remained the standard authority for the proceedings of the Convention.

In 1900 the Bureau of Rolls and Library of the Department of State reprinted Madison's Debates with great care as volume III. of the *Documentary History of the Constitution*,⁴⁴ and in such a way as to show the corrections and changes Madison made in his manuscript.⁴⁵ As in the case of the *Journal*, we are now in a position to judge of the editing to which these notes were subjected before being printed, and also to learn many facts of importance with regard to the notes themselves.

In the first place, as was the practice of the time, the first editor, H. D. Gilpin, took considerable liberties with the text. In order to make a smooth readable account, he corrected freely both spelling and punctuation; he filled out abbreviations; and he even modified the wording in many cases, notably in the form of recording votes.⁴⁶

In the next place, it is evident at once that Madison went over his notes after the publication of the *Journal* in 1819, and not only in some cases noted differences between his own record and that of the *Journal*, but also in many cases corrected his own notes from the *Journal*. In the wording of motions, this is not to be wondered at, for Madison, during the sessions of the Convention, in his haste to note what the speaker was saying could do no more than take down the substance of motions and resolutions, while these would be copied into the journal in full.⁴⁷ Nor is it surprising, when we remember that Madison accepted the printed *Journal* as authoritative, to find him in not a few cases copying from it proceedings of which he had no record.⁴⁸ But the importance of this fact is evident

⁴⁴ Appeared originally as an appendix to *Bulletin* no. 9 of the Bureau of Rolls and Library. For subsequent editions, see above, note 19. The Congressional edition of 1901 inserts (pp. 796a-796o) Madison's introduction to his Debates, of which only a partial version had appeared on pp. 1-7 of the previous edition.

⁴⁵ The preparation of the material for this volume of the *Documentary History* was more difficult than for the *Journal*, and the work has not been done as accurately nor as satisfactorily. The present writer has noticed a considerable number of mistakes in the reading of the manuscript—some of which are important—and, as is shown below, note 61, the person who did the work was frequently misled in the endeavor to indicate corrections in the manuscript.

⁴⁶ See below, note 48.

⁴⁷ There are over one hundred such cases of the revision of motions, etc., and this does not include a very large number of minor changes in wording. Sometimes these modifications were so extensive that the margins of the manuscript were insufficient and necessitated the pasting in of slips of paper.

⁴⁸ Again there are over one hundred such items in the proceedings of the Convention which Madison copied from the *Journal*; and if the vote, or decision, upon it be considered as distinct from the motion, the number would be nearly

at once, for these items have been accepted upon the double record of the *Journal* and Madison, whereas they are in reality to be stated upon the authority of the *Journal* alone.

But Madison went even one step farther and actually changed his records of votes in the Convention in order to bring them into conformity with the *Journal*. This might involve the change of the vote of a single state, or of several states, or even reverse his record of the decision of the Convention. There are upwards of forty instances in which Madison noted differences between his own record and that of the *Journal* without changing his own record,⁴⁹ but the number of cases in which he has made his record conform to the *Journal* is still larger. On what basis or for what reasons Madison felt justified in changing his records of votes is not to be ascertained conclusively. Sometimes it seems to have been done because the records of the *Journal* and Yates were in accord in their disagreement with him; sometimes he probably saw that subsequent action in the Convention proved the record of the *Journal* to be correct, and his own to be wrong; sometimes it was done because the vote of a state as recorded in the *Journal* harmonized better with the sentiments of the delegates from that state as expressed in their speeches; and sometimes there is no apparent reason.

The matter might be merely of antiquarian interest, were it not for the fact already noticed that the printed *Journal* is itself unreliable, and that there are several cases where Madison has made

two hundred. Most of the detailed votes that were thus copied (considerably over fifty) are readily distinguishable. Madison invariably recorded votes by giving the states in geographical order, doubtless as they were called in the Convention, whereas the printed *Journal* grouped the ayes and noes together. Thus the last vote on June 19 was recorded as follows:

Madison—"Massts. ay. Cont. ay. N. Y. no. N. J. no. Pa. ay. Del. no. Md. divd. Va. ay. S. C. ay. Geo. ay."

