COVER ILLUSTRATION: James Wilson of Pennsylvania, influential member of the Constitutional Convention’s Committee of Detail. *Society Portrait Collection.* This issue of *PMHB* prints images and transcriptions of several documents from the Committee of Detail in Wilson’s hand, from the James Wilson Papers at the Historical Society of Pennsylvania.
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**Contributors**

**WILLIAM EWALD** is a professor of law and philosophy at the University of Pennsylvania Law School.

**LORIANNE UPDIKE TOLER** is a co-founder of The Constitutional Sources Project (ConSource).

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Editorial

This year marks the one hundredth anniversary of the publication of Max Farrand’s three-volume *The Records of the Federal Convention of 1787*, which gathered together and made available transcripts of the documents of the Constitutional Convention, including both official papers of the convention and notes and letters from participants. Farrand’s work remains the most important source for study of the drafting of the U.S. Constitution. Among the documents Farrand transcribed were several documents from the James Wilson Papers at the Historical Society of Pennsylvania.

The drafts of the U.S. Constitution within the Wilson Papers are perhaps the Historical Society’s best-known historical treasures. Because of the damage that can be caused by overuse, however, they are rarely made available (other than in photocopy form) to the public or to researchers. Yet there is great curiosity about them, and about the surrounding documents of the convention and its Committee of Detail, both from a public eager to connect to and understand the foundations of our republic and from scholars still working to untangle the narrative of the development of our Constitution and to uncover the origins of the distinguishing features of our system of constitutional law.

Farrand was a careful editor, but his transcripts do contain slight errors. Images of the drafts have never been published in full. For these reasons, and for those mentioned above, in this issue of the *Pennsylvania Magazine of History and Biography* we publish new transcripts, by legal scholars William Ewald and Lorianne Updike Toler, alongside the respective facsimile images of the drafts of the U.S. Constitution and documents of the Committee of Detail. In an introductory essay, Ewald and
Toler make the case for the enduring significance of these documents, and particularly for renewed attention to the crucial work of the Committee of Detail and better appreciation for the role of Pennsylvania’s James Wilson in drafting a constitution that not only birthed a nation but that continues to guide us and to serve as a model to nations across the globe.

Tamara Gaskell
Editor
Early Drafts
of the U.S. Constitution

The Historical Society of Pennsylvania possesses the richest collection of documents relating to the drafting of the U.S. Constitution, the engrossed text of the Constitution and James Madison's Notes of the 1787 convention aside. This collection is contained in volume 1 of the Historical Society's James Wilson Papers. Wilson was a member of the Pennsylvania delegation; the most important of his papers from 1787 relate to his role on the Committee of Detail, tasked by the convention to produce the first working draft of the Constitution. Indeed, almost every surviving document from that committee is found in the Wilson Papers at the Historical Society. (The chief exception is a sketch of the Constitution in the hand of Edmund Randolph, now located in the George Mason papers at the Library of Congress.)

To explain the importance of these documents and of the Committee of Detail, it will be helpful to begin by recalling the basic chronology of the Constitutional Convention. The delegates commenced their work in earnest on May 29, 1787, when Edmund Randolph presented to the convention the “Virginia Plan.” There followed two weeks of somewhat tentative discussion about the Randolph proposals and about the nature of the federal government. The chief point of disagreement centered on the question of representation in the upper chamber of the legislature. The Virginia Plan had envisioned representation in proportion to population; the smaller states, in contrast, favored the system of the Articles of Confederation, in which each state was represented equally. On June 15,

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William Paterson submitted the rival “New Jersey Plan.” For the next month, the delegates argued bitterly about the question of representation, and the convention nearly dissolved itself over the issue. Finally, on July 16, it was decided in a dramatic vote that the upper house would be organized on the principle of equal state representation, but that all revenue bills would be required to originate in the lower house. This resolution (often called the “Connecticut Compromise,” though Madison and Wilson and other proponents of the large-state position regarded it as a defeat) ended the argument and allowed the convention to proceed to a successful conclusion. From that point onwards, there was never again a time at which the convention appeared likely to fail.

A further nine days of discussion followed this climactic vote, treating such matters as the presidency and the federal judiciary. The exhausted delegates then decided to take a break. On Thursday, July 26 the convention adjourned for ten days. In the interim, a committee of five members—the “Committee of Detail”—was charged with working up the convention’s various resolutions into a structured draft of a Constitution. Although the convention’s records contain no discussions revealing why the five were chosen, from their geographical diversity it is apparent that the committee was chosen with a careful view to geographical balance. Its members were Nathaniel Gorham (Massachusetts), Oliver Ellsworth (Connecticut), James Wilson (Pennsylvania), Edmund Randolph (Virginia), and John Rutledge (South Carolina). Rutledge reported the committee’s draft to the convention and appears to have served as the chairman. It should be noted that James Madison did not serve on this committee. In terms of parliamentary procedure, the committee’s assignment was to revise the Virginia Plan. Since that plan had been submitted to the convention by Randolph (who was then the governor of Virginia), and since Madison’s role may not have been known to the other delegates, Randolph would have seemed the appropriate choice to represent Virginia.

The committee had at its disposal, in addition to the convention resolutions, the texts of the Virginia Plan, the New Jersey Plan, and the “Pinckney Plan” (submitted by Charles Pinckney of South Carolina immediately after the Virginia Plan and promptly tabled). They also referred to the texts of the various state constitutions and of the Articles of Confederation, from which many provisions were borrowed in the final report. After the committee had finished its work, its report was printed
and distributed to the assembled delegates on Monday, August 6. It provided the structure for the convention’s deliberations during the final six weeks of the summer, including the near-final draft of the Constitution as reported by the Committee of Style on September 10. The engrossed copy of the Constitution was signed on September 17, at which point the convention formally adjourned.

In the decades following the Constitutional Convention, its proceedings were treated as a closely held secret, and the delegates had little to say in private—and essentially nothing in public—about the events of 1787. Although the official Journal was published in 1819, it was not deeply informative and contained little more than a record of the formal votes. Not until the publication of Madison’s Notes in 1840, fully half a century after the convention had completed its business, did the public obtain a detailed record of the debates. But in 1840 the nation was focused on the looming sectional crisis. Madison’s Notes were dragged into the ongoing debates, invoked either to support the abolitionist claim that the Constitution represented a “Covenant with Hell,” or else invoked to demonstrate the right of secession. The times were not favorable for a dispassionate examination of the historical record.

Only after the Civil War did the scholarly study of the convention properly commence. In 1882 George Bancroft published the two volumes of his History of the Formation of the Constitution of the United States of America. Bancroft was by a considerable distance the most influential American historian of the day. His books, the capstone to his ten-volume History of the United States (whose first volume had appeared nearly fifty years earlier) were rooted in deep archival research and on the examination of many documents still held in private hands. Bancroft, a passionate defender of the Union, told the story of the convention as a dramatic struggle between the states, pitting the Virginia Plan against the New Jersey Plan. The convention (and, by extension, the nation) almost tore itself apart until, in a very American gesture of reconciliation, a compromise was reached—which Bancroft was the first to call the “Connecticut Compromise.” Bancroft’s account swept the field; it brilliantly provided both a way of organizing the events of the convention and of fitting them into a much larger narrative of American national destiny.

Bancroft’s treatment of the Committee of Detail was by comparison cursory. The entire focus of his narrative was on the dramatic struggle
leading to the Connecticut Compromise, and he showed little interest in close analysis of the technical contributions of the Committee of Detail. In part this emphasis was a matter of the available documentation. Madison’s Notes—for Bancroft, as for all subsequent historians, the primary source of information—recorded the appointment of the committee and reproduced its final printed report. But Madison, absent from the committee, gave no account of its internal functioning. Oddly, although Bancroft had expended great effort in tracking down private papers, he appears not to have been aware of Wilson’s papers (the most important of which had already been deposited at the Historical Society of Pennsylvania). And in any case their significance was still unknown.

On Wilson’s death in 1798 his papers passed to his son, Bird Wilson, who used them to prepare an edition of his father’s speeches and other writings. There is no sign that Bird knew that his father’s papers contained early drafts of the Constitution, and in view of the delegates’ pledge of secrecy, it is unlikely that his father ever discussed the convention with him. On Bird’s death in 1859 the papers passed to his niece (and Wilson’s granddaughter), Emily Hollingsworth. Emily—in June 1876 and January 1877—made two gifts of these papers to the Historical Society. The papers relating to the Committee of Detail were contained in these donations; but from her correspondence with the director of the Historical Society it is clear that she did not know what the manuscripts contained, and she is even less likely than Bird to have understood the importance of the Committee of Detail. (She is most concerned to point out the existence of a routine letter from George Washington, and in the end remarks, “Do not feel obliged to retain any of the Papers you deem inadmissible to the repositories of your Society.”) Emily gave only a portion of her grandfather’s papers to the Historical Society. Other papers were distributed after her death to the three executors of her estate. Of those residual papers, a number went to the executor, Israel W. Morris, who made a further large donation to the Historical Society in 1903. Other papers passed into the possession of the Montgomery family; some of those papers were eventually donated to the Historical Society and others to the Free Library of Philadelphia. (For a detailed discussion of the physical disposition of Wilson’s papers, see Lorianne Updike Toler’s “Addendum” at the end of this issue.)

The Wilson Papers at the Historical Society of Pennsylvania appear to have been ignored for more than two decades. Then, in 1899, William M.
Meigs published a facsimile of a document in the hand of Edmund Randolph, found among the papers of George Mason, which he identified as belonging to the work of the Committee of Detail. Meigs mentioned the existence of “one other draft”—in the singular—among the Wilson Papers at the Historical Society.  

Soon thereafter, J. Franklin Jameson identified among the Historical Society papers not only Wilson’s successive drafts (in the plural) of the Constitution, but also a copy in his handwriting of the convention resolutions, and, most surprisingly, a set of extracts from the New Jersey Plan and the Pinckney Plan, also in Wilson’s handwriting. This last discovery was of special importance to Jameson. Pinckney in his later years had claimed to have been the principal author of the Constitution; but the original copy of his plan had disappeared, and the version he promulgated in 1818 had clearly been produced later. Shortly after Jameson, Andrew C. McLaughlin identified in the Historical Society papers a second and much longer set of extracts in Wilson’s handwriting from the Pinckney Plan. In view of the considerable controversy that then existed, the reconstruction of the original version of Pinckney’s plan—a remarkable piece of archival detective work—attracted the bulk of Jameson’s attention.  

In the meantime, considerable scholarly effort had been expended to locate and transcribe the surviving documentary records relating to the convention. This work culminated in the 1911 publication by Max Farrand of his three-volume *The Records of the Federal Convention of 1787*. In that work, Farrand did three things that previously had been done only partially or imperfectly. First, he provided a carefully edited text of all the available documents relating to the work of the Constitutional Convention. Secondly, taking Madison’s Notes as his base text, he assembled around it all the other contemporary journals of the convention, collating them day-by-day and thereby providing scholars with the ability to easily compare the various versions of each day’s events. Thirdly, he undertook a comprehensive project of archival research, assembling and transcribing diary entries, personal correspondence, speeches, reminiscences, newspaper articles, and other documents that might shed light on

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the convention. This material made up the third volume of the 1911
Records; by 1937 he had uncovered enough additional material to fill a
fourth volume. Farrand’s work is a landmark and has provided the foun-
dation for all subsequent study of the convention. In particular, he was the
first to gather together all the surviving records of the Committee of
Detail and to arrange them into a chronological sequence, which fills
forty-six pages of the Records.

Curiously, although there was plenty to comment on, and although he
was more thorough in transcribing the documents than any previous
scholar, Farrand chose not to develop the historical narrative regarding
the Committee of Detail. His accompanying monograph, The Framing
of the Constitution of the United States (1913), devotes a short chapter
to the committee, but in the main follows the lines laid down by Bancroft
and concentrates its attention on the events leading to the Connecticut
Compromise.

Only one aspect of the work of the Committee of Detail has attracted
widespread attention from later scholars: the provisions protecting slavery
and inhibiting the enactment by Congress of navigation acts. These “deep
South” provisions were introduced into the committee drafts, almost cer-
tainly at the instigation of Rutledge and Randolph, without having been
previously discussed by the convention; they caused considerable turmoil
before they were finally rejected by the convention in August, and those
slavery debates in the convention have been the focus in recent decades of
much scholarly writing. But the more technical aspects of the committee’s
work have not received sustained attention. The standard historiography,
following in the footsteps of Bancroft and Farrand, agrees in seeing the
vote of July 16 as the defining moment of the convention and the work of
the Committee of Detail as an episode of secondary importance.

Two considerations suggest that both these emphases—the low rank-
ing of the committee, and the high ranking of the vote of July 16—may
be misplaced. The first is a straightforward numerical observation. The
Virginia Plan introduced by Randolph at the start of the convention fills
three pages in Farrand’s edition. The convention resolutions, as supplied
to the Committee of Detail after nearly two full months of debate, fill six

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4 Max Farrand, ed., The Records of the Federal Convention of 1787, 3 vols. (New Haven, CT,
1911). Farrand’s work was reissued in 1937 in four volumes. In 1987, James H. Hutson produced his
Supplement to Max Farrand’s The Records of the Federal Convention of 1787 (New Haven, CT,
1987). Farrand’s first three volumes were reissued at that time, and the material from his fourth vol-
ume was incorporated into the Hutson Supplement.
printed pages. That is, the convention had managed (roughly speaking) to add three pages to Madison's plan. The report of the Committee of Detail, produced in little over a week, fills twelve pages—twice as much as what the committee had been given. The final Constitution, as it emerged after a further six weeks of effort, fills fifteen pages. These facts are not, of course, conclusive. But (as lawyers are well aware) the power to shape a document lies to a considerable extent with the drafter. In this case, one knows already from the “deep South” provisions that the committee did not simply follow instructions; and the numerical facts should provoke a closer look at precisely what was contributed by the committee.

The second consideration is subtler and comes from the direction of comparative constitutional law. The compromise vote of July 16, whatever its merits, has rarely been imitated by other constitutions and is rarely treated in the scholarly literature as a major distinguishing feature of American constitutional governance. It is true that Madison and Wilson both viewed the “Connecticut Compromise” as a major flaw, and many political scientists have criticized it for its violation of the democratic principle of “one-person-one-vote.” But whether one views it as a flaw or as a virtue, it is hard, two centuries after the event, to see it as a major flaw or a major virtue. It has given rise to no substantive litigation; votes in the Senate virtually never pit large states (as such) against small states (as such); and if it were replaced by a more Madisonian principle of representation, the American system of governance would still be recognizably the same. Like the Electoral College or the vice presidency, it is more of a quirk of the system than a central and defining feature.

The same is not true for other aspects of the American constitutional scheme. The system of overlapping federal and state legislative powers; the dual system of federal and state courts; the tripartite structure of the national government (with a president rather than a prime minister); the system of judicial review, grounded in the supremacy of the Constitution—these structural features, remarkable innovations at the time, remain distinctive. They have given rise to large amounts of litigation and indeed (together with the Bill of Rights and the Fourteenth Amendment) are at the very heart of American constitutional law. Unlike the compromise of July 16, they could not be removed or altered without radically altering the entire constitutional landscape.

The crucial point linking these two observations is this: of the distinguishing features central to the American system of constitutional gover-
nance, many of the most fundamental make their first appearance in the drafts of the Committee of Detail. The first attempt at delineating an explicit enumeration of congressional powers (rather than accepting the amended Virginia Plan's allowance that Congress "legislate in all cases for the general interests of the Union"); the necessary and proper clause; and much of the structure of the federal judicial power—these central elements were introduced in the committee and not in the convention. In other words, it is necessary to draw a distinction. The vote of July 16 is indeed fundamental to the history of the convention: otherwise the proceedings might have collapsed. But it is not equally important to the history of the Constitution. If our interest is in understanding what the convention accomplished—what it contributed within the broad sweep of Western constitutional history—then the work of the Committee of Detail is of fundamental importance.

