



# Easy Lessons on the Constitution

by Alfred Bayliss

Including the Constitution itself,  
and the history of its adoption

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## TO TEACHERS.

THESE "Easy Lessons" are intended for young learners. The primary purpose is to familiarize the beginner with the main provisions of the Constitution of the United States; but it is believed that, incidentally, they can be made the nucleus of a comparatively thorough knowledge of civil government as it is exemplified in the United States. Many questions are asked which cannot be directly answered from the text, or by reference to the Constitution. The aim of some of these is to stimulate thought on the part of the pupil, and of others to induce him to investigate. To this second end some books of reference are absolutely necessary. There should be within reach of the pupil half a dozen or more of the best manuals of civil government, and a like number of the best school histories of the United States. If to these can be added Bancroft, Hildreth, The Federalist, Wilson's "The State" and Bryce's "American Commonwealth," the average teacher may well consider himself fortunate. The teacher who cannot have all of these should have as many as possible, and, like Oliver Twist, cry for "more." The method of study is sufficiently indicated by the form of the lessons. Permit the pupils to pursue the method of reading,

investigation, conversation, and discussion. Avoid all rote work. The pupils should ask at least as many questions as the teacher. If they are allowed and encouraged to do so, a wide range of topics not even referred to in these pages can be brought in. The only limit is the available time. In all matters of fact train the pupil to refer to the authorities. In matters of opinion train him to think for himself. But in this he should be taught that it is the ignorant man whose convictions are fixed; that the educated man reserves the inalienable right to change his opinions on the reception of new light. Above all, see that he finds in the story of his country, and the framework of her government, a due proportion of the material so abundant for the stimulation of that intelligent patriotism and sense of personal responsibility for good government which are the only, but sufficient, guarantees of the permanence of our peculiar institutions.

STERLING, ILLINOIS, January, 1891.

## PUBLISHERS NOTE.

"Easy Lessons" on the Constitution, we are sure, will prove to be a valuable and a popular little book. We have watched the GROWTH of these "Lessons" with much interest because of the GREAT NEED of more general and simplified instruction along this line. They have stood the test in the "Sterling School," where they originated: 1st. On the original plan; 2d. During their revision. Having served at least two classes with satisfactory results, we have deemed them worthy of publication, and especially so, as the author is conservative and thoroughly competent. As a teacher on this subject he has no superior. We are willing to be held responsible for this statement, and would respectfully invite investigation. We are in dead earnest and sincerely believe that we need a "revival" on this subject. The fundamental things pertaining to an intelligent and a morally responsible citizenship, are not emphasized in the schools of our country as they need to be. This is not a lecture; but we don't want any one to read this "note" without giving the question further thought—without examining the little book to see whether it has not struck the key-note of the situation.

We have given alternate blank leaves, the value of which we think will be comprehended at once by the thoughtful teacher and by the student also. An excellent general "OUTLINE" for the study of any state, including the Declaration of Independence and other valuable matter, will be sent, free of charge, to schools using "Easy Lessons," and to others at the nominal cost of 10 cents per copy or \$5.00 per hundred.

The books of reference referred to by the Author in his preface, and any others needed, will be gladly furnished by us, prepaid, at the publisher's price. Believing firmly that "Easy Lessons" will aid in placing this important subject in a new and more favorable light, and that the educational world will at least give them a fair hearing, we are

Very hopefully yours,

W. W. KNOWLES & CO.

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# Easy Lessons on the Constitution.

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## LESSON I.

### INTRODUCTORY.

If you have never read the "Constitution of the United States," suppose you take the first evening you can spare for its perusal.

When you have done so, see if you are not surprised to find how much of it is easy to understand.

When you have done so, but not before, you will be ready to begin its careful study.

You will do well to keep in mind the following definition: "A political constitution is the instrument or compact in which the rights of the people who adopt it, and the powers and responsibilities of their rulers, are described, and by which they are fixed."—*Nordhoff*.

We shall see as we progress, how our national constitution comes under the definition.

You will observe that the Constitution is divided and sub-divided, and also has what may be termed an appendix.

The divisions are called "Articles." Please count them. The sub-divisions are called "Sections." Count them, also, and note in your memorandum book the number of articles and the number of sections in each article. Do not try to memorize the latter at present.

Notice that the "appendix" is called "Amendments to the Constitution."

Count the articles in this appendix. Each article is usually called an amendment.