Printed *Journal*—"YEAS—Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New York, New Jersey, Delaware 3

DIVIDED—Maryland 1"

Accordingly, whenever we find in Madison's notes the ayes and noes grouped together, we may be fairly sure that it was not a record made by Madison at the time, but that it has been taken upon another's authority and probably upon that of the *Journal*. The other two votes of this same day happen to furnish an excellent illustration of this. This was not discoverable from the printed editions of Madison's Debates previous to the publication of the *Documentary History*, for the reason that Gilpin rearranged the votes in a form similar to that of the *Journal*, and all subsequent editions were simply modified reprints of Gilpin.

⁴⁹ This includes differences in wording of resolutions, etc., as well as differences in votes. The plain statement of some of these notes, and the implication of others, is that in these cases Madison believes in the correctness of his own records.

corrections from the *Journal* that are undoubtedly mistaken. An instance may be taken from the first days of the Convention to illustrate this. On May 31, the Convention, in Committee of the Whole, took up the third of the Randolph Resolutions, "that the National Legislature ought to consist of two branches". Madison originally recorded that this resolution "was agreed to without debate or dissent". The printed *Journal* (p. 85) gives the vote as seven states in the affirmative and one state, Pennsylvania, in the negative. By referring to the detail of ayes and noes of the secretary's records,⁵⁰ we find that this vote is one of those for which no question is given and there is no clue to its identity from the adjoining votes. John Quincy Adams's assignment of it to this particular question was then largely a matter of guess-work. The fact that there were ten states present and voting on May 31, and only eight states on May 30, creates a strong presumption against the accuracy of this assignment. Moreover, the correctness of Madison's record is confirmed by Yates, who states that "The 3d resolve . . . was taken into consideration, and without any debate agreed to."⁵¹ McHenry also confirms it in that he gives votes for the questions following, but reports this simply as "agreed to".⁵² Madison, however, assuming that the printed *Journal* was authoritative, modified his record so that it reads that this resolution "was agreed to without debate or dissent, *except that of Pennsylvania, given probably from complaisance to Doctr Franklin who was understood to be partial to a single House of Legislation*".⁵³ Not only did he revise his record to make it conform to the *Journal*, but he gave a wholly unwarrantable explanation of the new record.

Other mistaken changes occur. There are several questions and votes that Madison copied into his manuscript from the printed *Journal* without at all observing that he had these same questions and votes recorded in another place, sometimes even on the same day. An examination of the original records shows again that in most of these cases the questions were not to be found in the body of the journal but were incorporated into the text by John Quincy Adams. They are only to be found in the detail of ayes and noes, and their relative position in the proceedings could only be inferred from the order in which the votes happened to be recorded.

It is not surprising, indeed, to find that Madison was thus misled

⁵⁰ See fourth vote in photograph.

⁵¹ Edition of 1821, p. 99.

⁵² AMERICAN HISTORICAL REVIEW, XI. 601.

⁵³ The italics are not in the manuscript, but are used here to indicate the part added.

by the mistakes in the printed *Journal*, for if his own records were correct, these would be the very points in which the discrepancies would occur. It is only necessary then to recognize Madison's evident acceptance of the *Journal* as authoritative, to expect him to incorporate these mistakes in his Debates.⁵⁴

Another extensive set of corrections is to be found in the speeches made in debate. These are generally in the form of additions to Madison's original record. It will be remembered that because of misquotations of his own remarks Madison condemned Yates's notes severely, as being "a very erroneous edition of the matter". It is more than surprising, then, to discover that these additions were taken from Yates. Such proves to have been the case, however, and in over fifty instances. There were a number of speeches or remarks, including several of his own, that Madison failed to note in any form, but later thought worthy of inclusion. And there were also new ideas or shades of thought which Yates had noticed but which Madison had failed to catch. Of slight importance, but interesting, is a case on June 23, where Madison in reporting Mason's allusion to himself, referred as usual to "Mr. Madison", but substituted from Yates the better form of "my colleague", and then returned the compliment in referring to Mason a few pages farther on. And still more interesting is the fact that Madison actually revised from Yates a portion of the very speech, for the misreporting of which he had condemned Yates so severely. The following citations in parallel columns will illustrate the character of this unacknowledged borrowing:⁵⁵

Yates.

