

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.

² See Bird Wilson, *The Works of the Honourable James Wilson, L.L.D.* . . . , 3 vols. (Philadelphia, 1804), and W. White Bronson, *A Memorial of the Rev. Bird Wilson* . . . (Philadelphia, 1864). Bronson refers to his interviews with Emily throughout the biography.

[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.”³

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

³The 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.⁴ This Morris was one of Hollingsworth's three named executors, along with Thomas H. Montgomery and Eppingham B. Morris.⁵ 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.⁶ 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).⁷

⁴ Robert C. Moon, *The Morris Family of Philadelphia: Descendants of Anthony Morris*. . . (Philadelphia, 1898), 2:702. Caspar Morris was a great-grandson of Zebulon Hollingsworth, which made him Emily's second cousin (*ibid.*, 701).

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

⁶ See Wilson papers in the collections of the Free Library of Philadelphia, National Independence Park, American Philosophical Society, and the New-York Historical Society.

⁷ See Max Farrand, ed., *The Records of the Federal Convention of 1787*, 3 vols. (New Haven, CT, 1911).

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

⁸ See J. Franklin Jameson, *Studies in the History of the Federal Convention of 1787*, first published in the *Annual Report for the American Historical Association for the Year 1902* (Washington, DC, 1903), and Andrew C. McLaughlin, "Sketch of Pinckney's Plan for a Constitution, 1787," *American Historical Review* 9 (1904): 735–47.

⁹ Wilson Papers, vol. 2, folders 123–31. The Nathanael Greene biography was by Judge William Johnson of Charleston, South Carolina, published in 1822, and accused Wilson of participating in a coup d'état against Washington. After Bird confronted Judge Johnson armed with letters absolving Wilson's character, Johnson backed down and printed an insert in the biography correcting the error. See Johnson, *Sketches of the Life and Correspondence of Nathanael Greene . . .* (Charleston, SC, 1822). Volume 2 of the Wilson Papers concludes with document 132, a plan in Wilson's hand for "the Settlement and Management of the rich and extensive Country to the Northwest of the Ohio and Eastward of the Mississippi."

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

¹⁰ Jameson, *Studies*, 128–29.

¹¹ Farrand, *Records*, 2:157n15 (emphasis added).

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

¹²The box volume labels vary. For volumes 3, 5, 6, 8, and 10, printed labels roughly 2 × 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.¹³ 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

¹³The date of the facsimile imaging is taken from a beginning page of volume 7's facsimile, which reads: "The Papers of James Wilson / Vol. VIII, "Deeds and Wills" / Historical Society of Pennsylvania / Filmed July, 1972."

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.

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¹⁴Wilson Papers, vol. 2, folder 20–25.