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No part of the Constitution is of more importance than the amendments.

There is also what corresponds to a "preface." You have noticed it, and know that it is called by another name. What is it?

Ask your teacher to help you distinguish between a preamble and a preface.

Now copy the following :

#### PREAMBLE

We, the people of the United States,

1. In order to form a more perfect union,
2. Establish justice,
3. Insure domestic tranquility,
4. Provide for the common defense,
5. Promote the general welfare, and
6. Secure the blessings of liberty to ourselves and our posterity,

Do ordain and establish this Constitution for the United States of America.

Observe that this preamble is not only an exposition of the intents and purposes of the Constitution, but contains also in the words : " We, the people of the United States, \* \* \* do ordain and establish this Constitution," what the lawyers sometimes call the enacting clause.

The numbered lines state the purposes and objects. They are all explicit, except one. In the line numbered 5, there are two words which occur elsewhere in the Constitution, and which have been the occasion of much difference of opinion.

Ask your teacher which are the words, and see if you can think of, or discover in your reading, any ground for discussion growing out of their use.

Commit the preamble to memory.

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## LESSON II.

## THE LEGISLATIVE DEPARTMENT.

REVIEW.—1. What is a political constitution? 2. Write the preamble. 3. How many articles in the constitution? 4. How many amendments to it? 5. To what does each of the first three articles relate?

“The power of making laws is the supreme power in a state, and the department in which it resides will naturally have such a preponderance in the political system, and act with such mighty force upon the public mind, that the line of separation between that and the other branches of the government ought to be marked very distinctly, and with the most careful precision.”—*Kent*.

We shall see as we proceed how far the constitution of the United States conforms to this idea. It is not quite true, as is sometimes said, that the three great departments of government are separate and distinct from one another.

Read the first section of Article I.

In what body are the legislative powers of the United States vested? Name the branches of congress.

Some political writers maintain that the plan of a legislature consisting of two branches is not the wisest. We shall return to this question later. Let us now study the

## HOUSE OF REPRESENTATIVES.

Verify the following by comparison with the exact language of the Constitution.

1. It is composed of members chosen every second year by the people of the several states, who are qualified electors of the most numerous branch of the legislature of the state to which they belong.

2. The legislature of each state prescribes the time, place, and manner of holding elections for representatives. Read the fourth section of Article I and note the power reserved to congress.

3. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. (XIV amendment.)

4. A representative must :

(a) Have attained to the age of twenty-five years.

(b) Have been seven years a citizen of the United States.

(c) When elected, be an inhabitant of the state in which chosen.

5. Members of the house of representatives enjoy some privileges which other citizens do not. They are also disqualified from certain privileges which other citizens enjoy. Read Art. I, Sec. 6 and the XIV amendment, Sec. 3, and make a list of these disqualifications.

NOTE.—The first congress went into operation in ————.\* The duration of “a congress” is ———— years. The ———— congress expired March 4, ————. Is congress in session now? If so, what congress?

\*Let the pupil supply the blanks.

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## LESSON III.

## THE LEGISLATIVE DEPARTMENT.

## House of Representatives (Continued).

REVIEW.—1. What are the three departments of government? 2. What is the subject of Article I? 3. How many sections does it contain? 4. Which is the supreme power in a state? 5. Of what branches does congress consist? 6. How is the house of representatives composed? 7. Who may vote for representatives? 8. How are representatives apportioned? 9. How may the apportionment to any state be reduced? 10. What are the qualifications of a representative? (Pupils should endeavor to be exact. Refer at once to the constitution itself in all cases of doubt.)

If you cannot answer question 9 in the review, read again the XIV amendment, Sec. 2.

“The number of representatives shall not exceed one for every 30,000, but each state shall have at least one representative.” Art. I, Sec. 2 (3). The population for one representative (basis of representation), is fixed by the congress. It has increased from 33,000 in 1789 to 151,912 in the decade ending 1893, and the number of representatives has increased from sixty-five to 332.

“When vacancies happen in the representation from any state, the executive authority (governor) thereof shall issue writs of election to fill such vacancies.” Art. I, Sec. 2 (4). Vacancies are often caused by death, less often by resignation and most rarely by expulsion of the incumbent. When a vacancy occurs and a person is elected to fill it, he is elected only for the unexpired term of the person who vacated the office.

The house of representatives has three so-called “sole powers.”