Madison.

June 2.

"Mr. Randolph. . . . He preferred three divisions of the states, and an executive to be taken from each. . . . He was therefore for an executive of three."

"Mr. Randolph. . . . He was in favor of three members of the Executive to be drawn from different portions of the Country."

⁵⁴ It should be noted that Madison was at least seventy years old when these revisions of his manuscript were made, and it is not to be wondered at that he did not always show the accuracy and discrimination for which the work of his earlier years has given him a reputation. And if it be true, as suggested below, note 61, that Madison made these revisions at two different times, it would be quite natural for him to make more radical changes in the second revision, when he had accustomed himself to the idea of changes being necessary, or had forgotten the criteria of his earlier revision.

⁵⁵ The citations of Yates are from the first edition (1821), those of Madison from the *Documentary History*. Madison's manuscript shows that all of these passages are interpolations; see below, pp. 59-60.

June 11.

“Mr. Butler supported the motion, by observing that money is strength; and every state ought to have its weight in the national council in proportion to the quantity it possesses.”

“Mr. Butler urged the same idea: adding that money was power; and that the States ought to have weight in the Govt—in proportion to their wealth.”

“Mr. Gerry. The idea of property ought not to be the rule of representation. Blacks are property, and are used to the southward as horses and cattle to the northward; and why should their representation be increased to the southward on account of the number of slaves, than horses or oxen to the north?”

“Mr. Gerry thought property not the rule of representation. Why then shd. the blacks, who were property in the South, be in the rule of representation more than the cattle and horses of the North.”

June 22.

“Mr. Madison. I oppose this motion. Members are too much interested in the question. Besides, it is indecent that the legislature should put their hands in the public purse to convey it into their own.”

“Mr. Madison, thought the members of the Legisl. too much interested to ascertain their own compensation. It wd. be indecent to put their hands into the public purse for the sake of their own pockets.”

“Judge Elsworth. If we are so exceedingly jealous of state legislatures, will they not have reason to be equally jealous of us? If I return to my state and tell them, we made such and such regulations for a general government, because we dared not trust you with any extensive powers, will they be satisfied? nay, will they adopt your government? and let it ever be remembered, that without their approbation your government is nothing more than a rope of sand.”

“Mr. Elsworth. If we are jealous of the State Govts. they will be so of us. If on going home I tell them we gave the Gen: Govt. such powers because we cd. not trust you,—will they adopt it, and witht yr. approbation it is a nullity.”⁵⁶

⁵⁶ The present writer’s attention was called to the indebtedness of Madison to Yates by this speech of Ellsworth’s. Madison invariably reported the speeches in the third person, and this slip into direct discourse suggested a comparison with Yates, who generally reported the speakers in the first person. Some results of that comparison are here shown.

June 23.

"Genl. Pinckney. . . . It wd. seem from the ideas of some that we are erecting a Kingdom to be divided agst. itself, he disapproved such a fetter on the Legislature.

"Mr. Sherman. By the conduct of some gentlemen, we are erecting a kingdom to act against itself. The legislature ought to be free and unbiassed."

"Mr. Sherman. . . . It wd. seem that we are erecting a Kingdom at war with itself. The Legislature ought not to be fettered in such a case."⁵⁷

"Mr. Mason. We must retain this clause, otherwise evasions may be made. The legislature may admit of resignations and thus make members eligible—places may be promised at the close of their duration, and that a dependency may be made.