This new point of view has three immediate consequences. First, it imposes a different chronology on the events of the convention. Instead of a tale revolving around the clashes over proportional representation and slavery, the proceedings now divide naturally into three acts, with the committee serving as the middle of a three-act drama, equal in importance to what went before and to what went after. Secondly, it entails a shift away from the colorful personalities and events delineated in Bancroft and towards a close examination of the more technically legal aspects of the convention. Those are the aspects that loom large in the work of the committee and that are central to the modern field of constitutional law; the central task then becomes to situate the convention within the broader historical tradition of Western public law. Thirdly, this new point of view makes it necessary to reconsider the tangled question of the relationship between Wilson and Madison. So long as the emphasis is on the maneuverings leading up to the vote of July 16, it makes sense to think of Wilson as chiefly an ally of Madison. But when the focus shifts to the Committee of Detail, that familiar understanding of their relationship is no longer tenable: Madison was not in the room.

These observations naturally raise the question of how the committee approached its task: and here it is important to emphasize that there is much we do not know. Virtually all our information about the internal workings of the committee comes from the documents reproduced below; and they leave many questions unanswered. We do not know how often the committee met, or where; we do not know for certain whether Wilson
wrote his drafts in response to dictation, or with other members present, or alone in his study after hours; we do not know how the committee took its votes, or how it dealt with dissents.

It follows that to reconstruct the internal workings of the Committee of Detail—to the limited extent that this can be done—requires a careful piecing together of the evidence. It is necessary first to assemble whatever can be gleaned from Madison’s Notes about the specific positions taken by the individual committee members in their speeches to the convention; to bring into play what is known about their political views more generally; to collate this material with the various documents on which the committee drew, and then to try to piece together, clause by clause, in the succession of drafts, what was contributed at each stage, and who is likely to have been responsible for which contributions.

Who was the principal author of the committee report? Wilson, both as a lawyer and as a political thinker, was the strongest intellect on the committee, and the surviving manuscripts are almost all in his handwriting. It is tempting to infer (in the words of Irving Brant) that “On the straight drafting job, this might be called a committee of Wilson and four others.” But that common inference turns out to be too rapid. A careful examination shows that on many important questions—especially the provisions concerning slavery, but on others as well—Wilson was outvoted by his colleagues.

Broadly speaking, the changes the committee introduced can be divided into three categories:

1. At one extreme are changes that were either routine or mere matters of terminology. The choice to call the chief executive a “President” rather than a “Governor,” or to call the lower house of Congress the “House of Representatives” rather than the “House of Burgesses,” are instances. Likewise, certain basic powers already contained in the Articles of Confederation were simply inserted by the committee into its report—e.g. the power to raise an army and navy, or the power to regulate weights and measures. These matters were uncontroversial and occasioned no debate when they were submitted to the full convention.

(2) At the opposite extreme are several insertions that had not previ­ously been discussed in convention and that caused considerable controversy. The most obvious are the “deep South” provisions. On many of these matters, far from having been the dominant member of the committee, Wilson was certainly outvoted and may well have found himself in a minority of one.

(3) Finally, there are a large number of contributions that fall between these two extremes—important additions that were neither a matter of routine bookkeeping nor bitterly controversial. It is important to emphasize that little in the work of the committee was entirely without precedent. There are exceptions, but almost every clause of the committee report has antecedents, either in the Articles of Confederation, or in the state constitutions, or in one of the three plans—Virginia, New Jersey, and Pinckney—that the convention consigned to committee. So here it was a matter, not of creating entirely from scratch, but of selecting, of choosing what to include from the mass of available materials, of filling in details, of formulating appropriate language, and of organizing the whole into a coherent text. It is here that Wilson’s role is likely to have been the greatest. His skill as a drafter of legislation; his attention to fine shades of language; the existence among his papers of his own careful transcriptions of the Pinckney and New Jersey plans, all point to the centrality of his contribution. But these are hints rather than decisive proofs; and in the end, everything that emanated from the committee had to secure the support of a majority of its members.

If this argument is correct, then the work of the Committee of Detail requires more careful scrutiny than it has customarily received. The transcription of the committee documents provided by Farrand turns out on inspection to contain numerous inaccuracies. None is of great consequence; but because so much turns on the interpretation of handwritten documents, because Farrand’s transcription rendered the original jumble of handwritten marginalia, interlineations, and deleted texts in-line and difficult to decipher, because these manuscripts have never been fully reproduced, because editorial judgments for documents of this import should be transparent, and because certain markings, letters, and the placement of some punctuation remain in doubt, we provide facsimiles of the original manuscripts, along with new transcriptions.
Editorial Conventions

In our editorial conventions, we were guided by two principles: (1) keeping the text as true to the original as possible, and (2) transparency. Accordingly, we did not correct spellings, nor did we mask guesswork for hard-to-decipher words and phrases, especially where words were crossed out. The only silent guesswork relates to punctuation: we were often unsure if marks were periods, commas, or merely stray marks. With the lone exception of text wrapping, we attempted to approximate the placement of text on the page. Finally, Farrand’s ordering and numeration were followed in sequencing the documents. We added descriptive titles and avoided arbitrary judgments in calling a document a draft or a document.

The transcriptions contained herein should be viewed as a guide to the originals. Judgment calls were made, but the reader is encouraged to compare the text with that of the black-and-white manuscript reproductions published here and the color images made available on www.ConSource.org and through the Historical Society of Pennsylvania’s digital library at digitallibrary.hsp.org (record numbers 1663, 2766, 2767, and 3785). This issue can also be accessed online at www.jstor.org.

Our editorial conventions are as follows:

1) Wilson’s and Randolph’s handwriting are represented by ACaslon font and Rutledge’s by Arial font. The few words in what is probably Bird Wilson’s hand in Document I are represented by Courier font.

2) Deletions are represented by strikethroughs. If the underlying text is legible, it is reproduced thus:

National.

If the text has been struck out more than once, we render it thus:

National

If the underlying text is illegible or obliterated, we render the likely number of characters thus:

[xxxx].

When one or more letters has been written over another, the
stricken letter is represented first, and then the letter(s) to which they were changed as follows:

\[iI\]

3) Editorial conjectures are given in brackets. If the word or phrase is questionable, it is simply given in brackets with a question mark thus:

\[\text{National ?}\].

An alternative reading is given thus:

State/States.

If a word is illegible, we try to indicate its approximate length thus:

\[\text{xxxx}\].

In many cases it is unclear whether Wilson, Randolph, or Rutledge intended a mark to be a comma, or a semicolon, or a colon, or whether the manuscript simply contains a stray mark. In such cases we have made our best guess without indicating the possible variants.

4) Misspellings. As can be seen from the facsimiles, a number of words have been shortened or mutilated by a letter or two when the edge of the page was subsequently trimmed. In addition, the removal of the 1877 binding tape has, in rare instances, rendered words spelled incorrectly by removing letters. In both cases, instead of burdening the text with excessive annotation, we have left the text as is, exactly corresponding to the manuscripts in their current format. (In the case of Randolph’s sketch, we cross-checked the current facsimile to that made in 1899 by Meigs.)

5) Interlineations. Interlineations or text added later by the same author are represented in eight-point font.

*University of Pennsylvania Law School*  
*The Constitutional Sources Project*  
*WILLIAM EWALD*  
*LORIANNE UPDIKE TOLER*
Committee of Detail Documents

Document I: Twenty-Four Referred Resolutions from the Committee of the Whole

This untitled document is in James Wilson's hand. It consists of a single folio sheet, measuring 38.5 × 47.5 cm. The sheet has been folded in half to make a signature of four pages; the fourth page was left blank. As Max Farrand observes in a footnote, this document is a copy of the resolutions referred to the Committee of Detail by the Constitutional Convention's Committee of the Whole on July 24, 1787. There are eight numbered resolutions, with resolution 7 containing three subresolutions and resolution 8 containing what appear to be either thirteen subresolutions, or resolutions that simply failed to be numbered. All told, there are twenty-four provisions beginning "Resolved."

The product of the two-month debate over the Virginia Plan proposed by Gov. Edmund Randolph on May 29, 1787, these resolutions provide the overarching political structure of the Constitution—the number of branches, their broad purpose and method of selection, as well as provisions regarding amendments, oaths of office, and recognition of new states.

Before the convention adjourned on July 26, Luther Martin of Maryland had proposed that members of the convention be allowed to copy the referred resolutions and consider them during the ten-day break. This motion failed, therefore limiting the number of copies originally made.1 William Jackson, secretary to the convention, presumably held an official copy, but it did not survive. Whether James Madison, in preparing his Notes, worked from this copy, or had his own independent record despite Martin's failed motion (reprinted only in Jonathan Elliot's Debates, not in Farrand), is uncertain.2 Whether the committee worked from an official copy or Wilson's copy reprinted here is unclear.

According to John Franklin Jameson, this document appeared “fourth in the order of binding” at the Historical Society.3 By labeling it Document I, Farrand in this case departed from the order of binding for the obvious reason that the document marks the logical starting point of the committee's deliberations.

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Mr. Meridith called upon you.
1. Resolved That the Government of the United States ought to consist of a Supreme Legislative, Judicial and Executive

2. Resolved That the Legislature of the United States ought to consist of two Branches of the United States

3. Resolved That the Members of the first Branch of the Legislature ought to be — elected by the People of the several States — for the Term of two Years — to be of the Age of twenty-five Years at least — to be ineligible to and incapable of holding any Office under the Authority of the United States (except those peculiarly belonging to the Functions of the first Branch) during the Time of Service of the first Branch

4. Resolved That the Members of the second Branch of the Legislature of the United States ought to be chosen by the Individual Legislatures — to be of the Age of thirty Years at least — to hold their Offices for the Term of six Years; one third to go out biennially — to receive a Compensation for the Devotion of their Time to the public Service — to be ineligible to and incapable of holding any Office under the Authority of the United States (except those peculiarly belonging to the Functions of the second Branch) during the Term for which they are elected, and for one Year thereafter.

5. Resolved That each Branch ought to possess the Right of originating Acts.

6. Resolved That the Right of Suffrage in the first Branch of the Legislature of the United States ought not to be according to the Rules established in the Articles of Confederation but according to some equitable Ratio of Representation

7. Resolved That in the original Formation of the Legislature of the United States the first Branch thereof shall consist of sixty-five Members of which Number New-Hampshire shall send three — Massachusetts eight — Rhode Island one — Connecticut five — New York six — New-Jersey four — Pennsylvania eight — Delaware one — Maryland six — Virginia ten — North Carolina five — South Carolina five — Georgia three.

But as the present Situation of the States may probably alter in the Number of their Inhabitants, the Legislature of the United States shall be authorised from Time to Time to apportion the Number of Representatives; and in Case any of the States shall hereafter be divided, or enlarged by Addition of Territory, or any two or more States united, or any new States created within the Limits of the United States, the Legislature of the United States shall possess Authority to regulate the Number of Representatives in any of the foregoing Cases, upon the Principle of the Number of their Inhabitants, according to the Provisions herein after mentioned namely — Provided always that Representation ought to be proportioned according to direct Taxation: And in order to ascertain the Alteration in the direct Taxation, which may be required from Time to Time, by the Changes in the relative Circumstances of the States — Resolved that a Census be taken, within six Years from the first Meeting of the Legislature of the United States, and once within the Term of every ten Years.
Resolved that the Legislature of the United States shall proportion the direct Taxation accordingly.

Resolved that all Bills for raising or appropriating Money, and for fixing the Salaries of the Officers of the Government of the United States shall originate in the first Branch of the Legislature of the United States, and shall not be altered or amended by the second Branch; and that no Money shall be drawn from the public Treasury but in Pursuance of Appropriations to be originated by the first Branch.

Resolved that from the first Meeting of the Legislature of the United States until a Census shall be taken, all Monies for supplying the public Treasury by direct Taxation shall be raised from the several States according to the Number of their Representatives respectively in the first Branch.

8. Resolved That in the second Branch of the Legislature of the United States each State shall have an equal Vote.

Resolved That the Legislature of the United States ought to possess the legislative Rights vested in Congress by the Confederation; and moreover to legislate in all Cases for the general Interests of the Union, and also in those Cases in which the States are separately incompetent, or in which the Harmony of the United States may be interrupted by the Exercise of individual Legislation.

Resolved That the legislative Acts of the United States made by Virtue and in Pursuance of the Articles of Union, and all Treaties made and ratified under the Authority of the United States shall be the supreme Law of the respective States so far as those Acts or Treaties shall relate to the said States, or their Citizens and Inhabitants; and that the Judicatures of the several States shall be bound thereby in their Decisions, any Thing in the respective Laws of the individual States to the contrary notwithstanding.

Resolved That a national Executive be instituted to consist of a single Person — to be chosen for the Term of six Years — with Power to carry into Execution the national Laws — to appoint to Offices in Cases not otherwise provided for — to be removable on Impeachment and Conviction of mal Practice or Neglect of Duty — to receive a fixed Compensation for the Devotion of his Time to public Service — to be paid out of the public Treasury.

Resolved That the national Executive shall have a Right to negative any legislative Act, which shall not be afterwards passed, unless by two third Parts of each Branch of the national Legislature.

Resolved That a national Judiciary be established to consist of one Supreme Tribunal — the Judges of which shall be appointed by the second Branch of the national Legislature — to hold their Offices during good Behaviour — to receive punctually at stated Times a fixed Compensation for their Services, in which no Diminution shall be made so as to affect the Persons actually in Office at the Time of such Diminution.

Resolved That the Jurisdiction of the national Judiciary shall extend to Cases arising under the Laws passed by the general Legislature, and to such other Questions as involve the national Peace and Harmony.

Resolved
Resolved. That the national legislature be suspended to support itself.

Resolved. That the legislature shall be made for the declaration of the rights, and by virtue of the United States, shall be the only supreme power of government made by the Union, and the council of each state, and shall be the supreme arbiter of the United States, to be administered by the states, and not by the Union.

Resolved. That the legislature shall be made for the governments of the states, and shall be the supreme arbiter of the United States, and not by the Union.

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Resolved. That the legislature shall be made for the governments of the states, and shall be the supreme arbiter of the United States, and not by the Union.
Resolved That the national Legislature be empowered to appoint inferior Tribunals.
Resolved That Provision ought to be made for the Admission of States lawfully arising within the Limits of the United States, whether from a voluntary Junction of Government and Territory, or otherwise, with the Consent of a Number of Voices in the national Legislature less than the whole.
Resolved That a Republican Form of Government shall be guarantied to each State; and that each State shall be protected against foreign and domestic Violence.
Resolved That Provision ought to be made for the Amendment of the Articles of Union, whenever it shall seem necessary.
Resolved That the legislative, executive and judiciary Powers, within the several States, and of the national Government, ought to be bound by Oath to support the Articles of Union.
Resolved That the Amendments which shall be offered to the Confederation by the Convention ought at a proper Time or Times, after the Approbation of Congress, to be submitted to an Assembly or Assemblies of Representatives, recommended by the several Legislatures, to be expressly chosen by the People to consider and decide thereon.
Resolved That the Representation in the second Branch of the Legislature of the United States consist of two Members from each State, who shall vote per capita.
Document II:
Resolutions Taken from the Proceedings of the Convention
July 24–July 26

The next document in Farrand’s sequence is his own compilation of the resolutions passed by the Committee of the Whole after the twenty-four resolutions had been referred and before the convention adjourned on July 26. Because Farrand’s Document II is not a document per se, it is not included here.

Document III:
Wilson’s Copy of the Pinckney Plan

Another untitled document in Wilson’s hand follows. This document is “the plan of a constitution presented to the Federal Convention by Charles Pinckney May 29, 1787,” according to Andrew McLaughlin, who provided the identification; McLaughlin viewed it as an outline rather than as a copy of the entire plan. After Charles Pinckney proposed the plan, it was not discussed at all in convention, but referred to the Committee of Detail on July 26, 1787. Pinckney’s original draft has been lost. As with the referred resolutions, it is not known whether the Committee of Detail worked from the original or from Wilson’s copy.

This document is composed of four sheets that have been folded in half and sewn to form a signature whose pages measure 19 x 22 cm. It is not clear when the stitched binding took place. Wilson wrote his extracts on the recto side only, starting on the outermost page and skipping the first interior recto page: his writing fills six pages, with the verso sides being left blank. This document is now held in a separate box bearing the label, “Pinckney Resolutions/James Wilson/Second Draft of the U.S. Constitution.” The Pinckney Resolutions (as Farrand’s sequencing of the documents recognizes) were one of the starting points for the committee’s work, preceding even the first Wilson draft of the Constitution. The recto pages have been numbered in pencil, from thirteen to nineteen, starting with the outermost page. On the back page, also in pencil, is written, “Wilson’s abstract of the Pinckney Resolutions. See American Historical Review, July, 1904, p. 735.” This is a reference to McLaughlin’s article. From the marginal tape still present on the document, this document appears to have been bound with other Wilson documents in 1877.