1. The sole power of impeachment. Art. I, Sec. 2 (5).
2. The sole power of originating bills for raising revenue. (Art. I, Sec. 7).
3. The sole power of choosing a president of the United States, in a certain contingency to be noted hereafter. (XII amendment).

Commit to memory these three "sole powers." Refer to them in the Constitution. *Locate* them, so that you can at once point to each in case of necessity.

Consult the dictionary for the word "impeachment," and your history for facts, and then determine in your own mind whether any president of the United States has been impeached, after which take the opinion of an older friend and see how you agree. Remember that impeachment does not remove the liability to trial and punishment under the law.

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## LESSON IV.

### THE LEGISLATIVE DEPARTMENT.

#### The Senate.

REVIEW.—1. In case of the death or resignation of a member of the house of representatives, how is the vacancy filled? 2. Name the three sole powers of the house of representatives. 3. What is the meaning of the word impeachment? 4. Was President Johnson impeached? 5. Name the presidents elected by the house of representatives.

The United States senate is composed of two senators from each state. A senator must be at least thirty years of age. He must have been nine years a citizen of the United States. When elected he must be an inhabitant of the state for which he is chosen.

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The senatorial term is six years.

Senators are chosen by the legislatures of the several states.

One-third of the whole number of senators is chosen every second year.

Each senator has one vote.

If a vacancy occurs in the senate, in case the legislature of the proper state is not in session, the executive thereof (governor), may make a temporary appointment until the next meeting of the legislature, which shall then fill the vacancy.

Verify these statements. (Art. I, Sec. 3).

What "sole power" does the Constitution give to the senate? How often has this power been exercised?

Observe that while representatives are apportioned among the several states according to their respective numbers (XIV amendment), the states have the same number of representatives in the senate. This is one of several compromises between the large and small states. Under the confederation, congress consisted of but one house. In it each state had one vote and only one. The small states clung to their unequal share of power with great tenacity. For instance, the members of the constitutional committee from Delaware were prohibited by their credentials from voting to change the article in the confederation establishing an equality of votes among the states, and little Rhode Island even refused to be represented in the constitutional convention, and did not accept the constitution until after Washington had been inaugurated.

The result was that the large states yielded one point and the small states another in the interest of a "a more perfect union."

In which house do you think there is the truest equality of representation?

## LESSON V.

## THE LEGISLATIVE DEPARTMENT.

## The Organization of the Two Houses.

REVIEW.—1. How many members of the senate are there? 2. How are senators chosen? 3. For how long? 3. What are the qualifications of a senator? 5. How are vacancies in the senate filled?

“The house of representatives shall choose their speaker and other officers” (Art. I, Sec. 2.) “The senate shall choose their officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.” (Art. I, Sec. 3.) Who is president of the senate? (Art. I, Sec. 3.) But for this provision the second officer of the United States would have no public duties while the president lived. As he has no vote, except when the senate is equally divided, the plan is admirably adapted to give that body an impartial presiding officer.

The presiding officer of the house of representatives is called the speaker. He is a member of the house, and his power to affect legislation is very much greater than the vice-president's.

The senate committees are appointed by the senate itself, but the house committees are appointed by the speaker. As the committees are very numerous, and subjects of legislation, even of the highest importance, can be fully considered only in the committees to which they are referred, it will readily appear that he can do much to shape legislation, while the vice-president, by virtue of his office, can do nothing.

The other officers of the house of representatives are the clerk, sergeant-at-arms, door-keeper, postmaster and

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chaplain. The officers of the senate are a president *pro tempore*, secretary, chief clerk, sergeant-at-arms, door-keeper and chaplain.

Which of these is a member of congress? (Art. I, Sec. 3.)

In the event that the vice-president is called to exercise the office of president of the United States, the president *pro tempore* receives the salary of a vice-president. In this case, also, he is frequently, but inaccurately, referred to as the vice-president.

The constitution nowhere mentions what is sometimes called the "third house," but more commonly the "lobby." It is customary for persons interested in pending legislation to employ others, having, or supposed to have, influence with members of congress to urge the passage of the bills in which they are interested. As long as the means employed are legitimate, this is not improper. But "lobbyist" has become a term of reproach, and many fear that good legislation, which in this country means an untrammelled expression of the will of the people, is not advanced by this agency.