"Col. Mason thought this essential to guard agst. evasions by resignations, and stipulations for office to be filled at the expiration of the legislative term. Mr. Gerry, had known such a case. Mr. Hamilton. Evasions cd. not be prevented—as by proxies—by friends holding for a year, and them opening the way etc. Mr. Rutledge admitted the possibility of evasions, but was for contracting them as possible."

"Mr. Gerry. And this actually has been the case in congress—a member resigned to obtain an appointment, and had it failed he would have resumed it.

"Mr. Hamilton. The clause may be evaded many ways. Offices may be held by proxy—they may be procured by friends, etc.

"Mr. Rutledge. I admit, in some cases, it may be evaded; but this is no argument against shutting the door as close as possible."

June 25.

"Dr. Johnson. The state governments must be preserved: but this motion leaves them at the will and pleasure of the general government.

"Doctr. Johnson urged the necessity of preserving the State Govts—which would be at the mercy of the Genl. Govt. on Mr. Wilson's plan.

"Mr. Madison. I find great differences of opinion in this convention on the clause now under consideration. Let us postpone it in order to take up the 8th resolve, that we may previously determine the mode of representation."

"Mr. Madison thought it wd. obviate difficulty if the present resol: were postponed, and the 8th taken up, which is to fix the right of suffrage in the 2d. branch."

⁵⁷ Madison here made a slip in copying. He first added this passage to his own report of General Pinckney's speech; then, noticing his mistake, rewrote it and ascribed it to Sherman, and forgot to cross out the former record.

July 5.

- “Mr. Wilson. The committee has exceeded their powers.”
- “Mr. Wilson thought the Committee had exceeded their powers.”
- “Mr. Martin proposed to take the question on the whole of the report.”
- “Mr. Martin was for taking the question on the whole report.”
- “Mr. Wilson. I do not chuse to take a leap in the dark. I have a right to call for a division of the question on each distinct proposition.”
- “Mr. Wilson was for a division of the question; otherwise it wd. be a leap in the dark.”⁵⁸

The statements made in the preceding paragraphs as to when and how Madison revised his manuscript may seem to be somewhat dogmatic, or at least to be more positive than can be warranted by such insufficient evidence. It is true that the conclusions here expressed were reached by a method which involves some *a priori* reasoning. Their accuracy, however, is established by an additional fact. In a letter to Thomas Ritchie of September 15, 1821, after the publication of Yates's *Secret Proceedings*, Madison expressed his immediate intention of preparing his notes of the Convention's proceedings for future, and probably posthumous, publication.⁵⁹ An examination of the manuscript⁶⁰ proves that most of the changes that were thus made are easily recognizable. The ink which was used at the later

⁵⁸ There are also a number of corrections of lesser extent in other speeches, notably in those of Gouverneur Morris, from which one might infer that Madison had revised his manuscript from the notes of some one—probably Morris—which have never been published. But Morris, in a letter to Timothy Pickering of December 22, 1814 (*Sparks, Life of Gouverneur Morris*, III. 322) states positively that he kept no such notes. An examination of Madison's manuscript, however, shows that these changes were made at the time when the manuscript was written, and as they are not of such a character that Madison would have made them of his own accord, it is probable that Morris knew of the notes Madison was keeping, and suggested the changes at that time. In the letter cited, Morris evidently had Madison in mind when he wrote: “Some gentlemen, I was told, passed their evenings in transcribing speeches from shorthand minutes of the day.”

⁵⁹ *Documentary History of the Constitution*, V. 310–312. Cf. Madison to J. G. Jackson, December 27, 1821. *Ibid.*, 312–315. The note at the end of the Debates, formally signed by Madison, “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” (*Doc. Hist.*, III. 771) undoubtedly refers to this revision. Hunt, *Writings of Madison*, IV. 456, states that a slight correction on September 14 is the only one in Payne's handwriting, but the present writer is unwilling to accept this, although as yet unable to make any other positive determination for himself. The editor of the *Documentary History* confesses his inability to distinguish between the two handwritings. *Doc. Hist.*, III. 771, marginal note.