6 Farrand, Records, 2:128.
1. A Confederation between the States as independent States of W. F. is hereby solemnly made admitting them to a government under one general Superintending Government for their common benefit and for their safety and security against all Enemies and Dangers that may be injurious to their interests and against all war and attacks open to be made upon them or any of them.

2. The like

1. A Confederation between the free and independent States of N. H. &C
   is hereby solemnly made uniting them together under one general
   superintending Government for their common Benefit and for their
   Defence and Security against all Designs and Leagues that may be
   [injurious?] to their Interests and against all Force and Attacks offered
   to or made upon them or any of them

2. The Stile

3. Mutual Intercourse — Community of Privileges — Surrender of
   Criminals — Faith to Proceedings &C.

4. The
2. Two branches of the legislature. In each:
   House of Delegates, together the 2d and Congress of
   1000.

shall consist of one member for every
   thousand inhabitants. If of Blanks or

two to be elected from each Districts to

serve by Rotation of four Years, to be elected

by the H. G., other from among themselves or

the People at large.

5. The House and H. G. shall by joint ballot,
   annually elect the President, President from
   among themselves, or the People at large — to
   the Executive Authority of the National
   Congress. Under his name, the President or
   Acts done under the Name of the different

   Departments, acts in the Congress.

6. Council of Revision, consisting of the Congress
   to act for Affairs, all of the Heads of the Departments
   of Finance and Annually or any time of them.
   They, at the President.
4. Two Branches of the Legislature — Senate — House of Delegates —
together the U. S. in Congress assembled

H.D. to consist of one Member for every thousand
Inhabitants 3/5 of Blacks included

Senate to be elected from four Districts — to serve by
Rotation of four Years — to be elected by the H. D.
either from among themselves or the People at large

5. The Senate and H. D. shall by joint Ballot annually chuse the
Presid'. U.S. from among themselves or the People at large. — In the
Presid.' the executive Authority of the U.S. shall be vested. — His
Powers and Duties — He shall have a Right to advise with the Heads
of the different Departments as his Council

6. Council of Revision, consisting of the Presid'. S. for for. Affairs, S. of
War, Heads of the Departments of Treasury and Admiralty or any two
of them tog. wth the Presid'.

7. The
7. The members of each committee shall have one vote, and shall be paid out of the common treasury.

8. The terms of the members of the committees of the D. and of the meeting of the D. in Congress.

9. To attend and make return of any matters relating to the public terror and in the case of ten members, to be deposited according to the regulations of the Act.

10. Each member returns the report of every vote, and as part of the deliberations of any public body, as soon as the same is taken and when the same have been laid before the D. in Congress and received their approbation.

11. The members return of the D. in Congress.
7. The Members of S. & C-H. D. shall each have one Vote, and shall be paid out of the common Treasury.


9. No State to make Treaties — lay interfering Duties — keep a naval or land Force (Militia excepted to be disciplined &C according to the Regulations of the U.S.

10. Each State retains its Rights not expressly delegated — But no Bill of the Legislature of any State shall become a Law till [xxx] it shall have been laid before S. & H. D. in C. assembled and received their Approbation.

11. The exclusive Powers of S & H. D. in C. assembled

12. The
12. The Govt. of E. af. shall have the exclusive power of regulating trade and carrying cargoes - East State being Board Voyager in Town of Canton.

13. of establishing said office.

14. 1. The Govt. of E. af. shall in the East Point on appeal to the written between two or more States, which authority shall be exercised in the following manner.

15. 1. His Majesty in the office of secretaries of State and similar, shall appoint officers for the Department of foreign Affairs, War, Navy and Admiralty.

They shall have the exclusive power of declaring that shall be hearing of the Kings of Kings of King of Kings, and of instituting a final court, in which all appeals shall be heard from the judicial courts of the several States in the Course of their jurisdiction in the Commerce of the States made by the law on the Constitution, or on the Regulations of the 1. concerning Trade of Navigation - or on the Regulations of the 1. concerning Trade of Navigation - or on the Regulations of the 1. concerning Trade of Navigation - or on the Regulations of the 1. concerning Trade of Navigation - or on the Regulations of the 1. concerning Trade of Navigation - or on the Regulations of the 1. concerning Trade of Navigation - or on the Regulations of the 1. concerning Trade of Navigation - or on the Regulations of the 1. concerning Trade of Navigation.
12. The S. & H. D. in C. ass. shall have the exclusive Power of regulating Trade and levying Imposts — Each State may lay Embargoes in Times of Scarcity

13. of establishing Post-Offices

14. S. & H. D. in C. ass. shall be the last Resort on Appeal in Disputes between two or more States; which Authority shall be exercised in the following Manner &c

15. S. & H.D. in C. ass. shall institute Offices and appoint Officers for the Departments of for. Affairs, War, Treasury and Admiralty —

They shall have the exclusive Power of declaring what shall be Treason & Misp. of Treason agt. U.S. — and of instituting a federal^ Court, to which an Appeal shall be allowed from the judicial Courts of the several States in all Causes wherein Questions shall arise on the Construction of Treaties made by U. S. - or on the Law of Nations — or on the Regulations of U. S. concerning Trade & Revenue — or wherein U. S. shall be a Party — The Court shall consist of Judges to be appointed during good Beha-

—viour
15. As in Corps, shall have the exclusive rights to make, carry, 
transport, and sell any spirituous, vinous, or 
alcoholic liquor to and from the 
States of Virginia and Maryland throughout the 
16. As in Corps, shall have the exclusive rights to make, 
carry, transport, and sell any spirituous, 
vinous, or alcoholic liquor within the 
17. Courts of the States of more than a 
18. Officers shall be by the P to before the 
court and the judge of the inferior judicial court. 
19. As in Corps, shall regulate the whole, and the 
20. Manner of enforcing and compelling the execution of the 
21. Manner and conditions of admiring new States. 
22. Power of dividing annexing and consolidating States, 
on the consent and election of such States.
-viour — S. & H. D. in C. ass shall have the exclusive Right of instituting in each State a Court of Admiralty, and appointing the Judges &C. of the same for all maritime Causes which may arise therein respectively.

16. S. & H. D. in C. ass. shall have the exclusive Rights of coining Money - regulating its Alloy & Value — fixing the Standard of Weights and Measures throughout U. S.

17. Points in the which the Assent of more than a bare Majority shall be necessary.

18. Impeachments shall be by the H. D. before the Senate and the Judges of the federal judicial Court.

19. S. &. H. D. in C. ass. shall regulate the Militia thro' the U. S.

20. Means of enforcing and compelling the Payment of the Quota of each State.


22. Power of dividing annexing and consolidating States on the Consent and Petition of such States.

23. [The]
29. The aspect of the legislature of the state shall be sufficient to amount future additional power in aid of the law, and should bear the whole contingency.

30. The decision of the legislature shall be final, and shall determine the manner in which the legislature may act, so far as before directed.

31. The said States of New York, guarantee, one each. All other States are against all.
23. The Assent of the Legislature of States shall be sufficient to [invest?] future additional Powers in U.S. in C. ass. and shall bind the whole Confederacy.

234. The Articles of Confederation shall be inviolably observed, and the Union shall be perpetual; unless altered as before directed

each other and their Rights

25. The said States of N. H. &C guarantee mutually against all other Powers and against all Rebellions &C.
Document IV: Randolph’s Sketch of the Constitution

The publication of Madison’s Notes in 1840 revealed only two documents relating to the Committee of Detail—the twenty-four referred resolutions and the final, printed report. The entire set of Wilson’s drafts and other Committee of Detail documents remained unpublished until Farrand’s Records appeared in 1911 and therefore available only to the scholars who viewed the originals. Only two scholars appear to have made use of them before Farrand’s edition appeared, William Meigs and John Franklin Jameson.

William Meigs broke new ground in 1899 by tracking down and publishing images of a document in Randolph’s hand referred to in Moncure D. Conway’s Omitted Chapters of History Disclosed in the Life and Papers of Edmund Randolph in 1888. This document is written on both recto and verso sides of four pages, all roughly measuring 20.2 × 32.5 cm. All pages are preserved with their wrapper, on which is penciled “Paper in handwriting of Edmund Randolph.” The document was found by Meigs in the possession of Mrs. St. George Tucker, a descendant of George Mason. She later donated the papers, with Randolph’s sketch, to the Library of Congress where it can be found today.

It appears that John Rutledge of South Carolina, the chair of the Committee of Detail, and probably Wilson, who would later use it in preparing his drafts, both made marks to the document. Rutledge made notes and edits in his heavy and roughly legible hand. It was previously thought that the ubiquitous check marks throughout were made by Rutledge, but a close comparison of these check marks to Rutledge’s erratic marks on Wilson’s final draft suggests a different hand. However, a comparison to several Wilson documents reveals that the check marks are most likely his. In a few places (e.g. on the first manuscript page) somebody has neatly overwritten a single letter or two; in the transcription we have attributed these changes to Rutledge, though they could also arguably be in the handwriting of Randolph.

The document parallels the twenty-four resolutions referred to the Committee of Detail, adding some substantive powers and provisions. It is plainly an early document. Whether it represents committee deliberations or was drafted by Randolph alone is somewhat unclear.

Farrand originally prepared his transcription from the photographic reproduction in Meigs’s study; later, in his 1937 fourth volume, he prepared a corrected transcription made from the original document. With special permission from the Library of Congress and for the sake of including all known Committee of Detail documents, we reproduce images of the original and retranscribe the sketch here.

It will be noted from the images that a few letters covered up by binding tape are indiscernible. However, the editors have cross-referenced these images with those reproduced by Meigs in 1899 before binding tape was applied to confirm Farrand’s transcription.

Pages 5 and 7 are long and both images and transcripts have been broken into two pages each.

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7 Elliot, Debates, 5:375–81.
8 Farrand, Records, 2:129–75.
11 Farrand’s second transcription is today most easily found in James Hutson, Supplement to Max Farrand’s The Records of the Federal Convention of 1787 (New Haven, CT, 1987) 183–93.
In the drafting of a fundamental constitution, two things demand attention. 1. To meet essential principles only, lest the fabric of government should be duped by unnecessary formalism, permanent, and unchangeable, which may not accommodate to times and events; and 2. To use simplest and plainest language and general propositions, according to the example of the several constitutions of the several states of the Union: in this, the constitution of each state differed from the last.

To prevent the errors proper, not for the purpose of designating the ends of government and human rights—This being part of the work of such a body, and of so much weight in theory, has been left to the minds of statesmen, as to much more than the declaration of rights. That part, as it respects the adoption of the constitution for the state, may be done more solemnly, at the close of the assembly, as in the convention. But the object of our present attempt is to briefly state principles which the present federal government is sufficient to the general happiness, that the establishment of this fact gave birth to these articles, and that the only object of this work, which they can devise, for doing this satisfactorily is the establishment of separate Legislative, Executive, and Judicial departments, and such changes and improvements in the existing constitution as the wisdom of the states deems necessary. After this introduction, let us proceed to the introduction. This resolution involves three particulars:

1. The style of the United States, which may consist of: a) The name of the author b) A declaration that the separate states shall be established c) A declaration that these departments shall be distinct, separate, and independent of each other, except in specified cases.
In the draught of a fundamental constitution, two things deserve attention:

1. To insert essential principles only; lest the operations of government should be clogged by rendering those provisions permanent and unalterable, which ought to be accommodated to times and events: and

2. To use simple and precise language, and general propositions, according to the example of the several constitutions of the several states. For the construction of a constitution necessarily differs from that of law.

1. A preamble seems proper. Not for the purpose of designating ends of government and human polities — This business, if not fitter for the schools, is at least sufficiently exonerated display of theory, howsoever proper in the first formation of state governments, seems unfit here; since we are not working on the natural rights of men, not yet gathered into society, but upon those rights, modified by society, and supporting what we call states — Nor yet is it proper for the purpose of mutually pledging the faith of the parties for the observance of the articles — This may be done more solemnly at the close of the draught, as in the confederation — But the object of our preamble ought to be briefly to represent declare, that the present federal government is insufficient to the general happiness; that the conviction of this fact gave birth to this convention; and that the only effectual means which they could devise, for curing this insufficiency, is the establishment of a supreme legislative executive and judiciary — In this manner we may discharge the first resolution. We may then proceed to the

1st resolution

2nd resolution

2. Firstresolution

This resolution involves three particulars:

1. the style of the United States; which may continue as it now is.
2. a declaration that a supreme legislative executive and judiciary shall be established; and
3. a declaration, that these departments shall be distinct, and independent of each other, except in specified cases.
In the next place, least of the state legislatures, and...
In the next place, treat of the legislative, judiciary and executive in their order, and afterwards, of the miscellaneous subjects, as they occur; bringing together all the resolutions, belonging to the same and leaving to the last the steps necessary to introduce the government point, howsoever they may be scattered about — Take The following plan is therefore submitted

I The Legislative

✓ 1. shall consist of two branches: viz:
   (a) a house of delegates; and
   (b) a senate;
✓ 2. which together shall be called “the legislature of the United States of America.”

3 (a) The house of delegates

1. shall never be greater in number than
   To effect this, pursue a rule, similar to that prescribed in the 16th. article of the New York constitution.
✓ 2. Each state shall send delegates, according to the ratio, recommended by congress.
✓ 3. to ascertain this point, let a census be taken — as the national legislature shall direct; within six years from the first meeting of the legislature; and once in every term of ten years thereafter.
✓ 4. the census being taken and returned, the legislature shall apportion the representation:

✓ 5. The qualifications of a delegate shall be the age of twenty five years at least: and citizenship: and any person possessing these qualifications may be elected except:
✓ 6. Their duration in office shall be for two years.
✓ 7. The elections shall be held on the same day through the states: except in case of accidents, and where an adjournment to the succeeding day may be necessary.
✓ 8. The place shall be fixed by the legislatures from time to time; or on their default by the national legislature:
✓ 9. So shall the presiding officer.
✓ 10. Votes shall be given by ballot, unless 2/3 of the national legislature shall choose to vary the mode.
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[Handwritten text on page]

[Text continues]

[Further handwritten text]

[Additional handwritten content]
11. The qualification of electors shall be the same throughout the states, viz: legislative shall hereafter direct some uniform qualification to prevail through the states.

These qualifications mentioned above shall consist of:

- Citizenship:
- The age of 25 years at least:
- Property to the amount of

12. All persons may be elected

- A majority shall be a quorum for business; but a smaller number may be authorized by the house to call for and punish nonattending members, and to adjourn for any time not exceeding one week.

13. The house has power over its own members.

14. The delegates shall be privileged from arrest during their attendance, for so long a time before and after, as may be necessary, for travelling to and from the legislature and they shall have no other privilege whatsoever.

15. Their wages shall be and incapable of holding

16. They shall be ineligible to offices under the authority of the United States, during the term of service of the house of delegates.

17. Vacancies shall be supplied by a writ from the speaker or any other person, appointed by the house.

18. The house shall have power to make rules for its own government.

19. The house shall not adjourn without the concurrence of the senate for more than one week, nor without such concurrence to any other place than the one at which they are sitting.

4(b) The Senate

1. shall consist of members, each possessing a vote

2. Each state shall send two senators using their discretion as to the time and manner of choosing them.

3. The qualification of senators shall be

- The age of 25 years at least:
- Citizenship in the United States:
- Property to the amount of

4. Their duration in office shall

- They shall be elected for six years and immediately after the first election they shall be divided by lot into four classes, six in each class, and numbered 1, 2, 3, 4, and the seats of the members of the first class shall be vacated at the expiration of the first second year, of the second class at the expiration of the fourth,
and of the third class, at the end of the sixth year, and so on conti-
nuing, that a third part of the senate may be successively chosen.