The young student who is interested in the details of the organization of the government, can learn a great deal from the Congressional Directory, a copy of which can sometimes be obtained through his member of congress. Every member of congress is addressed as "Honorable," and the house to which he belongs is indicated thus:

Hon. Thos. J. Henderson, M. C.  
Washington,  
D. C.

or

Hon. Shelby M. Cullom, U. S. S.,  
Washington,  
D. C.

## LESSON VI.

## THE LEGISLATIVE DEPARTMENT

## Some Provisions Common to Both Houses.

REVIEW.—1. Who is, ex-officio, presiding officer of the senate?  
2. What is the title of the presiding officer of the house of representatives? 3. Can you explain how the speaker possesses more power (over legislation), than the vice-president? 4. Name the officers of each branch of congress. 5. What is a lobbyist? 6. Address an envelope to your member of congress.

We have seen how the congress of the United States is composed and organized. There are certain general provisions relating to both houses which are very interesting and important.

1. "Each house is the judge of the elections, returns and qualifications of its own members." This provision was copied from a similar one in relation to the British house of commons, and has in turn been copied by every state in the union as regards the legislatures. It is a provision of the first importance in a representative government like ours. A representative government that is pure and genuine is the best for an intelligent and progressive people. A representative government that is impure and spurious is the worst for any people. In determining whether an election has been regular and genuine, the houses act in a *judicial* capacity.

2. "A majority of each house is a quorum." The definition of "quorum" in Webster's dictionary, is very interesting reading. The British house of commons may transact business if twenty members are present. In the house of lords, which corresponds somewhat to the senate, three members constitute a quorum. Which consti-

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tution do you consider the better in this respect? Give a reason. What power does the constitution give to a less number than a quorum?

3. "Each house determines the rules of its proceedings; may punish its members for disorderly conduct, and with the concurrence of two-thirds, may even expel a member."

4. Each house is required to keep a journal of its proceedings, publish such parts as do not require secrecy and to enter therein the yeas and nays of the members on any question "at the desire of one-fifth of those present." What reason can you think of for this provision? State it in writing in as few words as you can.

5. "Neither house *during the session of congress* shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting." Why? See if you can find and state the reason for the five italicized words. If it does not occur to you, take the question under consideration for some days before you permit your teacher to explain it to you.

On what day must congress meet? How long may it continue in session? When was the fifty-first congress organized? Its first, or long session adjourned September, 1890. When did its last session adjourn? Distinguish between "the congress" and "a congress." The senate is said to be "a continuous body." Explain.

## LESSON VII.

## THE LEGISLATIVE DEPARTMENT.

## How Laws Are Made.

REVIEW.—1. Who is the judge of the validity and regularity of the election of a member of congress? 2. What is a quorum? 3. What powers are given to a less number than a quorum? 4. What is the provision in regard to a journal of proceedings? 5. When must the yeas and nays be entered on the journal?

The congress of the United States is the legislative or law-making department of the government. Section 7 of Art. I contains certain fundamental provisions for the guidance of congress in the exercise of its prerogative. Let us examine some of them. A bill is a proposed law. A bill may become a law in three ways:

1. When it shall have passed both houses and been signed by the president.

2. If the president does not approve a bill, he may veto it, as it is called. That is, he may return it, with a statement of his objections, to the house in which it originated. That house must then cause the objections to be entered at large on its journal and proceed to reconsider the bill. Should two-thirds of the members, after reconsideration, vote to pass the bill, it must be sent, with the president's objections, to the other house, in which the procedure just described is repeated. If approved by two-thirds of that house, it becomes a law without the president's signature.

3. A bill may become a law by what is sometimes called a "pocket veto." If a bill is not returned by the president within ten days after it is presented to him, it becomes a law without his signature, unless congress, by adjournment in the meantime, prevents its return.

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Verify these statements carefully. What reason can you see for the exception to the rule in the case of the pocket veto?

Most bills are prepared for the consideration of congress by committees. The standing committees in the house of representatives are appointed by the speaker, but in the senate they are appointed by the members themselves. They are as numerous as the different subjects upon which congress may be called to make laws. It is considered a special honor to be chairman of an important committee. In appointing committees, the speaker must consider not only the fitness of individuals, but the claims of different parts of the country, in order to avoid sectional jealousy.

Ask your teacher for the names and duties of some of the leading committees. Of what committees is the representative from this congressional district a member? The leader of the house of representatives is usually chairman of the committee on ways and means. That committee is charged with the duty of devising ways to raise money for the support of the government. Why has the senate no such committee?

