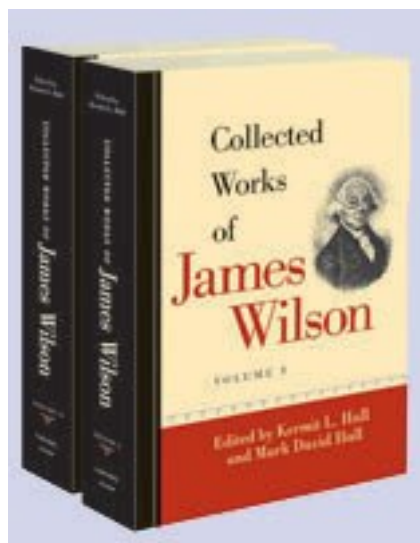


Collected Works of James Wilson, in Two Volumes



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This two-volume set brings together a collection of writings and speeches of James Wilson, one of only six signers of both the Declaration of Independence and the United States Constitution, and one of the most influential members of the federal Constitutional Convention in 1787. Wilson's writings and speeches had a significant impact on the deliberations that produced the cornerstone documents of our democracy. Wilson's signal contribution to the founding of our national government was his advocacy for both a strong national government and an open and democratic political system, a position that set him apart from both Alexander Hamilton and Thomas Jefferson.

Wilson's writings form one of the most significant bodies of thought about the relationship between a distinctively American form of democracy and a distinctly American constitutional system. Wilson wrote extensively on the concepts of separation of powers, the authority of the judiciary to review acts of the other

branches, and the development of principles of representative government. This collection of Wilson's writings includes his famous law lectures, a number of noteworthy essays and speeches, some of which are presented together for the first time, and his opinions in several Supreme Court cases. Together, the writings in this volume illustrate that Wilson's words more nearly foreshadowed the nation's future than those of his better remembered contemporaries such as Alexander Hamilton, James Madison, and Thomas Jefferson. In addition to providing the reader with a historical view of the nature of American democracy, the power of courts and judges, the independence of the executive branch, and the power of law to structure social relations, this book speaks directly to the ongoing debate about the scope and nature of judicial review and the place of law and judicial structures in the conduct of society.

This is a welcome fourth edition of James Wilson's collected works. More comprehensive than its predecessors, this two-volume selection combines several speeches and essays with the important series of law lectures that Wilson gave to the College of Philadelphia (now the University of Pennsylvania) between 1790 and 1792. Prior to his death in 1798, Wilson carefully recorded these lectures in fifty-two notebooks, hoping to publish them as the American equivalent of Sir William Blackstone's *Commentaries on the Laws of England*. Wilson's financial ruin prevented him from completing this plan, but his son, Bird, faithfully edited and published the notebooks in 1804. These law lectures, together with some additional material, comprised the first edition of Wilson's works. A second, less complete, collection was printed in 1896. Robert G. McCloskey then edited a third and, until now, standard selection in 1967. With McCloskey's two-volume set long out-of-print, this new Liberty Press edition, edited by Kermit L. Hall and Mark David Hall, aims "to stimulate new research and analysis of Wilson's contributions in the ongoing effort to determine accurately his rightful place in the founding era" of the United States (p. xiii). It will also encourage new scholarship on the connections between Scottish and American thought in the eighteenth century.

Wilson remains an understudied figure. Born in 1742 at Carskerdo, Fife, and educated at the University of St. Andrews, he emigrated to America in 1765 and played a critical role in the founding of the United States. After establishing himself as a lawyer in Carlisle, Pennsylvania, he was a consistent advocate of popular sovereignty, strong national government, and the separation of powers. One of only six persons to sign both the Declaration of Independence and the Constitution, Wilson strongly influenced the Philadelphia Convention of 1787. He subsequently became a leading proponent of ratification, powerfully shaping federalist arguments in favor of the Constitution and against the Bill of Rights. Appointed to the United States Supreme Court in 1789, he went on to write the court opinion in the case of *Chisholm v. Georgia* (1793) that prompted the Eleventh Amendment. However, his life ended in disgrace. Bankrupted by failed land and business ventures, Wilson fled Pennsylvania in 1796. He was twice arrested and jailed by his creditors. On the run, he suffered an obscure death in Edenton, North Carolina.

The earliest document in this edition is Wilson's pamphlet, *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*, which he wrote in 1768 but did not publish until 1774. An attack on Parliamentary sovereignty, this tract helped to establish Wilson as a Whig leader. It was after the Revolution, however, that Wilson truly rose to the fore. Reflecting this fact, only three documents in this collection date from the 1770s. In contrast, five pieces focus on the 1780s debates surrounding the controversial Bank of North America and the drafting and ratification of the Constitution, two are speeches from 1789 and 1790 dealing with changes to the Pennsylvania state constitution, and five relate to Wilson's service as a federal judge. In

addition, this collection includes a mid-1790s essay, "On the Improvement and Settlement of Lands in the United States," as well as an undated piece, "On the History of Property."

The bulk (two-thirds) of this edition is given over to Wilson's law lectures. In this respect, and in similar fashion to McCloskey's volumes, this collection sticks close to Bird Wilson's 1804 publication. It adds, however, a new introduction and bibliographical essay, McCloskey's translations of Latin phrases, additional annotations on individuals mentioned by Wilson, and McCloskey's bibliographical glossary. Also, some Wilson material appears here that was not printed in the previous collections. The two main additions are James Madison's notes on Wilson's contributions to the Philadelphia Convention of 1787, and the "State House Yard Speech" that Wilson gave in Philadelphia on 6 October 1787. Reprinted throughout the colonies, the latter was, according to the historian Bernard Bailyn, "the most famous, to some the most notorious, federalist statement of the time."

作者介绍:

James Wilson (1742–1798) emigrated from Scotland in 1765 and was one of the major architects of the American judicial system. In addition to his participation in the Federal Constitutional Convention and the Pennsylvania Constitutional Convention of 1789–90, he served as a member of Congress, the director of the original Bank of North America, and an associate justice of the Supreme Court.

Wilson was one of six men to sign both the Declaration of Independence and the Constitution, played critical roles in the ratification debates and the Pennsylvania Constitutional Convention, and served on the Supreme Court from 1789 until his death in 1798. Yet his legacy has received minimal attention. This two-volume set collects his writings and his lectures on law delivered at the College of Philadelphia. Editor Kermit Hall, a constitutional law scholar and legal historian, and former president of the U. at Albany, State U. of New York, provides an extensive introduction; Mark David Hall (political science, George Fox University) prepared the bibliographical essay.

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