6. The majority shall be a quorum for business, but a smaller number
may be authorized to call for and adjourn meetings.

7. The senate shall have power over its own members.

8. The senators shall be ineligible for a term during the
president's

and four years after

9. as may be necessary for travelling to and from the
capitol

or on the same territory, to and in the United States,

or in any office under the authority of the United States,

or for one year thereafter.

Of the Senate, etc.

Part of a manuscript that appears to be a historical document, possibly a draft or early version of the United States Constitution, written in cursive script. The text is partially legible, with some words and phrases crossed out or underlined. The handwriting is legible, though some parts are harder to read due to the style and condition of the writing. The text covers topics such as the term limits and eligibility of senators, and the procedures for preparing for sessions of the senate.
and of the third class at the end of the sixth year, and so on continually, that a third part of the senate may be biennially chosen.

5. A majority shall be a quorum for business: but a smaller number may be authorized to call for and punish nonattending members and to adjourn from day to day

Any time not exceeding one week.

6. Each senator shall have one vote

The senate shall have power over its own members.

Personal restraint

28. The senators shall be privileged from arrest during their attendance, and for so long a time before

and so long after,

as may be necessary for travelling to and from the legislature

and they shall have no other privileges whatsoever.

89. The senators shall be ineligible to and incapable of holding any office under the authority of the united states, during the term for which they are elected, and for one year thereafter, except in the instance of those offices, which may be instituted for the better conducting of the business of the senate, while in session.

10. Vacancies

The wages of the senators shall be paid out of the treasury of the united states; those wages for the first six years shall be dollars per diem—

at the beginning of the sixth year, the supreme judiciary shall cause a special jury of the most respectable merchants and farmers to be summoned to declare what should all have been the averaged value of wheat during the six last six years, in the state, where the legislature may be sitting. And for the six subsequent years, the senators shall receive per diem the averaged value of bushels of wheat.

11. The house shall have power to make rules for its own government

12. The Senate shall not adjourn without the concurrence of the house of delegates for more than one week, 3 days.

nor without such concurrence to any place other than that at which they are sitting.
The following are the regulations governing certain activities and under

1. To regulate the internal and external trade and commerce of the colony.

2. To prevent the introduction of goods detrimental to the colony.

3. To regulate the internal trade and commerce of the colony.

4. To prevent the introduction of goods detrimental to the colony.

5. To regulate the internal trade and commerce of the colony.

6. To prevent the introduction of goods detrimental to the colony.

7. To regulate the internal trade and commerce of the colony.

8. To prevent the introduction of goods detrimental to the colony.

9. To regulate the internal trade and commerce of the colony.

10. To prevent the introduction of goods detrimental to the colony.
1. The following are

1. legislative powers; with certain exceptions; and under certain restrictions

2. [with certain exceptions and

3. under certain restrictions]

2. other powers. 1. To raise money by taxation, unlimited as to sum, and to establish rules for collection.

Exceptions

1. No Taxes on exports. — Restrictions ✓ 1. direct taxation proportioned to representation ✓ 2. No headpost capitation — tax [xxxx] which does not apply to all inhabitants under the above limitation — 3. no other tax, which is not common to all. 4. Delinquencies shall be by distress and sale; and offending states bound to inform —

2. To regulate commerce both foreign & domestic & no State to lay a duty on

✓ imports —

Exceptions

✓ 1. no Duty on exports.

✓ 2. no prohibition on such ^ Importations of ^ inhabitants or People

✓ 3. no duties by way of such prohibition.

Restrictions.

1. A navigation act shall not be passed, but with the consent of ^ eleven states

the like N. of

in the senate. and [xx] in ^ the house of representatives.

2. Nor shall any other regulation — and this rule shall prevail, wheresoever the subject shall occur

3. The lawful territory To make treaties of commerce —

Under the foregoing restrictions.

4. To make treaties of peace or alliance

5. To make war; and raise armies. & equip Fleets.

✓ 6. To provide tribunals and punishment for mere offences against the law of nations.

✓ 7. To declare the law of piracy, felonies and captures on the high seas, and captures on land.

✓ 8. To appoint tribunals, inferior to the supreme judiciary.

9. To adjust upon the plan heretofore used all disputes between the States respecting Territory & Jursd.
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July
<table>
<thead>
<tr>
<th>10.</th>
<th>To regulate coinage, Paper, prohibit no State to be permit. to Emit Paper Bills of Credit</th>
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<tr>
<td>11.</td>
<td>To regulate naturalization</td>
</tr>
<tr>
<td>12.</td>
<td>To draw forth the militia, or any part, or to authorize the Executive to embody them</td>
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<td></td>
<td>+ to enforce Treaties</td>
</tr>
<tr>
<td>13.</td>
<td>To establish post-offices.</td>
</tr>
<tr>
<td>14.</td>
<td>To subdue a rebellion in any particular state, on the application of the legislature thereof.</td>
</tr>
<tr>
<td>15.</td>
<td>To enact articles of war.</td>
</tr>
<tr>
<td>16.</td>
<td>To regulate the force permitted to be kept in each state.</td>
</tr>
<tr>
<td>17.</td>
<td>To send embassadors.</td>
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<tr>
<td>19.</td>
<td>To organize the government in those things, which</td>
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- The exclusive rights of Money |
- X make any Article a Tender in paym't. of debts |
- ✓ + to enforce Treaties |
- ✓ X2 of declaring the Crime & Punishment of Counterfeiting it. |
- ✓ Power to borrow Money- |
- ✓ To appoint a Treasurer by joint Ballot. |
- ✓ against the enemies of the U.S. |
WILLIAM EWALD AND LORIANNE UPDIKE TOLER July
2011 COMMITTEE OF DETAIL DOCUMENTS 277

Insert the IIth. Article

All laws of a particular state, repugnant hereto, shall be void; and in the decision therein, which shall be vested in the supreme judiciary, all incidents without which the general principles cannot be satisfied, shall be considered, as involved in the general principle.

That ^ Trials for Criml. Offences be in the State where the Offe was comd — by Jury — And a right to make all Laws necessary to carry the foregoing Powers into Execu —

2. The powers belonging peculiarly to the representatives are

✓ those concerning money-bills

✓ 3. The powers destined for the senate peculiarly, are

✓ 1. To make treaties of commerce

✓ 2. To make ^ peace & Alliance.

✓ 3. to appoint the judiciary.

✓ 4 to send Embassadors ✓

4. The executive

✓✓8. and to have a qualified negative on legislative acts so as to require repassing by 2/3

✓Governor of the united People & States of Americas./

✓ to be Commander in Chief of the Land &
✓ Naval Forces of the Union & of the Militia of the Sevl. States.
✓ shall propose to the Legisle. from Time to
✓ Time by Speech or MessrS such Meas as concern this Union

✓ no Increase or decrease during the Time of Service of the Executive

✓ 1. shall consist of a single person; ✓ by joint Ballot

✓ 2. who shall hold be elected by the [xxxx]Legislature

✓ 3. and ^ hold his office for the term of __seven years.✓

✓ 4. and shall be ineligible thereafter.✓

5. His powers shall be

✓ 1. to carry into execution the national laws,

✓ 2. to command and superintend the militia,

✓ 3. to direct their discipline

✓ 4. to direct the executives of the states to call them

✓ 5. to appoint to offices, not otherwise provided

✓ for. by the constitution

✓ 6. to be removeable on impeachment, made be

✓ the house of representatives and on conviction of

✓ malpractice or neglect of duty,

✓ of Treason Britery or Corruption. ✓

✓ 7. to receive a fixed compensation for the devotion of his

✓ time to public service the quantum of which shall be

✓ settled by the national legislature: to be paid out of the

✓ national treasury.
8. and to have a qualified negative on legislative acts so as to require repassing by 2/3 by taking an oath of office
9. and shall swear fidelity to the union, as the legislature shall direct.
10. receiving ambassadors
11. commissioning officers.
12. convene legislature

5. The Judiciary

The President of the Senate
shall consist of one supreme tribunal:

1. shall consist of one supreme tribunal:
2. the judges whereof shall be appointed by the senate:
3. and of such inferior tribunals, as the legislature may appoint:
4. the judges of which shall be also appointed by the senate:
5. all the judges shall hold their offices during good behaviour;
6. and shall receive punctually, at stated times a fixed compensation for their services, to be settled by the legislature.

in which no diminution shall be made, so as to affect the persons, actually in office at the time of such diminution and shall swear fidelity to the union.

7. The jurisdiction of the supreme tribunal shall extend
1. to all cases, arising under laws, passed by the general Legislature:
2. to impeachments of officers: and such
3. to other cases, as the national legislature may assign, as involving the national peace and harmony in the collection of the revenue, in disputes between citizens of different states; in disputes between different states; and in disputes, in which subjects or citizens of other countries are concerned.

& in Cases of Admiralty Jurisdiction
But this supreme jurisdiction shall be appellate only, except in those instances, in which the legislature shall make it original: and the legislature shall organize it.
8. The whole or a part of the jurisdiction aforesaid, according to the discretion of the legislature, may be assigned to the inferior tribunals, as original tribunals.

in disputes between a State & a Citizen or Citizens of another State.
in New States admitting admission into the Union, accomplishing within the personal limits of the united States, and, except but fully wise, that is within the territory of the united States with the power and the limits of the regulation of the legislation, within the limits of particular States to the territorial branches of the States of that State, and shall be admitted only on the ground of its "in the House of Representatives and Senate." The shall be admitted on the same footing with the original States and the members of the House of the same Congress on their admission in the House of Congress. Their admission to sitting or voting, and may make any good law concerning the peace of this union. *This clause*
Miscellaneous provisions

1 ✓ New states soliciting admission into the Union
   1. must be within the present limits of the United States;
   ✓ 2. must lawfully arise; that is

✓ States lawfully arising & if within
✓ the limits of any of the present
States by Consent of the Legislatures
of those States.

✓ 3. shall be admitted only on the suffrage
   of 2/3d in the House of Representatives
   and the like number in the Senate.

✓ 4. & shall be admitted on the same terms
   with the original states: but the number
   of states or votes required on particular
   measures shall be readjusted.

5. provided always, that the legislature
   admitting
✓ may use their discretion in refusing or
   rejecting, and may make any condition
   concerning the old debt of the Union at
   that Time.
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2. The guarantee of
the personal liberty of
the citizens shall be
protected against all
civil or military
executions, in all places
wherever a false
character or
inhalation, by a
recommendation of
the public
authority, in the
eyes of the people,
shall be required.

3. The acquisition of
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30. The acquisition of
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secured.
2. The guarantee is
   1. to prevent the establishment of any government, not republican:
   2. to protect each state against internal commotion: and
   3. against external invasion.
   4. But this guarantee shall not operate without an application from
      the legislature of a state.

3. The legislative executive and judiciaries of the states shall swear fidelity
   to the union, as the national legislature shall direct.

4. The ratification of the reform is (After the approbation of congress) to be made
   by a special convention, in each State
   recommended by the assembly
   to be chosen for the express purpose
   of considering and approving and rejecting it:
   and this recommendation may be used from
   time to time
   on appln. of 2/3ds of the State Legislatures to the Natl. Leg. they
   call a Convn.

5. An alteration may be effected in the articles of union, on the
   application of two thirds of the state legislatures. by a Conv.
   of Union

6. The plighting of faith ought to be in solemn terms.

Addenda

1. The assent of the major part of the people of states shall give birth operation to this constitution.
2. Each assenting state shall notify its assent to congress: who shall publish a day for its commencement, not exceeding assent of the major part of the assenting states
   After such publication, or with the failure thereof, after the expiration of days from the [x]giving of the assent [x]of the [x]ninth state,
   1. each legislature shall direct the choice of representatives, according to the seventh article
      and provide for their support:
   2. Each legislature shall also choose senators; and provide for their support.
   3. they shall meet at the Place & on the day assigned by congress, or as the major part of the assenting states shall agree, on any other day.
   4. They shall as soon as may be after meeting elect the executive: and proceed to execute this constitution.
The object of an address is to satisfy the people of the propriety of the proposed reform.

At this end, the following plan seems worthy of adoption:

1. To state the general objects of a confederation;
2. To show by general but pointed observations in what particulars respects, our confederation has fallen short of those objects;
3. The powers necessary to be given will then follow as a consequence of the defects;
4. A question explaining whether these powers can be vested in Congress. The answer is that they cannot;
5. As some states may perhaps meditate that confederations, it would be fit now to refute this opinion briefly;
6. It follows then, that a government of the whole, or national principle, is required to tranquility is most eligible;
7. This would lead to a short expression of the leading particulars in the constitution;
8. This done, conclude in a suitable manner.

This is the shortest scheme which can be adopted. For it would last, to ask for new powers, without assigning some reason (it matters not how general some), which may apply to all of them. Besides we ought to furnish the advocate in the country with some good topics. Now I conceive, that wise heads do not more than consider head the most requiring points.
The object of an address is to satisfy the people of the propriety of the proposed reform.

To this end the following plan seems worthy of adoption

1. To state the general objects of a confederation.
2. To shew by general, but pointed observations, in what respects, our confederation has fallen short of those objects.
3. The powers, necessary to be given, will then follow as a consequence of the defects.
4. A question next arises, whether these powers can be vested in congress. The answer is, that they cannot.
5. As some states may possibly meditate partial confederations, it would be fit now to refute this opinion briefly.
6. It follows then, that a government of the whole on national principles, with respect to taxation &c is most eligible.
7. This would lead to a short exposition of the leading particulars in the constitution.
8. This done, conclude in a suitable manner.

This is the shortest scheme, which can be adopted. For it would be strange to ask for new powers, without assigning some reason (it matters not how general soever) which may apply to all of them. Besides we ought to furnish the advocates in the country with some general topics. Now I conceive, that these heads do not more, than comprehend the necessary points.
From the point of view of editorial method, this “document” is the most curious in Farrand’s sequence. In a footnote, Farrand describes it as: “Document V in Wilson’s handwriting as found among the Wilson Papers. It appears to be the beginning of a draft with an outline of the continuation.” The first part of “Document V” includes a rough draft of the preamble (including, for the first time, the words “We the People”) and two provisions on representation. This beginning is then followed by a terse outline of the Constitution’s substantive remainder, which is broken up into three short sections subtitled “The Continuation of the Scheme,” “Miscellaneous Resolutions,” and “to be added.”

Farrand does not remark that the two parts of Document V are found on two very different sheets of paper. The first is written in the corner of a folio sheet, measuring 23.75 x 38.5 cm; that sheet has been folded in half to make a signature of four pages. Wilson appears to have begun by writing the first part of Document V on what was then the “front page” of this four-page signature—then, later, he turned the signature upside down in order to continue writing a more complete rough draft (“Document VIII” in Farrand’s numeration). So if one is looking at Document VIII, below, the first portion of Document V appears upside down on the final page. The second part of Document V, however—the outline beginning “The Continuation of the Scheme”—is written on both recto and verso sides of a smaller, 31 x 20 cm sheet of paper of a different make. Curiously, this paper was roughly the same size as Randolph’s sketch, likely in Wilson’s possession at the writing of Document V.

Not only do the two parts of Document V appear on two separate sheets of paper of different size, but the two sheets are found in different parts of the Wilson archive. The first part is today included within the boxes labeled “Wilson’s First Draft of the Constitution,” and at the time Farrand prepared his Records, it was bound as part of volume 1 of Wilson’s papers. Today, as in Farrand’s day, the second, or outlined portion, is document 63 of volume 2.

What is of interest here is Farrand’s editorial procedure. He evidently worked his way carefully through the two volumes, noticed that the “Continuation” fragment fit naturally with the first part of Document V, and, without remarking the fact, combined the two pages to make a single, continuous document. And indeed, because of the vagaries of the binding process, it is entirely possible that the two sheets, originally contiguous when they arrived at the Historical Society, were later separated when the other Committee of Detail documents were bound into volume 1, document 63 remaining with documents nearer its size in volume 2. Farrand was undoubtedly correct not to be governed by the ordering of the bound volumes; correct also that the “Continuation” fragment belongs to the work of the Committee of Detail; and correct that it fits more naturally with the first part of Document V than with any other surviving text among Wilson’s papers. In the end, Document V is little more than an abruptly halted rough start followed by a terse structural outline, or a list of topics to be treated. However, a modern editor would be expected to note that the document’s two pages were different enough to result in their physical separation into distinct volumes within Wilson’s papers.