⁶⁰ In the keeping of the Department of State, Bureau of Rolls and Library.

date has faded quite differently from that of the original notes, so that most of the later revisions stand out from the page almost as clearly as if they had been written in red ink.⁶¹ The accompanying photograph of a page of the manuscript, including the records at the close of July 26 and the beginning of August 6, shows this difference in ink and writing, but by no means so distinctly as in the original. This cumulative evidence, therefore, would seem to place the matter beyond the controversial stage, and all statements that have been made above are based upon this double authority.⁶²

KING

In view of the fact that the *Journal* is so imperfect and not altogether reliable, and that Madison made so many changes in his manuscript, all other records of the Convention take on a new importance. Formerly they have been regarded only in so far as they might supplement our information; now it is seen that they may be of service also in determining what the action really was in doubtful cases.

Without question, the next most important notes to those which have been considered are the notes of Rufus King. They were published as an appendix to volume I. of the *Life and Correspondence of Rufus King*,⁶³ and have not received the attention they deserve,

⁶¹ This is not always the case, for the original manuscript has faded differently in different parts, perhaps because of different exposure or the use of more than one kind of ink. There also seem to have been at least two distinct sets of later corrections, probably made at different times. It is, therefore, sometimes difficult and sometimes impossible to determine whether or not the correction is a later one. A reference to the "printed Journal" must of course be of a later date than 1819, and the ink and writing of these words will frequently make clear all of the corrections of that date. It is also very helpful to know that it was Madison's almost invariable practice in his original notes to refer to himself as "M" or "Mr. M". In the revision of his manuscript he filled out his own name, so that the ink and writing of "adison" often furnish the necessary clue.

In the publishing of Madison's notes in volume III. of the *Documentary History of the Constitution*, the attempt was made to show all corrections of the manuscript by the use of small type, but this includes every correction whether made at the time of first writing or later. It is also misleading in that small type is used where Madison was forced to write in a cramped hand at the end of a line or the bottom of a page, and many places are overlooked where there happened to be sufficient space in the manuscript to enable Madison to make the correction in his natural handwriting. To one who cannot make use of the original manuscript this distinction of type in the *Documentary History* proves extremely helpful, but it must be remembered that it is neither exhaustive nor perfectly reliable.

⁶² It perhaps should be noted as a matter of record that Madison also had copies of Pierce's notes which appeared in the *Savannah Georgian* in 1828, *Calendar of the Correspondence of James Madison*, p. 113.

⁶³ New York, Putnam's, 6 vols., 1894-1900.

of the Publ. Gov^t.

Mr. Langdon approved the idea also: but suggested the case of a State moving its seat of Gov^t to the nat^l seat after the erection of the public buildings.

Mr. Sherman. The precaution may be avoided by the Nat^l Legisl^r by ^{postponing} delay-
ing to erect the public buildings.

Mr. Gerry conceived it to be the gen^l sense of America, that neither the seat of a State Gov^t nor any large commercial city should be the seat of the Publ. Gov^t.

Mr. Williamson liked the idea, but knowing how much the passions of men were agitated by this matter, was apprehensive of ^{turning} ~~exciting~~ them ag^t the system. He apprehend-
ed also that an evasion might be practiced in the way hinted by Mr. Sherman.

Mr. Pinkney thought the seat of a State Gov^t ought to be avoided, but that a large town or its vicinity would be proper for the seat of the Publ. Gov^t.

Col. Mason did not mean to press the motion at this time, nor to excite any hos-
tile passions ag^t the system. He was content to withdraw the motion for the present.