In addition to these constitutional rules for law-making, the rules of the two branches of congress require the observance of still other forms. One of these requires a bill to be read three times, each time on a different day, before it can be passed. The object of this rule is to guard against hasty action.

The purpose of the president's veto is analagous. In spite of all rules, the action of congress may sometimes be ill-considered. In England the sovereign has an absolute veto, which, however, has not been used for a century or more. The president's veto is a conditional or qualified one. Why? Which is the better provision?

Why? What can you say of the origin and meaning of the word veto?

Some good citizens believe that the president should not have even the modified veto power. Give the arguments for *your* opinion.

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## LESSON VIII.

### THE LEGISLATIVE DEPARTMENT.

#### The Powers of Congress.

REVIEW.—1. What is a bill? 2. State clearly each of the three ways by which a bill may become a law. 3. What is meant by the veto power? 4. What is its purpose? 5. In which branch of congress must bills for raising revenue originate? Why? 6. Why has the senate no committee of ways and means?

The eighth section of Art. I is generally considered pretty dry reading by young students of the Constitution. But there is no part of this great instrument that touches our everyday life and affairs at more points. It is a somewhat special enumeration of certain subjects on which congress shall have power to legislate. It is not an easy section. But on account of its great importance, it is hoped that all who read these lessons will be specially attentive to it.

No government can exist without resources. The foundation of the financial resources of our government may be found in the following clauses:

Congress shall have power:

1. To lay and collect taxes, duties, imposts and excises.

2. To borrow money on the credit of the United States.

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3. To dispose of the territory belonging to the United States.

4. To dispose of other property of the United States.

In general, the authority to disburse the resources rests upon the following powers:

1. To pay the debts of the United States.

2. To provide for the common defense.

3. To provide for the general welfare.

The power to tax belongs to every government. It is an indispensable power, because governments cannot be carried on without money. Taxes may be direct or indirect. The former have very rarely been levied by the United States. When levied they must be apportioned among the several states in the same manner as representatives are apportioned.

Direct taxes are such as are levied on land and other property, or on individuals, as the poll taxes. Indirect taxes are levied on articles used, of which each person pays in proportion to the quantity he uses. Duties, imposts and excises must be uniform throughout the United States.

Duties on *exports* are prohibited by the Constitution. Duties on imports are of two kinds, specific and *ad valorem*. Both kinds of duties are sometimes levied on the same article.

Duties and imposts refer to articles imported. Excises refer to articles made and used within the country. The greater part of the "internal revenue" of the United States is at present derived from taxes on liquor and tobacco.

What is a custom house? What is a port of entry? What is smuggling? What is a tariff?

The question of taxation has divided the wisest and best statesmen of our country from the beginning. Some

of the most angry debates in congress, as well as the bitterest political animosity both in and out of congress, have had their origin in the tariff question. The laws of different nations and the theories of political economists are about equally varied. In this country the idea of direct taxation by the general government is decidedly unpopular, and excises are measurably so. Hence the main question in congress is whether the tariff shall be for revenue with incidental protection, or for protection with revenue incidental.

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## LESSON IX.

### THE LEGISLATIVE DEPARTMENT.

#### The Powers of Congress.

REVIEW.—1. Name the four powers of congress over the resources of the country. 2. Name the powers of congress in regard to the disbursements. 3. Distinguish between direct and indirect taxes. 4. Which kind of taxes are chiefly levied by our government? 5. What is "internal revenue?"

Beside the power to tax in any manner thought expedient, and to disburse the revenues of taxation for the general welfare, congress is given power to regulate commerce:

1. With foreign nations.
2. Among the several states.
3. With the Indian tribes.

Previous to the adoption of the Constitution, each state exercised this important power for itself. Conflicting interests induced rivalry, rivalry retaliation, and retaliation the prostration of commerce. So this provision may be

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considered as the result of an object lesson in the school of experience.

Nor is it less important that congress should have power to regulate commerce among the states. Suppose, for example, that a cargo of tea landed in New York, having paid duties to the national government, could not be sold in Illinois without the payment of additional duties to that state, and so throughout the Union. It is easy to see that unlimited confusion of trade regulations might be the result. Instead we enjoy the blessing of absolute free trade within the broad limits of the United States.

In addition to the power to regulate commerce, certain other powers affecting commerce are granted, as the power.