12 The second portion of Document V was, until recently, housed in the box for volume 2, but has been removed, along with companion documents from the same folder, and placed within the “draft” boxes for safekeeping in a special, more-secured vault within the Historical Society.
We, the People of the States of New Hampshire &c do agree upon,
declare, ordain, and establish the following Frame of Gov't as the Frame of Government as the Constitution of the "United States of America" according to which we and our Posterity shall be governed under the Name and Stile of the "United States of America" of the said United States.

1. The legislative Power of the United States shall be vested in two Branches, a Senate and a House of Representatives; each of which shall have a Negative on the other.

2. The Members of the House of Representatives shall be chosen Biennially by the People of the United States in the following Manner. Every Freeman of the Age of twenty one Years, having resided in the United States for the Space of one whole Year immediately preceding the Day of Election, and has a Freehold Estate in at least fifty acres of Land.

[The bottom of this page is transcribed as the last portion of Document VIII.]
The continuation of the Plan.

1. To start the Plans of the Pennsylvania.

2. To exempt from their taxes certain longtime farmers.

3. To provide in certain cases a greater amount of money for those companies.

4. To charge the King and Crown for all lands belonging to it.

5. To charge for some manner, manner which today, with frequency be written as it.

6. To begin the Execution.

1 - W. [Signature]

[Signature]

1. W. [Signature] of the Secretary.

[Signature]

1. W. [Signature] of the State.

2. W. [Signature] in the state.

3. W. [Signature] to support the Act of War.


5. W. [Signature] of Alteration.

The Continuation of the Scheme

1. To treat of the Powers of the legislature
2. To except from those Powers certain specified Cases
3. To render in certain Cases a greater Number than a Majority necessary
4. To assign to H. Repr — any Powers peculiarly belonging to it
5. To assign, in same Manner, Powers which may, with Propriety be vested in it.
6. To treat of the Executive
7. ______ of the Judiciary

Miscellaneous Resolutions

1. Admission of new States
2. The Guaranty to each State
3. The Obligation to support the Art. of Union
4. The Manner of Ratification
5. The Manner of Alteration.
6. The Plighting of mutual Faith

To be added
To be added

1. How many days will be necessary to appeal to the Plan

2. What Day shall be appointed for the States to join the Plan

3. In what manner does the act involve the Amendment of the States

4. To the Substitution of the Government
To be added

1. How many States will be necessary to assent to this Plan

2. What Day shall be appointed for the States to give an Answer

3. Qu. whether any Thing should be said as to the Amendment by the States

4. As to the Introduction of the Government
Document VI:
Wilson’s Rough Draft, Part I

The next document, like the last, is fragmented, and begins “We the People.” It is composed of two folio sheets 38.5 × 47.5 cm, each folded in half to create a signature of four pages. However, the original document (as Jameson already observed) probably was composed of three such sheets. We know this because a large section of the Constitution’s outline articulated in “Continuation of the Scheme” is missing, including any information about the executive and judiciary. Additionally, the second folio sheet starts in the middle of a sentence, in the middle of a word; and the first sheet is labeled (in Wilson’s hand) “1” while the second is labeled “3.”

Farrand tells us that a smaller single sheet was “placed” between the two extant folio sheets. On this sheet are found extracts from the Pinckney and New Jersey plans. Jameson surmises that they perhaps were included here because they contained provisions that the missing sheet would have included, i.e. powers and jurisdictions of the executive and judicial branches.13

In other words, Wilson’s first substantive draft consists of three Farrand documents: Document VI (the first four-page folio sheet); Document VII (the New Jersey and Pinckney extracts); and Document VIII (the final folio sheet).

The initial sheet of this, Wilson’s first substantive draft, was bound first in volume 1.14 It appears first in the facsimile copies of volume 1 made by the Historical Society in 1972 and currently is boxed and matted as part of the documents labeled “James Wilson’s First Draft of the Constitution.” It contains provisions detailing the manner of electing representatives, taxation powers, a first rough draft of the infamous three-fifths clause, the taking of censuses, and many other provisions that approximately parallel sections 1–7 and a few powers contained in section 8, Article I of the Constitution.

13 See Early Drafts of the U.S. Constitution, supra note 3; Jameson, Studies, 128.
14 Ibid.
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We the People of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia do ordain and establish the following Constitution for the Government of ourselves and of our Posterity.

1. The Style of this Government shall be the “United People and States of America.”

2. The Government shall consist of supreme legislative, executive and judicial Powers.

3. The Supreme legislative Power shall be vested in a Congress to consist of two separate and distinct Bodies of Men, one to be called the House of Representatives, and the other to be called the Senate of each of which shall have a Negative on the other in all Cases not otherwise provided for in this Constitution.

4. The Members of the House of Representatives shall be chosen every second Year in the Manner comprehended within this Union following by the People of the several States and the Manner of holding the Elections, the Time and Place and the Rules shall be appointed by the Legislatures concerning them of the several States; but these Provisions which they shall make concerning them and shall be subject to may, at any Time be altered and superseded by the Control of the Legislature of the United States.

No Person shall be capable of being chosen
Every Member of the House of Representatives of the Age of twenty five Years shall be at least twenty five Years of Age; shall have been a Citizen in the United States for at least three Years before his Election, and
Be it enacted, That the people of the United States shall not be deprived of the equal and impartial protection of the laws of the Constitution, nor of the right of trial by jury, in the courts of the United States, nor of their right to be secure in their persons, houses, papers, and effects, from unreasonable searches and seizures, nor of the right to bear arms, nor of the privileges and immunities of citizens of the United States in the several States.

The people of the United States shall not be deprived of the equal protection of the laws, nor of the right of trial by jury, in the courts of the United States, nor of their right to be secure in their persons, houses, papers, and effects, from unreasonable searches and seizures, nor of the right to bear arms, nor of the privileges and immunities of citizens of the United States in the several States.

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shall be, at the Time of his Election, a Resident of the State, from which he shall be chosen.

The House of Representatives shall, at its first Formation consist of 65 Members, of whom three shall be chosen in New-Hampshire, eight in Massachusetts &C.

As the present Proportions of Numbers in the different States will alter from Time to Time; as some of the States may be hereafter divided; as others may be enlarged by Addition of Territory, or two or more States may be united; and as new States will be erected within the Limits of the United States; the Legislature shall, in each of these Cases, possess Authority to regulate the Number of Representatives according to the Provisions herein after made.

Direct Taxation shall always be in Proportion to Representation in the House of Representatives.

In order to ascertain and regulate the Proportions of direct Taxation from Time to Time, the Legislature of the United States shall, within six Years after its first Meeting and within the Term of every ten Years afterwards, cause

The Proportions of direct Taxation shall be regulated by the whole Number of white and other Free Citizens and Inhabitants of every &C. which Number shall be taken within six Years after the first Meeting of the legislature of the United States, and within the Term of every ten Years afterwards, be taken in such Manner as the said Legislature shall direct and appoint.

From the first Meeting of the Legislature until the Number of Citizens and Inhabitants shall be taken in the Manner before mentioned, direct Taxation shall be in Proportion to the Number of Inhabitants chosen in each State.

All Bills for raising or appro
WILLIAM EWALD AND LORIANNE UPDIKE TOLER  July
The House of Representatives shall chuse its own Speaker, and other Officers.

The Members of the Senate of the United States shall be chosen by the Legislatures of the several States; Legislature each of which shall chuse two Members. The votes from each State shall not be given by States, but by the Members separately. Each Member shall have one Vote for six Years; provided that immediately after the first Election, they Members of the Senate shall by be divided by Lot into three Classes as nearly as may be, and numbered one, two, and three. The Seats of the Members of the first Class shall be vacated at the Expiration of the second Year, the Seats of the Members of the second Class at the Expiration of the fourth Year, of the third Class at the End of the sixth Year, that a and so on continually, that a third Part of the Members of the Senate may be biennially chosen every second Year of the Age of thirty Years.

Every Member of the Senate shall be at least thirty Years of Age, shall have been a Citizen in the United States for at least four Years before his Election, and shall be, at the Time of his Election a Resident of the State, for which he shall be chosen.

The Senate shall have Power to make Treaties of Peace, of Alliance, and of Commerce, to send Ambassadors, and to appoint the Judges of the Supreme, national Court.
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The Constitution of the United States, as you know, is a practical arrangement of powers for the welfare of the country. It was framed under the Constitution of the Confederation, which had been adopted by the States in 1781, and was intended to be a temporary constitution. The Constitution of the United States, as we know it now, was adopted by the States in 1788, after a series of debates and compromises. It is a practical arrangement of powers for the welfare of the country.

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Each House of the Legislature shall possess the right of originating Bills, except in the Cases beforementioned.

The Senate shall choose its own President and other Officers.

☑ The Members of each House shall be ineligible to and incapable of holding any Office under the Authority of the United States during the Time for which they shall be respectively elected: And the Members of the Senate shall be ineligible to and incapable of holding any such office for one Year afterwards.

☑ The Style of the Laws of the United States shall be "be it enacted and it is hereby enacted by the House of Representatives, and by the Senate of the United States in Congress assembled.

☑ The Members of each House shall receive a Compensation for their Services, to be paid ascertained and paid by the State in which they shall be chosen.

☑ The House of Representatives and the Senate when it shall be acting in a legislative Capacity shall keep a Journal of its Proceedings, and shall, from Time to Time publish them, except such Parts, as in their judgment require Secrecy: And the Yeas and Nays of the Members of each House on any Questions shall be entered on the Journal at the Desire of any Member, for disorderly and indecent Behaviour.

☑ Freedom of Speech.

be applied to the Senate only in its legislative Capacity:

☑ A Majority of each House shall constitute a Quorum to do Business, but a smaller Number than a Majority of them may, in each House, adjourn from Day to Day.

☑ Each House may expel a Member, but not a second Time for the same Offence.

☑ Neither House shall adjourn for more than three Days without the Consent of the other, nor, with such Consent, to any other Place than that at which the two Houses are sitting. But this Regulation shall determine

☑ The Members of each House shall, in all Cases, except Treason, Felony & Breach of the Peace, be privileged from Arrest during their Attendance at Congress, and in going to and returning from it.

The
Document VII:
Excerpts from the New Jersey and Pinckney Plans

The next document published by Farrand is what Jameson determined to be excerpts of the New Jersey and Pinckney plans. It is one half-folio page, 23.75 × 38.5 cm, with writing on both sides. It was originally placed second in the order of binding, third in the 1972 facsimile (likely the result of researcher shuffling), and is currently boxed and matted at the Historical Society of Pennsylvania with those documents labeled “James Wilson’s First Draft of the Constitution.”

The significance of this document was established by Jameson. It shows that while these plans, particularly the Pinckney Plan, were not discussed in convention, they were used extensively by Wilson and the Committee of Detail in creating the drafts of the Constitution. As Jameson says, “The discovery of these documents shows that referring the New Jersey and Pinckney plans to the Committee of Detail was not, as has generally been assumed, a mere smothering of them. They were used.” Jameson later recounts that up to twenty provisions of the Pinckney plan were used in the Committee of Detail’s report and ultimately incorporated into the Constitution.

In the text below, the New Jersey extracts come first; the Pinckney extracts commence with the paragraph, “The Legislature shall consist of…”

15 Jameson, Studies, 128–32.
17 Jameson, Studies, 131.
18 Ibid., 132, 151–56.
An Appeal for the Correction of all Errors both in Law and Fact

That the United States in Congress be authorised — to pass Acts for raising a Revenues, by levying Duties on all Goods and Merchandise of foreign Growth or Manufacture imported into any Part of the United States — by Stamps on Paper Vellum or Parchment — and by a Postage on all Letters and Packages passing through the general Post-Office, to be applied to such federal Purposes as they shall deem proper and expedient — to make Rules and Regulations for the Collection thereof — to pass Acts for the Regulation of Trade and Commerce as well with foreign Nations as with each other

to lay and collect Taxes

in all cases of Revenue or on the Law of Nations, or general commercial or marine Laws

That the Executive direct all military Operations

That the Judiciary have Authority to hear and determine all Impeachments of federal Officers; and, by Way of Appeal, in all Cases touching the Rights of Ambassadors — in all Cases of Capture from an Enemy — in all Cases of Piracies and Felonies on the high Seas — in all Cases in which Foreigners may be interested in the Construction of any Treaty, or which may arise on any Act for regulating Trade or collecting Revenue

If any State, or any Body of Men in any State shall oppose or prevent the carrying into Execution the Acts or Treaties of the United States; the Executive shall be authorised to enforce and compel Obedience by calling forth the Powers of the United States.

That the Rule for Naturalization ought to be same in every State

The Legislature shall consist of two distinct Branches — a Senate and a House of Delegates, each of which shall have a Negative on the other, and shall be stiled the U. S. in Congress assembled.

Each House shall appoint its own Speaker and other Officers, and settle its own Rules of Proceeding; but neither the Senate nor H. D. shall have the Power to adjourn for more than Days, without the Consent of both.

There shall be a President, in whom the Ex. Authority of the U. S. shall be vested. It shall be his Duty to inform the Legislature of
of the Condition of U.S. so far as may respect his Department — to recommend Matters to their Consideration — to correspond with the Executives of the several States — to attend to the Execution of the Laws of the U.S. — to transact Affairs with the Officers of Government, civil and military — to expedite all such Measures as may be resolved on by the Legislature — to inspect the Departments of foreign Affairs — War — Treasury — Admiralty — to reside where the Legislature shall sit — to commission all Officers, and keep the Great Seal of U. S. — He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy — He shall have Power to convene the Legislature on extraordinary Occasions — to prorogue them, provided such Prorogation shall not exceed Days in the Space of any — He may suspend Officers, civil and military

The Legislature of U. S. shall have the exclusive Power — of raising a military Land. Force — of equipping a Navy — of rating and causing public Taxes to be levied — of regulating the Trade of the several States as well with foreign Nations as with each other — of levying Duties upon Imports and Exports — of establishing Post-Offices, and raising a Revenue from them — of regulating Indian Affairs — of coining Money — fixing the Standard of Weights and Measures — of determining in what Species of Money the public Treasury shall be supplied

The federal judicial Court shall try Officers of the U. S. for all Crimes &C. in their Offices — and to this Court an Appeal shall be allowed from the Courts of

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. — The Senators and Judges of the federal Court, be a Court for trying Impeachments

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia of — and of ordering the Militia of any State to any Place within U. S.
Document VIII:  
Wilson's Rough Draft, Part II

This document is on the same large, folio sheet as the first portion of Document V. It begins "mitted on the same Terms with the original States," catching the author mid-way through a provision regulating the admission of new states. It is labeled "3" by Wilson. It treats the topics mentioned in the “Miscellaneous Resolutions” and “to be added” sections of the second part of Document V, roughly paralleling Articles IV–VII of the Constitution. It also includes a provision on convening Congress, rough drafts of the presentment veto, veto-override clauses, and provisions (derived from the Articles of Confederation) stipulating a complex procedure for arbitrating disputes between states and another shorter provision providing the Senate with power to decide land disputes.

As explained above, the first portion of Document V, including the initial appearance of “We the People,” appears upside down on the last page of Document VIII. Document VIII appeared third in the bound version of volume 1, second in the 1972 facsimile version (with pages 2 and 3 in inverse order), and is currently contained in the matted and boxed collection of documents labeled “James Wilson’s First Draft of the Constitution.”

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mitted on the same Terms with the original States: But the Legislature may make Conditions with the new States concerning public with Respect to the then subsisting Debt of the United States which shall be then subsisting.

The United States shall guaranty to each State a Republican Form of Government shall be guarantied to each State by the United States; and the shall protect each foreign Invasions State from against domestic Violence and, on the Application of its Legislature from foreign Invasions, against domestic Violence.

This Constitution ought to be amended whenever such Amendment shall becom necessary; and, on the Application of the Legislatures of two thirds of the States in the Union, the Legislature of the United States shall call a Convention for that Purpose.

The Members of the Legislature, and the executive and judicial Officers of the United States and of the several States shall be bound by Oath to support this Constitution.