Mr. Butler was for fixing ^{by the constitution} the place, & a central one, for the seat of the Nat^l Gov^t.
proceedings since Monday last were referred unanimously to the
The ~~Resolution~~ ~~submitting the~~ ~~Proposition~~ ~~to the~~ ~~Committee~~ ~~of~~ ~~Detail~~.
then unanimously
and the Convention adjourned till Monday Aug^t 6. That ^{the} Com^s of detail ^{might} have time
to prepare & report the Constitution: The whole proceedings as reported are as follows: "I enclose them
from the Journal p. 207.

With the above resolutions were referred the propositions offered by Mr. C. Pinkney on the ~~29th of~~ ^{29th of}
May & by Mr. Patterson on the 15th of June
Monday August 6. In Convention
Mr. John Francis Mercer from Maryland took his seat. ^{delivered in}
The House Adj^g ~~offering~~ ~~the~~ ~~Report~~ ~~of~~ ~~the~~ ~~Committee~~ ~~of~~ ~~Detail~~ ^{the Report of}
the Committee of detail as follows: a printed copy being at the same time furnished ^{to} each
member.

"We the people of the States of New Hampshire, Massachus-
setts, Rhode-Island and Providence Plantations, Connecticut, New-York,
New-Jersey,

because the form in which they are presented is so confusing. For example, in the midst of the records of June 1 is inserted a speech of Dickinson which was really delivered on the following day; and under date of June 4 are notes of the proceedings of four different days. The editor, Doctor Charles R. King, grandson of Rufus King, states in a brief introductory paragraph that the notes thus printed are a copy made by Rufus King "somewhere about 1818-21 (for the paper bears the watermark of 1818) from rough notes taken at the time".

An examination of these original notes⁶⁴ shows that they are memoranda taken at the time in the Convention on odds and ends of paper. Each sheet or scrap of paper is dated and most of them are endorsed with date and substance of the contents, so that in only one or two cases can there be any doubt as to the place and order of the notes. It is altogether probable that Rufus King was induced by the printing of the *Journal* and Yates, *Secret Proceedings*, to prepare his notes for publication. At any rate, many years after the Convention was over, he attempted to put his notes into better form. In doing this work, although in most cases he did not venture to change the substance of his earlier records, he did drop out the dates in a number of instances; he sometimes omitted important items or notes, either unintentionally, or because he could not understand them; and in a few cases, at least one or two of which are important, he modified his original notes. It was this revised copy that was printed. The editor, C. R. King, attempted to insert some of the omitted items, but as he evidently was not familiar with the other records of the Convention his well-meant efforts only added to the confusion. There is not in King's original notes much material additional to that previously printed,⁶⁵ but it is important that they are in a form which permits them to be used readily; and they prove to be of considerable value.

McHENRY

Within the last few years there have been printed in the AMERICAN HISTORICAL REVIEW notes and memoranda of proceedings in the Convention recently found among the papers of some of the members. Quite the best of these are the notes of James McHenry

⁶⁴ The King MSS. are deposited in the library of the New York Historical Society, and the privilege of using them freely was extended to the writer through the courtesy of Mr. Edward King of New York, and the kindness of the librarian, Mr. R. H. Kelby.

⁶⁵ Among the manuscripts is a paper in Gerry's own writing giving his well-known reasons for refusing to sign the Constitution.

of Maryland.⁶⁶ McHenry started out with the evident intention of taking somewhat extensive notes, and he adds not a little to our information of Randolph's speech in presenting the Virginia Resolutions on May 29. On account of his brother's illness, he left Philadelphia on June 1, and remained away during June and July, but in August he returned to the Convention and to his note-taking with all the enthusiasm of the beginner. The records became more and more brief as time passed, but they are valuable because they are, for the latter part of the Convention's work, the only materials we have beside the *Journal* and Madison's notes. In addition, McHenry has given us our first definite and reliable information of a caucus of the Maryland delegates, the existence of which was only suspected before.

PIERCE

The notes of Wm. Pierce of Georgia which were printed in the *Savannah Georgian* in 1828,⁶⁷ were made accessible by being reprinted in the REVIEW⁶⁸ and add somewhat to our information of the proceedings of the first few days of the sessions. The character sketches of his fellow-members in Convention, which accompany these notes, are not only interesting but are also helpful in portraying the delegates as they appeared to a contemporary.

