



Written by [Joe Wolverton, II, J.D.](#) on May 10, 2023

## Introduction to “The Business of May Next”: The Convention of 1787

Two-hundred-and-thirty-six years ago this month, the important “business of May next,” as James Madison once described it, began in Philadelphia. Delegates from 12 of the 13 states gathered in the iconic building where other representatives had boldly declared independence from the British empire a scant — though eventful — 11 years earlier.

The “grand experiment” undertaken by our Founding Fathers was to see if they, unlike so many similar would-be lawgivers of the past, could construct a constitution that would avoid contracting the various diseases that destroyed those historic bodies politic. Like the legendary Lycurgus of Sparta, so would James Madison, Alexander Hamilton, James Wilson, and the other 50 or so delegates each carefully study the forms of government of the ancient and modern confederacies, borrowing and adapting the best aspects of them and rejecting the worst.

While it made sense that the Pennsylvania delegates would have been present in Philadelphia on the day the convention was scheduled to begin, it is noteworthy that James Madison was also there and ready to get this grand undertaking underway. Beginning on May 16, 1787, while waiting for the other states’ representatives to arrive in Philadelphia, Madison and the Virginia delegates met regularly at the home of Benjamin Franklin.

In a letter to a friend in France, Franklin reports that “some of the principal people from the several states” dined with him, drinking porter (a dark-brown ale) that “met with the most cordial reception and universal approbation.”

The dinners weren’t just an excuse to socialize with the great Benjamin Franklin. These like-minded men met to discuss and improve the plan James Madison brought with him to the convention. These working suppers were attended by men whose contributions and constructive criticism would be of invaluable aid to Madison and the cause of constitutional government once the deliberations got underway. While sitting and sipping at Benjamin Franklin’s home, these learned leaders would game-plan, preparing for every possible problem that could crop up and block the road to reform. The sessions would also serve the gathered representatives as opportunities to set a sort of schedule for introducing and explaining Madison’s Virginia Plan for a federal government.

On Tuesday, May 29, 1787, with the arrival of John Dickinson of Delaware and Elbridge Gerry of





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Massachusetts, there was the necessary seven-state quorum in the State House, and the real work of revising the Articles of Confederation could begin. (Note: Rhode Island never sent delegates to the Constitutional Convention of 1787.)

Over the next four months, 55 men would come and go. These respected representatives counted among their number Benjamin Franklin, who at age 81 was the Nestor of the convention, but, despite his global celebrity, rarely participated vocally in the debates that crafted the Constitution. That isn't to say the good doctor wasn't influential, however, as his mere presence was enough to attract attention to his every word. His fame was enough to attach a gravitas to his opinions and observations that was not achievable by most of the younger delegates.

In contrast to Ben Franklin's occasional contributions to the deliberations, James Madison delivered dozens of speeches on scores of subjects. In fact, there was not a single major point of contention upon which James Madison did *not* discourse. He was one of the few attendees whose speeches dominated the deliberations. In sum, James Madison spoke over 500 times at the convention. Only James Wilson and Gouverneur Morris were more actively engaged in the debates.

What set Madison apart from most of the other convention delegates was what set him apart from his peers on almost every other occasion: his preparation. Rather than arriving in Philadelphia with the plan of listening to what the other delegates would say or suggest, James Madison entered the now-historic room at the Pennsylvania State House prepared to present his own proposals, ready to set the agenda rather than to follow it.

This is one of the many lessons historians and students have taken from the life of James Madison — his life and legacy demonstrate that just showing up is not the behavior of a leader. James Madison teaches us that true leaders spend time before all events — whether important or ordinary — preparing to play leading roles at those events. Leaders are not content to sit back, allowing history to wash over them. Leaders want to wade into that mighty stream and work fearlessly and tirelessly to divert it into channels they have chosen. A leader like Madison studies the issues to be discussed well in advance of the actual convening of the event.

Although record-keeping was a vital part of Madison's participation at the Constitutional Convention, it was not his primary contribution. He was there as the drafter of the Virginia Plan and as a man convinced that his country needed a stronger central government, if the union was to be preserved. Thus, as the days, weeks, and months wore on, the articles of that plan became the primary points of debate among the representatives.

After spending the previous day hammering out the rules that would govern the convention ("this was an age of formal manners," observed Catherine Drinker Bowen, author of *Miracle at Philadelphia: The Story of the Constitutional Convention*), the delegates were ready to hit the ground running, revising — they thought — the Articles of Confederation.

Virginia delegate Edmund Randolph and his colleagues had another idea, however. In consultations at the Indian Queen pub held prior to the opening of the "main business," Randolph and his fellow Virginia delegates had received from James Madison the draft of a plan for a federal government (the Virginia Plan), and determined to scrap the Articles of Confederation altogether and replace them with Madison's vision.

Within the 15 resolutions of the Virginia Plan, a new national government was proposed. A government of three branches — legislative, executive, and judicial — was laid out.



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When the Constitutional Convention (not a term any of the 55 or so delegates who attended that meeting would have used to describe it, by the way) began in 1787, the document known as the Articles of Confederation was the constitution of the United States. Article XIII of that constitution mandated that, regarding the changing of the document: “Nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.”

Here is a brief sketch of some facts about the men who attended the convention in Philadelphia in 1787:

### **Occupation:**

33 lawyers

8 small-business owners

6 farmers

3 doctors

### **Education:**

About 50 percent were college graduates, having degrees from Princeton, Yale, Harvard, Columbia, the University of Pennsylvania, and William & Mary.

### **Ages:**

6 were younger than 31 years old.

The youngest was John Dayton of New Jersey. He was 26.

12 were older than 54 years old.

3 were older than 64 years old.

Daniel Jenifer — 64 years old.

Roger Sherman — 66 years old.

Benjamin Franklin — 81 years old.

James Madison — 36 years old.

George Washington — 55 years old.

Hamilton — 30 or 32 years old (Hamilton was unsure of his own birth year)

### **Delegates:**

74 delegates were chosen.

19 of them either declined their appointment or just didn't show up.

55 men attended (all of whom were rarely present at the same time.)

Average attendance was 30.

39 signed the Constitution.



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This summer, to coincide with the historical schedule of the Constitutional Convention of 1787, we will publish a [series of articles](#) focusing on the convention's main issues and debates.



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