Resolved

That the Constitution proposed by this Convention, to the People and States of the United for their be [as] laid, Approbation should, as [soon] as may be [laud] before the United State[s?] in Congress assembled for their Agree[ent?] and Recommendation, be and [should] afterwards be submitted to a Convention chosen in each State under the Recommendation of its Legislature, in order to receive the Ratification of such Convention

Resolved
Resolved That the Ratification of the Conventions of States shall be sufficient for organizing this Constitution: That each assenting State and Ratification shall notify its Assent to the United States in Congress assembled: That the United States in Congress assembled, after receiving the Assent and Ratification of the Conventions of States shall appoint and publish a Day, as early as may be, and appoint a Place for organizing and commencing Proceedings under this Constitution: That after such Publication, or (in Case it shall not be made) after the Expiration of Days after from the Time when the Ratification of the Convention of the State shall have been notified to Congress the Legislatures of the several elect States shall chuse Members of the Senate, and direct the Election of Members of the House of Representatives, and shall provide for their Support: That the Members of the Legislature shall meet at the Time and Place assigned by Congress or (if Congress shall have assigned no Time and Place) at such Time and Place as have shall been agreed on by the Majority of the Members elected for each House, and shall as soon as may be after their President Meeting chuse the Governor of the United States, and proceed to carry execute this Constitution
The Legislature of the United States shall have Authority, in all Disputes and Controversies now subsisting, or that may hereafter subsist between two or more States, the Senate shall possess the following Powers. Whenever the Legislature, or the Executive Authority, or the lawful Agent of any State in Controversy with another shall present a Petition to the Senate, state the Matter in Question, and apply for a Hearing, Notice of such Memorial and Application shall be given by Order of the Senate to the Legislature or the Executive Authority of the other State in Controversy. A Day for the Appearance of the Parties by their Agents before that House shall also assign a Day for the Appearance of the Parties by their Agents. The Agents shall be directed to appoint by joint Consent Commissioners or Judges to constitute a Court for hearing and determining the Matter in Question. But if the three Persons Agents cannot agree, the Senate shall name out of each of the several States, and from the List of such Persons each Party shall alternately strike out one (the Party who shall have applied for a Hearing beginning) until the Number shall be reduced to thirteen; and from that Number not less than seven, nor more than nine Names, as the Senate shall direct, shall, in their Presence, be drawn out by lot; and the Persons, whose Names shall be so drawn, or any five of them, shall be Commissioners or Judges to hear and determine the Controversy; provided a major Part of the Judges, who shall hear the Cause, agree in the Determination. If either Party shall neglect to attend at the Day assigned, without shewing sufficient Reasons for not attending, or, being present, shall refuse to strike, the Senate shall proceed to nominate three Persons out of each State, and the President of the Senate shall strike in Behalf of the Party absent or refusing. If any of the Parties shall refuse to submit to the Authority of such Court, or shall not appear to prosecute or defend their
their Claim or Cause; the Court shall nevertheless proceed to pronounce Sentence or Judgment. The Sentence or Judgment of the Court, appointed in the Manner before presented, shall be final and conclusive. The Proceedings shall be transmitted to the Governor of the United States, and shall be lodged among the public Records for the Security of the Parties concerned. Every Judge shall, before he sits in Judgment, take an Oath, to be administered by one of the Judges of the Supreme or Superior Court of the State, where the Cause shall be tried, “well and truly to hear and determine the Matter in Question, according [to the?] best of his Judgment, without Favour, Affection or Hope of Reward”

All Controversies concerning Lands claimed under different Grants of two or more States, whose Jurisdictions, as they respect such Lands, shall have been decided or adjusted subsequent to such Grants, shall, on Application to the Senate, be finally determined, as near as may be, in the same Manner as is before prescribed for deciding Controversies between different States.

[The bottom of this page is transcribed as the first portion of Document V.]
Document IX: Wilson’s Final Draft

This document, the last of Farrand’s collection of Committee of Detail documents, is the longest and most complete of all Wilson’s notes and drafts. It, too, is composed on large, 38.5 × 47.5 cm sheets, folded in half to create a signature of four pages. There are six such signatures, comprising twenty-two written pages. As is Wilson’s common custom (and a method employed in almost all of the previous documents reprinted herein), he has created two columns. The bulk of the writing is on the right column, the left kept open for later notes. At points in this document, this column is heavily filled with notes and annotations. This is the first document in Wilson’s hand that contains the handwriting of another delegate, committee chair John Rutledge. The hand and ink are heavier and less legible. Rutledge makes a few check marks throughout the document, but, unlike those found in Randolph’s sketch, these are erratic and irregular. He also makes fifty-nine edits throughout, mostly small and often technical in nature.

Document IX begins with a third “We the People” preamble, which is little-changed from that contained in Document V (all are missing the great substance later added by Gouverneur Morris in the Committee of Style). The sequence of the document’s remainder roughly parallels the entirety of the Constitution and again contains the lengthy insertions regarding senatorial arbitration of state and land claims from the Articles of Confederation.

Wilson’s final draft in the original binding is not discussed in detail by Jameson, since it is almost identical to the printed version of the Committee’s report, distributed to the convention when it reconvened on August 6. This draft appears fifth in the 1972 facsimiles labeled (together with the Pinckney Plan outline) as “James Wilson Papers, Second Draft of the Constitution.” It is currently filed with the Pinckney Plan in matted and boxed folios under that heading.

We the People of the States of New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia do ordain and establish the following Constitution for the Government of ourselves and of our Posterity.

1. The State of this Government shall be "The United States of America."

2. The Government shall consist of separate legislative, executive, and judicial branches.

3. The legislative power shall be vested in a Congress, to consist of two distinct branches of the same a House of Representatives, and a Senate, each of which shall, in all cases, save when a separate or special law, be elected for a term of years.

4. The Members of the House of Representatives shall be chosen every second year.
We the People of the States of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North. Carolina, South. Carolina and Georgia do ordain, declare and establish the following Constitution for the Government of ourselves and of our Posterity

1.
The Stile of this Government shall be "the United States of America."

2.
The Government shall consist of supreme legislative, executive and judicial Powers.

3.
The legislative Power shall be vested in a Congress to consist of two separate and distinct Bodies of Men, a House of Representatives, and a Senate; each of which shall, in all Cases, have a Negative on the other

4.
The Members of the House of Representatives shall be chosen every second
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second year, by the judge of the said
court comprehended within
this Union. The qualifications
of the Elector shall be prescribed
by the legislature of the several
States, but these

Every Member of the House of
Representatives shall be of the age of
twenty-five years at least, shall
have been a citizen in the United
States for at least three years before
his Election, and shall be, at the time
of his Election, a Citizen of the State
in which he shall be chosen.

The House of Representatives shall
at its first formation, and until the
Number of Citizens and Inhabitants
shall be taken in the manner herein
after described, consist of every five
Members, of whom three shall be
chosen in Maine, Hampshire, Rhode
Island and Providence Plantations,
four in Connecticut, six in New
York, seven in New Jersey, eight
in Pennsylvania, nine in Delaware,
ten in Maryland, ten in Virginia,
five in North Carolina, five in
South.
the same as those of the Electors, in the several States, of the most numerous Branch of their own Legislatures from Time to Time

second Year, by the People of the several States comprehended within this Union. The Qualifications of the Electors shall be prescribed by the Legislatures of the several States; but their Provisions concerning them may, at any Time, be altered and superseded by the Legislature of the United States.

Every Member of the House of Representatives shall be of the Age of twenty five Years at least; shall have been a Citizen in the United States for at least three Years before his Election; and shall be, at the Time of his Election, a Resident of the State, in which he shall be chosen.

The House of Representatives shall, at its first Formation, and until the Number of Citizens and Inhabitants shall be taken in the Manner herein after described, consist of sixty five Members, of whom three shall be chosen in New-Hampshire, eight in Massachusetts, one in Rhode-Island and Providence Plantations, five in Connecticut, six in New-York, four in New-Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North-Carolina, five in South
South Carolina and three in Georgia.

As the proportion of numbers in the different States will vary from those to them as some of the States may be hereafter divided, or others may be enlarged by addition of territory, so too or more States may be created, and as new States will be created west of the limits of the United States, the legislatures shall, on each of them, adopt the authority required.

The number of Representatives shall be equal to the number of inhabitants, according to the Enumeration hereinafter made.

All bills for raising money, for appropriating the same, and for laying and collecting taxes, shall originate in the House of Representatives, and shall not be amended or amended by the Senate. No other bill shall be drawn from the public treasury, but in cases of urgency, chosen that shall originate in the House of Representatives.

The Senate of Representatives shall have the power of bringing in bills; and in their debates, they shall have all the privileges, immunities, and powers of the House of Representatives.
South-Carolina and three in Georgia.

As the Proportions of Numbers in the different States will alter from Time to Time; as some of the States may be hereafter divided; as others may be enlarged by Addition of Territory; as two or more States may be united; and as new States will be erected within the Limits of the United States; the Legislature shall, in each of these Cases, possess Authority to regulate the Number of Representatives by the Number of Inhabitants, according to the Provisions hereinafter made.

All Bills for raising or appropriating Money, and for fixing the Salaries of the Officers of Government shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No Money shall be drawn from the public Treasury, but in Pursuance of Appropriations that shall originate in the House of Representatives.

The House of Representatives shall be the grand Inquest of the Nation; have the Sole Power of and all Impeachments shall be made by them.

Vacancies
Necessaries on the House of Representations shall be supplied by each of the States from the Executive Funds of the State, or the Representative Fund to which they shall happen.

The House of Representation shall choose its Speaker and other Officers.

5. The Senate of the United States shall be chosen by the Legislature of each State. Each Legislature shall choose two Senators. Each Senator shall have one Vote.

The Senators shall be chosen for six years; but immediately after the first Election, they shall be divided by Lot into three Classes; so nearly as may be, one third to expire in each of the three years, the whole term of the first class to expire at the Expiration of the second year of the first Congress; the second class at the Expiration of the third year of the same Congress; the third class at the Expiration of the fourth year of the same Congress; so that every State may have an equal Voice. Every Member of the Senate shall be of the Age of thirty years at least, and shall have been a Citizen in the State...
Vacancies in the House of Representatives shall be supplied by Writs of Election from the Executive Authority of the State, in the Representation, [and] which they shall happen.

The House of Representatives shall chuse its own Speaker and other Officers.

5.

The Senate of the United States shall be chosen by the Legislatures of the several States. Each Legislature shall chuse two Members. Each Member shall have one Vote.

The Senators shall be chosen for six Years; but immediately after the first Election they shall be divided by Lot into three Classes, as nearly as may be, numbered one, two and three. The Seats of the Members of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, of the third Class at the Expiration of the sixth Year, and so on continually, that a third Part of the Members of the Senate may be chosen every second Year.

Every Member of the Senate shall be of the Age of thirty Years at least, shall have been a Citizen in the Unit
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uniform

ed States for at least four Years before his Election, and shall be, at the time of his Election, a Resident of the State, for which he shall be chosen.

The Senate shall [be empowered and shall] choose its own President and other Officers

6.

Each House of the Legislature shall possess the Right of originating Bills, except in the Cases before mentioned.

The Times and Places and the Manner of holding the Elections of the Members of each House shall be prescribed by the Legislature of each State; but their Provisions concerning them may at any Time be altered [or] superseded by the Legislature of the United States.

The Legislature of the United States shall have Authority to establish such Qualifications of the Members of each House, with Regard to Property, as to the said Legislature shall seem [proper] and expedient.

In each House a Majority of the Members shall constitute a Quorum to do Business; but a smaller Number may adjourn from Day to Day.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members.

The
On the floor of the Senate, no one, except the President, Speaker, and Clerk of the Senate, shall be privileged from being called on to attend at Congress, and shall attend and return from it.

Each House shall determine the Rules of its Proceedings.

The Senate shall keep a Journal of its Proceedings, and the yeas and nays of the Members of each House, on any question, shall, at the request of one or more Members of either House, be entered on the Journal.

No Senator shall, during the Time he shall hold his Office, be appointed to any other Office under the Authority of the United States, than such as shall happen to the same under this Article, which shall be incompatible with that Office.
Freedom of Speech and Debate in the Legislature shall not be impeached or questioned in any Court or Place out of the Legislature; and

The Members of each House shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at Congress, and in going to and returning from it.

Each House may have Authority to determine the Rules of its Proceedings, may and to punish its own Members for disorderly Behaviour.

Each House may expel a Member, but not a second Time for the same Offence.

The Members of each House shall be ineligible to, and incapable of holding any Office under the Authority of the United States during
The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, shall be exercised exclusively by the Government, which shall be divided into three distinct Branches.

1. Every Bill which shall have passed the House of Representatives shall, before it becomes a Law, be presented to the President of the United States; If he approves of it, he shall sign it, but if he disapproves of it, he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration it shall be passed by a Two-thirds Majority of both Houses, it shall become a Law. But no Bill shall pass both Houses, under the same Terms, after it shall have been returned by the President, unless with such modifications and additions as shall, at the time of passage of such Bill by the other House, be agreed to in an Exact and Plain Manner.

2. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall appoint Ambassadors, other public Ministers and Consuls, with the Advice and Consent of the Senate.

3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; He may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to Appointment of Time, the President may, at his discretion, adjourn them to such Time as he shall think proper.

4. He shall receive Ambassadors and other public Ministers.

5. He shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

6. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall appoint Ambassadors, other public Ministers and Consuls, with the Advice and Consent of the Senate.

7. He shall receive Ambassadors and other public Ministers.

8. He shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.
-ing the Time, for which they shall be respectively elected: And the Members of the Senate shall be ineligible to, and incapable of holding any such Office for one Year afterwards.

The Members of each House shall receive a Compensation for their Services, to be ascertained and paid by the State, in which they shall be chosen.

The enacting Style of the Laws of the United States shall be “be it enacted and it is hereby enacted by the House of Representatives, and by the Senate of the United States in Congress assembled.”

Each House shall possess the Right of originating Bills, except in the Cases beforementioned.

7.

Every Bill, which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the Governor of the United States for his Revision: If, upon such Revision, he approve of it; he shall signify his Approbation by signing it: But if, upon such Rev
now, it shall appear to him unjust; for if any person shall, by accident, be called together with him or his deponents, in order to state, that he has given or received money, goods, or any other thing, to or from any person, whether it shall appear or not, he shall be required to answer in writing, and to state what such depositions are, and to make them over to the clerk, and to be proved and sworn to, according to the rules of the court. And in all such cases, the order of both houses shall be determined by a quorum and a majority of the house, and the house of the House having the matter in charge shall be directed in the journal of each house respectively.

If any bill shall not be returned by the legislature, or shall be delayed beyond the time allowed, the Governor shall have the power to prevent it, and to approve, or to reject the bill, and shall not be required to sign.
-sion, it shall appear to him improper for being passed into a Law; he shall return it, together with his Objections against it, to that House, in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider the Bill. But if after such Reconsideration, two thirds of that House shall, notwithstanding the Objections of the Governor, agree to pass it; it shall, together with his Objections, be sent to the other House, by which it shall likewise be reconsidered, and, if approved by two thirds of the other House also; it shall be a Law. But in all such Cases, the Votes of both Houses shall be determined by Yeas and Nays; and the Names of the Persons voting for or against the Bill shall be entered in the Journal of each House respectively.

If any Bill shall not be returned by the Governor with in seven Days after it shall have been presented to him; it shall be a Law, unless the Legislature, by their Adjournment, prevent
The Congress of the United States shall have the power to lay and collect taxes, duties, imposts, and excises to regulate commerce with foreign Nations, among the several States, and with the Indian Tribes; to coin Money; to regulate the Value thereof, and of foreign Coin; to determine the Rules of Naturalization; to establish Post Offices and post Roads; to授予 the United States, the exclusive right of regulating Commerce with foreign Nations, among the several States, and with the Indian Tribes; to appoint a President of the United States, to constitute Tribunals inferior to the supreme Court, to make Rules concerning Captains of vessels and officers on Board, to determine the Law and Punishment of all Crimes and Offences committed on the high Seas, and the Law of nations, concerning the punishment of counterfeiting the Securities andcurrents of the United States; to prescribe all Regulations concerning the Officers and Draftees; to raise and support armies and to provide and maintain a Navy.
3. prevent its Return; in which Case it not
shall be returned on the first Day of the next Meeting of the Legislature.