PATERSON

The notes of William Paterson of New Jersey⁶⁹ were evidently taken solely for his own use. While they are of little help in studying the general proceedings of the Convention, they are of great assistance in following Paterson's own line of reasoning, and in particular in studying the development of the resolutions Paterson presented on June 15, commonly called the New Jersey Plan. This is here given in its various stages of construction.

HAMILTON

Alexander Hamilton's notes, also printed in the REVIEW,⁷⁰ were found among the Hamilton Papers in the Library of Congress. They are little more than brief memoranda and, like those of Paterson, are of importance not so much in determining what others

⁶⁶ AMERICAN HISTORICAL REVIEW, April, 1906, XI. 595-624.

⁶⁷ See p. 51, above.

⁶⁸ AMERICAN HISTORICAL REVIEW, January, 1898, III. 310-334.

⁶⁹ AMERICAN HISTORICAL REVIEW, January, 1904, IX. 310-340.

⁷⁰ Edited by Worthington C. Ford and first printed in the *Proceedings* of the Massachusetts Historical Society for June, 1904. Carefully revised for reprinting in the AMERICAN HISTORICAL REVIEW for October, 1904, X. 97-109.

thought or said as in tracing the development of the writer's own reasoning.

PINCKNEY

Not a little interest was aroused when in the same journal there was published an outline of the genuine Pinckney Plan⁷¹ and an extract from the same.⁷² These were found among the Wilson manuscripts in the library of the Historical Society of Pennsylvania. As Charles Pinckney had been pretty thoroughly discredited by the spurious plan he had sent to John Quincy Adams in 1818, it was somewhat of a surprise to discover that, although he was not to be credited with any of the larger features of the Constitution, his plan had not been smothered in committee as had commonly been supposed, but was evidently used by the Committee of Detail in preparing their draft of the Constitution submitted to the Convention on August 6. It is evident that he is to be given the credit for a considerable number of details in the Constitution as completed.

MASON

A few notes and memoranda relating to the Federal Convention were found among the papers of George Mason, and were printed in 1892 by Miss K. M. Rowland in her *Life, Correspondence and Speeches of George Mason*.⁷³ They are not of much importance, except in so far as they throw a little further light upon Mason's position in the Convention.

COMMITTEE OF DETAIL

Before the publication of Miss Rowland's *Life of Mason*, there had been found among the Mason papers a draft of a constitution in the handwriting of Edmund Randolph, with modifications and corrections in John Rutledge's hand. M. D. Conway, in *Scribner's Magazine* for September, 1887,⁷⁴ somewhat hastily described this document as a plan prepared by Randolph before the Convention assembled. W. M. Meigs, in his *Growth of the Constitution*, wherein he prints in facsimile a copy of this draft, shows conclusively that this could not have been original with Randolph, but must have been a draft of the Committee of Detail.⁷⁵ In fact it is probably the first draft of that committee's work.

⁷¹ *Ibid.*, July, 1904, IX. 735-747.

⁷² *Ibid.*, April, 1903, VIII. 509-511. Jameson, *Studies*, pp. 130-131. The identification of the extract by Professor Jameson (see his *Studies*, pp. 128-132), without seeing the manuscripts themselves, is an interesting and suggestive piece of historical criticism.

⁷³ II. 112-115, 118, 178, 382-387.

⁷⁴ Also in *Omitted Chapters of History* (1888), ch. 9.

⁷⁵ (Philadelphia, 1899), pp. 317-324.