1. To coin money.
2. To regulate the value thereof.
3. To regulate the value of foreign coin.
4. To fix the standard of weights and measures.
5. To provide for the punishment of counterfeiting.
6. To establish uniform laws on the subject of bankruptcy.

Find each of the provisions in regard to commerce. See if any have been overlooked. What is commerce? Which provisions refer directly to commerce? Which indirectly? Money is coined at an establishment called a mint. The United States mint is at Philadelphia, and there are branches at San Francisco, Carson City, Denver, and New Orleans. There are what are called assay offices at New York, St. Louis, Charlotte, N. C., Boise City, Idaho, and Helena, Mont. At any of these places gold or silver bullion will be received, tested, and exchanged for its value in coin or stamped bars.

While congress has exercised fully the power to coin money, some other commercial powers, as the establish-

ment of uniform bankruptcy laws, have rarely been exercised, and yet others has the power to fix the standard of weights and measures, not at all.

Name the gold and silver coins of the United States.

Compare the decimal system of currency with that of Great Britain.

The difference between the metric system of weights and measures, and in their favor, and the borrowed English standards, in general use, is greater than between money measures. But notwithstanding its obvious advantages, the metric system, legalized permissively for a quarter of a century, remains unpopular, and is far from coming into general use.

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## LESSON X.

### THE LEGISLATIVE DEPARTMENT.

#### The Powers of Congress.

REVIEW.—1. What is commerce? 2. What power does the constitution give congress in regard to commerce? 3. State the powers granted to congress in regard to money. 4. In regard to weights and measures? 5. What is money? 6. What is a mint? 7. Where is the United States mint? 8. Where are its principal branches?

Congress has power:

1. To establish post-offices.
2. To establish post-roads.

This, of course, implies the power to make all necessary postal regulations. The post-office department is under the general superintendence of a member of the cabinet. He is called the postmaster-general. He appoints most

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of the postmasters, lets the contracts for carrying the mails, and establishes new post-offices,—acting at all times in accordance with laws made by congress. The postmasters for the larger offices, however, are appointed by the President.

The splendid postal facilities enjoyed in this country to-day can be best appreciated by comparison with those of former times. Fifty years ago it cost six cents to send a letter thirty miles or under, and to send a letter over thirty and less than eighty miles cost ten cents. The scale of prices increased to twenty-five cents for each letter conveyed over 400 miles. Now a letter may be sent anywhere in the United States for two cents, and to any civilized country in the world for five cents. Already one great political party has professed in its platform to favor the reduction of letter postage to one cent, and perhaps before these pages are printed congress will have a definite proposal to that effect under advisement.

A further extension of the usefulness of this great department may come soon in the form of a system of postal telegraphy. In some countries the telegraph has already been attached to the postal service with good results. Although the constitutionality of a similar course in this country has been questioned, those who favor it are increasing in number and influence. It is certain that the telegraph is a potent agency in modern civilization. This is pre-eminently a commercial age and whatever promotes commerce, promotes in a very comprehensive sense the general welfare. The advocates of a postal telegraph say that cheap telegraphy is a necessity. When congress believes that "we, the people," think so too, that body will not be slow to legislate on the question in harmony with the fundamental law.

Let the pupil learn by inquiry how mail matter is

classified, also how to obtain postal money-orders and postal notes.

Why is it not necessary for the government to establish post roads?

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## LESSON XI.

### THE LEGISLATIVE DEPARTMENT.

#### The Powers of Congress.

**REVIEW.**—1. What branch of the government is charged with the duty of establishing post offices? 2. What official is at the head of the postal service? 3. Compare the postal facilities of the present with those of fifty years ago. 4. What constitutes second class mail matter? 5. What is a postal money order? 6. What is a postal note?

Congress has power:

To provide for the progress of science and the useful arts by securing, for limited times,

1. To authors, the exclusive right to their own writings, and
2. To inventors, the exclusive right to their own inventions.

This beneficent power is exercised by means of "copyrights" and "patents."

A copyright may be obtained by any citizen or resident of the United States by simply sending a printed copy of the title of the book, or description of the engraving, map or chart, as the case may be, to the Librarian of Congress, at Washington, before publication, and two copies of the work after publication, and the payment of a small fee.

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A copyright is valid for twenty-eight years. At the end of that time an author, if living, or if dead, his legal representatives, may obtain an extension of the time for fourteen years.

The steps are very simple, the cost very small, and the protection very valuable. Let the pupil look on the title page, or page following, of any of his books and note form of the notice of copyright.