8. The Legislature of the United States shall have the Right and Power to lay and collect Taxes, Duties, Imposts and Excises; to regulate Naturalization and Commerce; to coin Money; to regulate the Alloy and Value of Coin; to fix the Standard of Weights and Measures; to establish Post-Offices; to borrow Money, and emit Bills on the Credit of the United States; to appoint a Treasurer by Ballot; to constitute Tribunals inferior to the supreme national Court; to make Rules concerning Captures on Land or Water; to declare the Law and Punishment of Piracies and Felonies committed on the high Seas, and the Punishment of counterfeiting Coin, and of Offences against the Law of Na-

tions;
Not to touch, remove, or destroy the Life of the party.
Not to work Corruption of Blood or Forfeit, except during the Life of the party.

& of Treason agst the U.S. or any of them &C. to declare what shall be Treason against the United States; to regulate the Discipline of the Militia of the several States; to subdue a Rebellion in any State, on the Application of its Legislature; to make War; to raise Armies; to build and equip Fleets; to calling forth the Aid of the Militia in order to execute the Laws of the Union, enforce Treaties; suppress Insurrections, and repel Invasions; and to make all Laws that shall be necessary and proper for carrying into full and complete Execution the foregoing Powers, and all other Powers vested, by this Constitution, in the Government of the United States, or in any Department or Officer thereof.

Direct Taxation shall always be in Proportion to Representation in the House of Representatives.

The Proportions of direct Taxation shall be regulated by the whole Number of white and other free
for Citizens and Inhabitants of
every age, sex and condition, in
holding their offices to Expiry
for a Term of Years, and three
fifths of all other places not so
prescribed in the foregoing
Acts; which Act one shall, within
one year after the first meeting
of the Legislature; and within the
Term of three years afterwards, be
taken on such manner as the said
Legislature shall direct.
From the first meeting of
the Legislature until the Number
of Citizens and Inhabitants shall
be taken as aforesaid, direct
Instruction shall be done by competent
The Number of Representatives
chosen in each State.
No Law or Treaty made in virtue
by the Legislature or Articles of
peace from any State; nor on the
Expiration or Suspension of
such Peace or the several States
that think proper to admit, nor
shall such Suspension or Infor
mation be prohibited.
No Legation Shall be
least, unless in Proposition, to the
free Citizens and Inhabitants of every Age, Sex and Condition, including those bound to Servitude for a Term of Years, and three fifths of all other Persons not comprehended in the foregoing Description; which Number shall, within six Years after the first Meeting of the Legislature; and within every the Term of ten Years afterwards, be taken in such Manner as the said Legislature shall direct.

From the first Meeting of the Legislature until the Number of Citizens and Inhabitants shall be taken as aforesaid, direct Taxation shall be in Proportion to the Number of Representatives chosen in each State.

No Tax or Duty shall be laid, by the Legislature, on Articles exported from any State; nor on the Emigration or Importation of such Persons as the several States shall think proper to admit; nor shall such Emigration or Importation be prohibited.

No Capitation Tax shall be laid, unless in Proportion to the Census.
Governo likewise before directed to be taken:

No Navigation Act shall be passed without the consent of two thirds of the Members present in each House.

The United States shall not grant any Title of Nobility.

The act of the Legislature of the United States shall be in accordance with the Constitution, and all laws, acts, or orders made under the authority of the United States shall be the law of the land in the several States, and of the several States, and of their respective officers and agents, and the judges in the several States shall be known therein by their names, and the decision in all cases depending on the Constitution or laws of the several States in the contrary part, notwithstanding.
Census herein before directed to be taken.

No Navigation Act shall be passed without the Assent of two thirds of the Members present in each House.

The United States shall not grant any Title of Nobility.

The Acts of the Legislature of the United States made in Pursuance of this Constitution, and all Treaties made under the Authority of the United States shall be the supreme Law of the several States, and of their Citizens and Inhabitants; and the Judges in the several States shall be bound thereby in their Decisions, any Thing in the Constitutions or Laws of the several States to the contrary notwithstanding.
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The Supreme Court of the United States

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Pursuivance; engage in War, unless actually invaded, or in such imminence of invasion as the necessity of self-defense shall require; keep a Navy; raise and support Armies, except in Cases of Invasion or Necessity.

The Congress shall have Power To declare War, grant Letters of Marque and Pursuivance; To raise and support Armies; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces.

The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.
10. No State shall enter into any Agreement, Treaty, Alliance or Confederation; nor lay any Imposts or Duties on Imports; nor keep Troops or Ships of War in Time of Peace; nor grant Letters of Marque and Reprisal; nor coin Money; nor emit Bills of Credit, without the Consent of the Legislature of the United States. No State shall, without such Consent, engage in any War; unless it shall be actually invaded by Enemies, or the Danger of Invasion be so imminent as not to admit of a Delay, until the Legislature of the United States can be consulted. No State shall grant any Title of Nobility.

11. The Senate of the United States shall have Power to make Treaties; to send Ambassadors; and to appoint the Judges of the Supreme national Court. In all Disputes and Controversies now subsisting, or that may hereafter respect Territory, the Senate shall possess the following Powers. Whenever the Legisla-
-ture, or the Executive Authority, or the lawful Agent of any State in Controversy with another, shall, by Memorial to the Senate, state the Matter in Question, and apply for a Hearing, Notice of such Memorial and Application shall be given, by Order of the Senate, to the Legislature or the Executive Authority of the other State in Controversy. The Senate shall also assign a Day for the Appearance of the Parties by their Agents before that House. The Agents shall be directed to appoint, by joint Consent, Commissioners or Judges to constitute a Court for hearing and determining the Matter in Question. But if the Agents cannot agree; the Senate shall name three Persons out of each of the several States; and from the List of such Persons each Party shall alternately strike out one, until the Number shall be reduced to thirteen; and from that Number not less than seven, nor more than nine Names, as the Senate shall direct, shall, in their Presence, be drawn out by Lot; and the Persons whose Names shall be so drawn, or any five of them shall be Commissioners or Judges to hear and finally deter
-mine the Controversy; provided a majority Part of the Judges, who shall hear the Cause, agree in the Determination. If either Party shall neglect to attend at the Day assigned, without shewing sufficient Reasons for not attending; or, being present, shall refuse to strike; the Senate shall proceed to nominate three Persons out of each State; and the Clerk of the Senate shall strike in Behalf of the Party absent or refusing. If any of the Parties shall refuse to submit to the Authority of such Court, or shall not appear to prosecute or defend their Claim or Cause; the Court shall nevertheless proceed to pronounce Judgment. The Judgment shall be final and conclusive. The Proceedings shall be transmitted to the President of the Senate, and shall be lodged among the public Records for the Security of the Parties concerned. Every Commissioner shall, before he sit in Judgment, take an Oath, to be administered by one of the Judges of the Supreme or Superior Court of the State where the Cause shall be tried, “well and truly to hear and determine the Matter in Question, according to the best of his Judgment, without Favour, Affection or Hope of Reward.”
All controversies concerning lands,
claimed under different grants of
the same State, whose determination
shall be made in an appellate court,
may be submitted to such grant, shall, on ap-
pearance to the Senate, be finally de-
livered, as more or may be, in the
dom. Manner as is before provided
for settling controversies
between different States.

The Executive Power of the United
States shall be vested in a single
Person. This Person shall be "The Presi-
dent" of the United States of America,
and his title shall be "The Executive.
Power" shall be vested in the Person
by the Legislature. The President shall
hold his office during the Term of seven Years;
but shall not be elected a second Time.

No Person shall be chosen to more than two
Consecutive Terms of this House; but one Consecutive Term
shall be sufficient for the Residence of the Electors, and

The Senate of the United States by the Advice and
Consent of the House of Representatives, shall appoint
Largest of the Judges of the Supreme Court.

The United States shall be entitled to the last day of the
Life of the Electors.
All Controversies concerning Lands claimed under different Grants of two or more States, whose Jurisdictions as they respect such Lands, shall have been decided or adjusted subsequent to such Grants shall, on Application to the Senate, be finally determined, as near as may be, in the same Manner as is before [xxxxx] prescribed for deciding Controversies between different States.

12.

The Executive Power of the United States shall be vested in a single Person. His Stile shall be, “the President of the United States of America”; and his Title shall be, “His Excellency.” He shall be elected by Ballot by the Legislature. He shall hold his Office during the Term of seven Years; but shall not be elected a second Time.

He shall, from Time to Time, give to the Legislature Information of the State of the Union; he may recommend Matters to their Consideration, and he may convene them on extraordinary Occasions. He shall take Care, to the best & faithful due of the Laws the United States be faithfully executed.
executed. He shall commission all the Officers of the United States, and shall appoint Officers in all Cases not otherwise provided for by this Constitution. He shall receive Ambassadors, and shall correspond with the Governors and other Executive Officers of the several States. He shall have Power to grant Reprieves and Pardons; but his Pardon shall not be pleaded in Bar of an Impeachment. He shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States. He shall, at stated Times, receive, for his Services, a fixed Compensation, which shall neither be increased nor diminished during his Continuance in Office. Before he shall enter on the Duties of his Department, he shall take the following Oath or Affirmation

“I___ solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States of America.” He shall be dismissed from his Office on Impeachment by the House of Representatives, and Conviction in the Supreme
Supreme Judicial Court of Georgia on appeal or correction. In case of the impeachment, suspension, disability, or removal, the Chief Justice of the United States shall receive these papers and rules, and in the event of the President being removed or disabled, he may be appointed in his stead. The President of the Senate shall receive the papers and rules, but another President of the Senate shall be chosen, or until the President is removed or disabled, as his disability is removed.

All commissions, patents, and titles shall be in the name of the United States of America.

16.
The judicial power of the United States shall be vested in one Supreme Court, which shall consist of nine justices, or in as many courts as shall from time to time be constituted by the legislature of the United States. The judges of the Supreme Court shall be chosen by the Senate, and the length of their terms shall be twelve years. They shall receive, at stated times, salaries for their services, and no compensation, which shall not be diminished during their continuance in office.
Supreme National Court of Treason or Bribery or Corruption. In Case of his Removal, Impeachment, Dismissal, Death, Resignation or Disability to discharge the Powers and Duties of his Office, the President of the Senate shall exercise those Powers and Duties, until another President of the United States be chosen, or until the President impeached or disabled be acquitted, or his Disability be removed.

13. All Commissions, Patents and Writs shall be in the Name of “the United People and States of America.”

14. The Judicial Power of the United States shall be vested in one Supreme National Court, and in such other National Courts as shall, from Time to Time, be constituted by the Legislature of the United States.

The Judges of the Supreme National Court shall be chosen by the Senate by Ballot. They shall hold their Offices during good Behaviour. They shall, at stated Times, receive, for their Services, a Compensation, which shall not be diminished during their Continuance in Office.
The jurisdiction of the supreme court shall extend to all cases arising under laws enacted by the legislature of the United States; to all cases affecting ambassadors, other public ministers, or consuls; and, judges of the supreme court shall hold their offices during good behavior; and shall receive salaries, during the term for which they are appointed, as the Congress shall determine.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress shall from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall receive salaries during the same, which shall be fixed by law, and shall not be diminished during the term for which they are appointed.

The Congress shall have power to declare the manner in which vacancies shall happen to arise in the offices of the supreme court and inferior courts. The supreme court shall have the power, after such manner as the Congress shall direct, to alter, modify, or define the jurisdiction of the inferior courts.
The Jurisdiction of the Supreme National Court shall extend to all Cases arising under Laws passed by the Legislature of the United States; to all Cases affecting Ambassadors and other public Ministers to the Trial of Impeachments of Officers of the United States; to all Cases of Admiralty and Maritime Jurisdiction; those wth. regard Jurisd. to or Territory, betw. Controversies between a State and a Citizen or Citizens of another State, between Citizens of different States, and between Citizens of any of the States and foreign States, Citizens or Subjects. In Cases of Impeachment, those affecting Ambassadors and other public Ministers, and those, in which a State shall be one of the Parties, this Jurisdiction shall be original. In all the other Cases beforementioned, it shall be appellate with such Exceptions and under such Regulations as the Legislature shall make. The Legislature may distribute this Jurisdiction, above mentd. except the Trial of the Executive, in the Manner and under the Limitations which it shall think proper to inferior Courts as it shall constitute from Time to Time. Crimes shall be tried in the State, in which they shall be committed; and all Crim. Offences in the State, except in Cases of Impeachment.
New States largely correspond to establishment within the limits of the union. A new State may be established by the legislature, into the government, but it shall not obtain the consent of the States, nor of the Members present or absent. The State shall be represented of a new State shall not seat within the limits of any of the present States. The consent of the legislatures of such States shall be necessary to its admission. If such admission be communicated to the new State, it shall be admitted on the same terms with the original States. And the legislature may make provision with the new States concerning the public Debt which shall be to the extent of...
New States lawfully constituted or established within the Limits of the United States may be admitted, by the Legislature, into this Government; but to such Admission the Consent of two thirds of the Members present in each House shall be necessary: If a new State shall arise within the Limits of any of the present States; the Consent of the Legislatures of such States shall be also necessary to its Admission. If such Admission be consented to; the new States shall be admitted on the same Terms with the original States: But the Legislature may make Conditions with the new States concerning the public Debt, which shall be then subsisting.

The United States shall guaranty to each State a Republican Form of Government; and shall protect each State against foreign Invasions, and, on the Application of its Legislature, against domestic Violence.

This Constitution ought to be amended whenever such Amendment shall become necessary; and, on the Application of the
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two thirds the Legislatures of two thirds of the States in the Union, the Legislature of the United States shall call a Convention for that Purpose.

The Members of the Legislatures and the executive and judicial Officers of the United States and of the several States shall be bound by Oath to support this Constitution. +

In order to introduce this Government

Resolved

That this Constitution proposed by this Convention to the People of the United States for their Approbation should be laid before the United States in Congress assembled for their Approval; and be afterwards submitted to a Convention chosen in each State, under the Recommendation of its Legislature, in Order to receive the Ratification of such Convention

Resolved

+ That the Ratification of the Conventions of States shall be sufficient for organizing this Constitution.

+ In order to introduce this Government

That each assenting Convention shall notify its Assent and Ratification to the United
United States in Congress assembled:

May 1, 1787. The House of Representatives, after receiving the report of the Committee of the Whole, in the evening, read and agreed to the resolution of the Committee of the Whole on the 1st day of May, and the House proceeded to consider of the requisitions of the States, the object of which is the appointment and election of a new House of Representatives, and the number of members from each State, and the election of the President of the United States, and the terms of the Constitution.

Resolved, That the Members of the Legislature shall meet at the same time and place of their last meeting, and shall as soon as may be agree on a Meeting, and proceed to elect the President of the United States, and proceed to amend the Constitution.
United States in Congress assembled:

That the United States in Congress assembled, after receiving the Assent and Ratification of the Conventions of the States, shall appoint and publish a Day, as early as may be, and appoint a Place for commencing Proceedings under this Constitution: That after such Publication, or (in Case it shall not be made) after the Expiration of Days from the Time when the Ratification of the Convention of the State shall have been notified to Congress, the Legislatures of the several States shall elect Members of the Senate, and direct the Election of Members of the House of Representatives, and shall provide for their support. That the Members of the Legislature shall meet at the Time and Place assigned by Congress or (if Congress shall have assigned no Time and Place) at such Time and Place as shall have been agreed on by the Majority of the Members elected for each House; and shall, as soon as may be after their Meeting, chuse the President of the United States, and proceed to execute this Constitution.
ADDENDUM

This ADDENDUM addresses several questions regarding the physical disposition of the documents in the James Wilson archive at the Historical Society of Pennsylvania and elsewhere: What is the provenance of the Wilson manuscripts? How did they come to the Historical Society and other Philadelphia archives? How did the current ordering of the Committee of Detail documents come about? Because these questions have not been addressed in printed literature and because they provide helpful and relevant insight for scholars interested in Wilson, I attempt briefly to say what is known about these matters.

1) What is the provenance of the Wilson manuscripts?