Among the Wilson manuscripts are found two other drafts of this committee, one of which bears similar corrections in the handwriting of Rutledge, who was the chairman of the committee. The close relationship of these three drafts is shown by Professor Jameson,⁷⁶ and while the study of them is tedious, the labor is well repaid, for it is possible to trace clearly the process of construction of the Constitution at this all-important stage of its development. Not the least interesting result of such a study is the fact that of all the state instruments of government the constitution of New York exercised the greatest influence, several of its provisions being incorporated directly into the Federal document. It is also noteworthy that both the New Jersey and Pinckney Plans were of considerable service to the committee in its work.⁷⁷

PRINTED DRAFTS

Printed copies of the drafts of August 6 and September 12 were made for the members' use, and the delegates were allowed to make their own copies of the Virginia and New Jersey Plans. Copies of all of these, belonging to various members, are extant, and most of them have marginal notes and emendations in the nature of amendments or recording the action taken upon particular sections or clauses.⁷⁸ They are interesting, but add practically nothing to our knowledge of the proceedings in Convention, and are probably not worth reprinting.

SUPPLEMENTARY INFORMATION

Professor Jameson has prepared a list of the letters written by the members of the Federal Convention while that body was in session, and he has printed such of them as had not previously been made public.⁷⁹ Owing to the obligation of secrecy imposed upon them, the writers do not reveal much of importance as to what was taking place, and consequently they add but little to our knowledge of the Convention's work. Taken, however, in connection with the first class of material referred to in this article,⁸⁰ they suggest other sources of information, namely, the statements as to its proceedings made by members of the Convention after the sessions were over. Such statements have already been cited as giving us our first information of the internal working of the Convention, but on following

⁷⁶ *Studies*, pp. 125-132.

⁷⁷ Cf. Jameson, *Studies*, pp. 128-132.

⁷⁸ See P. L. Ford, *Bibliography of the Constitution*, no. 8.

⁷⁹ *Studies*, pp. 90-103.

⁸⁰ Pages 2-3 above.

out the line of investigation now suggested, this material proves to be surprisingly extensive. Part of it is to be found in the correspondence of the delegates, but the most fruitful line of inquiry lies in tracing the subsequent public careers of these men. Baldwin, Johnson, Gouverneur Morris, the Pinckneys, and many others of note under the new government, in their public utterances, especially upon constitutional questions, support their contentions by reference to the action or the intention of the Convention. Even Madison and Washington were led in this way to break their customary reserve. Of course, the farther away from the Convention one gets, the less reliable these reports become, owing to the deforming influence of memory. But taken as a whole this mass of supplementary material throws not a little light upon the work of the Convention and in particular upon the parts taken by individual members, and upon opinions and personalities. And whatever can help us to understand the most important convention in our nation's history is to be welcomed.

It is possible, indeed probable, that other records of the Convention will be brought to light. Charles Pinckney stated explicitly that he had taken careful notes of the proceedings;⁸¹ William Jackson, secretary of the Convention, kept minutes of the debates;⁸² in a communication to the Massachusetts convention, Elbridge Gerry "subjoined a state of facts, founded on documents";⁸³ Gouverneur Morris referred to "some gentlemen" writing up their notes between sessions;⁸⁴ and James Wilson in the Pennsylvania convention on December 4, 1787, stated that within a week he had "spoken with a gentleman, who has not only his memory, but full notes that he had taken in that body".⁸⁵ Whatever may be the accuracy or the value of these various statements, at least they indicate that there once existed material of which we have no present knowledge, but which may at any time be found. It is not probable, however, that any such new material would modify to any great extent our conceptions of the Convention's work, and it has, therefore, seemed worth while to embody in the present article the existing state of our information regarding the records of the Federal Convention.

MAX FARRAND.

⁸¹ See above, p. 52, note 40. Hunt, *Writings of Madison*, III. 25, note (with correction in IV., p. vii), states that none of the notes are extant. Cf. Jameson, *Studies*, p. 131, note a.

⁸² See above, p. 48, note 21.

⁸³ *Massachusetts Debates* (ed. of 1856), pp. 67-68.

⁸⁴ See above, note 58.

⁸⁵ Elliot, *Debates*, II. 453.