James Wilson died in 1798. He was survived by his second wife, Hannah, and their child, Henry, who later died in infancy. He was also survived by at least two adult children from his first marriage: Bird Wilson and Mary Wilson Hollingsworth, commonly referred to as “Polly.” Polly and Paschall Hollingsworth had one child, Emily Hollingsworth, who was thus Wilson’s granddaughter.1

Upon Wilson’s death, his papers passed to Bird. Bird used them to publish an edition of his father’s writings; that work appeared in 1804 as The Works of the Honourable James Wilson, L.L.D. Bird was himself to become a distinguished figure, first as a judge, then as a clergyman; he was the subject of a biography by William White Bronson in 1864. This work included a short review of James Wilson’s life in its introductory chapter. That chapter required some familiarity with manuscript sources, presumably in the possession of Bird or (upon Bird’s death) Emily Hollingsworth.2 Bronson describes and quotes from several of Wilson’s papers, including his appointment letter and commission to the Supreme Court (currently at the University of Pennsylvania Law School), his certificate of membership to the Philosophical Society of Philadelphia (also currently at the law school), and his commission from Louis XVI, “still preserved among his papers, as Advocate General for the French government, in the United States” (currently lost). Bronson also describes Wilson’s correspondence in some detail:

1 There is some evidence that Wilson was also survived by his first son, William (“Billy”), whom he had sent west to Ohio; but because this branch of the family was not involved in the disposition of Wilson’s papers, it shall not be discussed here. The basic facts of Wilson’s life are recounted in the standard biography, Charles Page Smith, James Wilson, Founding Father, 1742–1798 (Chapel Hill, NC, 1956); the information about his descendants appears on pp. 380–89.

[F]rom the fragments of correspondence still preserved[,] [t]here are letters from such men as Gen. Washington, John Adams, Alexander Hamilton, Patrick Henry, Paul Jones, Gen. St. Clair, who wrote him a very interesting description of the capitulation at Yorktown; from Bishop White, and others. This list embraces persons only whose names, very naturally, made an impression while hurriedly glancing over his papers,—a list which might be very materially extended, were it necessary (pp. 31–32).

These references to Wilson's papers indicate that, at least while Bronson was doing the research for his 1864 biography, a sizeable collection of Wilson manuscripts remained in the possession of his immediate descendants.

2) When and how did the Committee of Detail and other Wilson manuscripts come to the Historical Society of Pennsylvania and elsewhere?

When Bird Wilson died (April 14, 1859) as an unmarried—and presumably childless—pastor in New York City, these papers passed to his niece, Emily Hollingsworth. Hollingsworth made two gifts of these papers to the Historical Society. The first gift, comprising a few papers "relating to" Wilson and Bird, was made on June 9, 1876. It was accompanied by a letter to "John W. Wallace, Esq.," then president of the Historical Society. Seven months later, Wallace wrote Hollingsworth to tell her:

The papers which you kindly gave to our Historical Society, relating to your grandfather Wilson, and to your uncle, have been arranged, pressed & put in a condition to bind. But they will make a volume somewhat thin. Mr. Jordan asks me if it is probable that you have any of your grandfather Wilson's that we could add to them. I tell that probably you have not, I should suppose; but that I will enquire. Anything which would fill out the book some what with Judge Wilson's papers would be acceptable.

Hollingsworth complied with this request the very next day. With the help of Dr. Caspar Morris, Hollingsworth selected “a number of Manuscripts of my Grand father, James Wilson, respecting various subjects.” Hollingsworth described these manuscripts as containing a document authored by Alexander Hamilton, a copy of a letter addressed to the Supreme Court by George Washington, and a small engraving of Wilson. She did not mention the drafts of the Constitution and wrote, “Do not feel obliged to retain any of the Papers you deem inadmissible to the repositories of your Society.”

There was a third and final acquisition of Wilson’s papers by the Historical

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1 The Hollingsworth correspondence discussed here and below can be found in the James Wilson Papers, vol. 2, folders 2–3, Historical Society of Pennsylvania.
Society in 1903, from Israel W. Morris, Caspar’s son. This Morris was one of Hollingsworth’s three named executors, along with Thomas H. Montgomery and Eppingham B. Morris. As a result, Israel Morris inherited a third part of all her possessions not otherwise listed in her will. Part of the family collection most likely came into his possession in this way. His donation was extensive enough to fill another eight volumes in the Historical Society collection. It is important to note that several valuable items described by Bronson are missing; instead, many of those items are to be found in scattered collections in Philadelphia, New York, and possibly elsewhere. How the collection came to be scattered in this way is unknown, but provenance records for another collection at the Historical Society and the Wilson Papers at the Free Library in Philadelphia provide some clues. The James A. Montgomery Papers at the Historical Society contain several letters described by Bronson. These were donated by a James Alan Montgomery, the nephew of Emily Hollingsworth Montgomery, the youngest daughter of Thomas H. Montgomery, one of the three executors for Emily Hollingsworth’s will. At the Free Library, there are letters indicating that James Alan Montgomery's father gave a book with James Wilson's signature in it to the Historical Society on May 16, 1941. It seems that Wilson's papers (those not given to the Historical Society in 1876 and '77) were split among Emily's executors as part of her estate’s “residue.” Each executor preserved the papers in his own way, Israel Morris donating his to the Historical Society and Montgomery keeping his in the family. It is unknown whether Eppingham Morris acquired and disposed of any papers.

The gifts from Hollingsworth constitute volumes 1 and 2 of the Wilson Papers at the Historical Society. Volume 1 contains the drafts of the Constitution and other Committee of Detail documents. These are found on ten large folio sheets, each of which was folded in half to make a signature of four pages. The individual folio sheets of volume 1 are at present held each in its own transparent Mylar folder. The folders have been matted so that the drafts could be placed on display at the National Constitution Center after its opening in 2003. Four of the mats are labeled “James Wilson. First Draft U.S. Constitution” (corresponding to Farrand’s Documents I, V–VIII); six are labeled “James Wilson. Second Draft U.S. Constitution” (corresponding to Farrand’s Documents III and IX).}

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5 Will of Emily Hollingsworth (Philadelphia Town Hall, 1895), Register of Wills, W1342, p. 1, City of Philadelphia.


Volume 2 contains Wilson’s political papers, including the manuscripts and engraving described by Hollingsworth at the time of her second donation, a fragment of Farrand’s Document V, and letters between Bird and several of Wilson’s friends.

Although Hollingsworth makes no reference to the drafts of the Constitution, it is clear that they came to the Historical Society in one of her two gifts. Both John Franklin Jameson and William M. Meigs discuss drafts of the Constitution that they studied in the Wilson Papers at the Historical Society in 1898 and 1899 respectively, well before the 1903 gift by Israel Morris. Although the drafts would have been in the possession of the archive by 1877, they appear not to have been studied until the work of Jameson and Meigs two decades later.8

3) How did the current ordering of the Committee of Detail documents come about?

Answering this question requires a discussion of (a) the order of the documents upon arrival to the Historical Society, (b) the order of the documents once bound, and (c) the current, disbound ordering.

(a) The order of the Committee of Detail documents upon arrival to Historical Society of Pennsylvania

The Committee of Detail documents most certainly came to the Historical Society as part of Hollingsworth’s two gifts, and most likely in the second. Wallace describes the papers in the first gift as “relating to your grandfather Wilson, and to your uncle.” Accordingly, Hollingsworth’s card with a handwritten note to Wallace appears near the end of volume 2 just prior to the series of letters between Bird and many of Wilson’s friends, clearing Wilson of a contemporary conspiracy charge launched against him in a Nathanael Greene biography.9 These papers could fit the description of “relating to” (but not necessarily written by) Wilson and Bird. Too, had the first gift contained the drafts and other documents—voluminous enough to produce a stand-alone volume—not only would


Wallace *not* have been able to complain that they “will make a volume somewhat thin,” he likely would have mentioned them specifically. If all this is true, the current volume 1, comprising almost all the Committee of Detail documents in Wilson’s hand, was thus contained in Hollingsworth’s second gift.

Another clue indicates that the Committee of Detail documents came in the second gift: Farrand’s second portion of Document V is currently found as document 63 of volume 2. The latter half of Document V’s location there, among other documents relating to the Constitutional Convention, may suggest that an archivist at the Historical Society, much more familiar with constitutional history than Hollingsworth, recognized the value of the drafts and other documents and separated them into their own volume, volume 1.

Other original placement clues can be found in Jameson’s and Farrand’s treatments. In his 1903 *Studies in the History of the Federal Convention of 1787*, Jameson was the first to closely examine Wilson’s Committee of Detail documents. Jameson’s primary concern was to trace the influence on the U.S. Constitution of the various plans submitted for the consideration of the convention (i.e. the Virginia, Hamilton, Paterson, and Pinckney plans); he devoted particular attention to the influence of the Pinckney Plan. Although not discussed in convention, the plan did have an impact on the Constitution; it was copied by Wilson and (according to Jameson) some nineteen or twenty of its provisions are preserved in the Committee of Detail’s report.

Wilson’s sheet containing brief extracts from both the Pinckney and Paterson plans received Jameson’s close attention. In describing the extracts, Jameson writes that it was placed “fourth in the order of binding,” between the first and third folio sheets of Wilson’s rough draft where the missing middle folio would have been. Jameson surmises that at least the three documents discussed had been ordered with forethought and by someone familiar with Wilson’s working methods—this because the extracts related to the powers of Congress, the executive, and the judiciary, or what would have been addressed in the missing middle portion of the draft.10

Farrand uses similar language when describing the order of the documents. He presents each of Wilson’s sheets as a separate document, or documents “VI,” “VII,” and “VIII.” He describes these in a footnote: “Documents VI and VIII are on two sheets of four pages each. Between them is placed Document VII, consisting of a smaller single sheet of two pages.”11

Farrand’s evident concern to respect the discrete sequencing of these documents indicates that he believed, like Jameson, that a careful hand had ordered at least some of the documents before their arrival to the Historical Society. Who was this careful hand? Of all those in the chain of custody—Wilson, Bird, Emily, Caspar Morris, and Wallace—it is likely that Wilson alone knew enough about

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the internal proceedings of the Constitutional Convention to have placed the Pinckney and Paterson excerpts between the sheets of another draft. The convention’s proceedings were still a tightly held secret when Wilson died in 1798—Madison’s Notes did not appear until 1840—so Bird is unlikely to have had access to the relevant information. Emily Hollingsworth seemed to be unaware of the drafts’ significance, absenting them from mentions of documents she thought of particular import in her letter to John Wallace in January 1877. If the drafts came in the 1876 gift, Wallace did not mention the fact in his letter to Emily.

Jameson’s view thus seems the most plausible: namely, that Wilson himself assembled the drafts in their original order and that his descendants preserved at least some of that order until the documents were donated to the Historical Society. Once the gifts arrived at the Historical Society, the Committee of Detail documents were possibly separated out to be bound as volume 1, leaving Document V behind to be bound with volume 2.

(b) The order of the documents after receipt by the Historical Society of Pennsylvania

Once in the possession of Historical Society, all Wilson documents were bound into ten book volumes, thus preserving their order for the duration of their binding. We know volumes 1 and 2 were bound because Wallace tells Hollingsworth that the papers from the first donation “relating to your grandfather Wilson, and to your uncle, have been arranged, pressed & put in a condition to bind.” The label of volume 2 also provides a date for its being disbound, in 1987. Similar evidence shows that volumes 3, 4, 5, 6, and 8 were each bound as well. In the case of volumes 3 and 4, the date of their binding, December 17, 1904, is provided on the facsimile copy of the book volume cover; and, like volume 2, the boxes for volumes 3, 5, 6, and 8 are labeled with their disbinding dates.12

A physical examination of the documents themselves confirms the external, recorded evidence of binding. On the drafts of the Constitution and Committee of Detail documents, any binding markings are almost imperceptible, a credit to the curator. But upon closer inspection, one can see faint traces of binding, often a dim but even line where the binding would have ended, or else a slight irregularity in the surface of the paper and a missing letter or two where it was treated to remove the binding tape or glue. Many documents in other volumes are still bound together in small segments by a half-inch thick, yellowing tape. (The tape

12 The box volume labels vary. For volumes 3, 5, 6, 8, and 10, printed labels roughly 2 x 2 inches detail contents and disbinding dates. Volumes 4, 7, and 9 have no label and instead are simply identified by their volume number handwritten in pencil on the outside of the box e.g., “v. 7.” Volume 2’s handwritten label has more information: “James Wilson Papers, 1775–92, Vol 2, Disbound March 14 1986.”
has caused many of the manuscripts to rip at that half-inch juncture, frequently making portions of Wilson's handwriting illegible.) Other documents are separated from their fellows but still retain an encrusted, taped edge. Still other documents have both the marks of binding and the remnants of stitching between pages, as if the signatures were bound with tape and then sewn together. It is unlikely that the documents were bound prior to their arrival at the Historical Society, as Wilson documents in other collections show no sign of the ubiquitous tape remnants found throughout the Historical Society collection of Wilson papers.

Volumes 2–10 of the Wilson Papers were disbound in 1986. The labels on the document boxes indicate that volume 2 was disbound on March 14, 1986; volume 3 on March 31, 1986; volumes 5 and 6 on April 8, 1986; volume 8 simply in April of 1986; and volume 10 on April 9, 1986. Labels are missing for volumes 1, 4, 7, and 9. If the dates provided here indicate any kind of disbinding pattern, they suggest that the volumes were disbound two at a time with the exception of volume 2 and of the last four volumes; those appear to have been disbound together, perhaps because the process had become systematized and therefore quicker. If this conjecture is correct, volume 2 would have been disbound on March 14, 1986, volumes 3 and 4 on March 31 (the date indicated for volume 3), volumes 5 and 6 on April 8 (known from the labels), and volumes 7, 8, 9, and 10 on April 9.

The binding order is preserved to a certain extent by facsimiles made in 1972 while the volumes were still bound. Facsimiles were made of all volumes, including volume 1, evidencing that the documents were bound not in contiguous sequence, but as a scrapbook, with multipage documents being bound to each other and then to a scrapbook page. As the 1972 facsimiles were not bound themselves, and because researchers were and continue to be permitted access almost exclusively to the facsimiles rather than the originals, in certain instances the order of the documents has been shuffled by these researchers, including in volume 1. We know this because Farrand's Document VII, containing Wilson's excerpts from both the Pinckney and Paterson plans, appears after the two large folio pages of the rough draft marked “1” and “3,” rather than in between as so carefully described by both Jameson and Farrand. Despite this exception, the overall order of the 1972 facsimiles seems to be somewhat consistent with their bound order.

(c) What is the current, disbound ordering?

Once disbound, the individual documents were placed in folders, and the folders in document boxes, each bound volume being given its own box. The

ordering of the folders has roughly preserved the ordering of the bound pages. For instance, Farrand’s Document V is found as document 63 in volume 2 in both the current document order and the bound 1972 facsimile. Yet within certain folders a comparison with the 1972 facsimile reveals that pages have been shuffled, likely by researchers. One such example includes Wilson’s outline of his law lectures, jotted onto blank pages of the printed Pennsylvania ratification debates.¹⁴

Other than Document V, the bound placement of which has been preserved, the “order” of Committee of Detail documents, as such, is made somewhat irrelevant by their being placed into individual Mylar envelopes, matted, and put into individual, numbered archival boxes. Whatever “order” exists is found in the documents being split under two labels: “Wilson’s First Draft of the Constitution” and “Wilson’s Second Draft of the Constitution.” As noted above, “Wilson’s First Draft of the Constitution” includes the amended Virginia Plan, the first portion of Document V, the two folio sheets of Wilson’s fragmented rough draft, and the excerpts of the Paterson and Pinckney plans. “Wilson’s Second Draft of the Constitution” includes Wilson’s final draft and the Pinckney Plan.

As indicated above, the ten volumes, taken as a whole, probably reflect the order in which the documents were received by the Historical Society; but within and sometimes between volumes there is considerable variation. Perhaps recognizing these facts (which are evident even from a casual examination of the Wilson manuscripts), Farrand created his own sequence of the drafts of the Constitution. Working with the bound volumes, he presumably discerned that some documents’ ordering reflected the careful hand of Wilson, while others were placed somewhat at random by those who selected or bound the documents. Farrand’s logic is reflected in his ordering of the documents so as to yield a coherent sequence of texts showing the organic growth of the Constitution. We concur with Farrand’s logic and therefore have ordered the transcriptions above in similar fashion.