A patent is a written instrument by which the inventor of a useful art, machine, manufacture, or composition of matter, or any new and useful improvement of them, is allowed the monopoly of their manufacture and sale for a term of seventeen years. The steps in obtaining a patent are more numerous and intricate and the cost considerably greater than for a copyright.

The patent office is a branch of the department of the interior, and is under the control of an officer called the commissioner of patents.

Thousands of patents are issued every year. American inventors can obtain patents, but American authors cannot obtain copyrights in foreign countries. Authors, especially of this country and Great Britain, are earnestly agitating for what is called an international copyright, a bill providing for which caused a very interesting debate in the Fifty-first congress, but failed to pass.

It would be a valuable exercise for the pupil to compile from the speeches in congress, and other sources, the arguments for and against any proposed law, forming his own opinion of the comparative weight of argument, and the merits of the measure.

The bill just referred to would be a good one for this purpose.

## LESSON XII.

## THE LEGISLATIVE DEPARTMENT.

## The Powers of Congress.

REVIEW.—1. What is a copyright? 2. How is a copyright obtained? 3. What is a patent? 4. Of what department of the government is the patent office a branch? 5. What do you understand by international copyright? 6. State the best reasons you can in favor of it. Against it.

Congress has power :

To establish a uniform rule of naturalization. Naturalization is the legal process by which a foreigner becomes a citizen. To become a citizen of the United States a foreigner must,

Declare, on oath, before a competent court, that he intends in good faith to become a citizen of the United States. This is called the "declaration of intention," and may be made at any time after the foreigner becomes a resident. After making it the would-be citizen is said to have "taken out his first papers."

2. *Two* years after the "declaration of intention" he may take the oath of allegiance and become a citizen, provided he has been a resident of the United States for five years, and one year a resident of the state in which the oath is taken. The period of residence, and the good character of the applicant must be proven by witnesses under oath, to the satisfaction of the court.

A foreigner who has served one year in the United States army and been honorably discharged, may become a citizen by taking the oath of allegiance.

Minor children become citizens on the naturalization of the father.

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When foreign territory has been annexed to the United States, congress has naturalized the people thereof *en masse*, and without the five years' residence.

Many thoughtful and patriotic citizens believe there is reason for alarm at the increasing number of foreigners annually pouring into this country. It is held, too, that the danger is greatly increased by the great number of alleged fraudulent naturalization papers issued in the large cities. There can be no doubt that the indiscriminate admission of foreigners to residence and citizenship is a source of danger to the republic. But our country is yet young and those who are not emigrants to-day are the descendants of those who were emigrants but yesterday. The true ground would seem to be that intelligent emigrants who come with sound minds in sound bodies, and in sympathy with our free institutions, honestly seeking to better their condition in life and to make *homes* here are a source of strength and ought to be welcomed. But the vicious and the imbecile and all who are opposed to our form of government and American institutions, are a source of weakness and it is a duty of government to deny them admission.

What proportion of the population of the United States is foreign born? From what countries do most foreigners come? What is a citizen? Who are citizens of the United States? (XIV amendment.) Are women citizens? What are the qualifications of voters in your state? Should they, in your opinion, be extended or abridged?

## LESSON XIII.

## THE LEGISLATIVE DEPARTMENT.

## The Powers of Congress.

REVIEW.—1. Describe fully the process of naturalization. 2. What concessions are made for military service? 3. Who are citizens of the United States? 4. Of the state in which you live? 5. What kind of emigrants do you believe are a source of strength to our country?

Congress has power :

“To define and punish piracies and felonies committed on the high seas, and offences against the laws of nations.”

To declare war.

To raise and support armies.

To provide and maintain a navy.

Piracies, once very common offences, are almost unknown now. Any crime which, if committed within the body of the country, would be punishable with death, is treated as piracy if committed on the high seas. The slave trade has long been declared piracy.

The power to declare war is in most countries an attribute of the executive department.

Note the restrictive provision attached to the power to raise and support armies. In practice the appropriations are made annually. What harm do you think might come to the republic if congress had power to appropriate money for an indefinite period?

The standing army of the United States is very small. It is recruited by voluntary enlistment, usually for five years. The supply of officers is maintained by the United States military academy at West Point. This school was first proposed by Alexander Hamilton. The

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course of study is very complete, the instruction thorough, and the discipline strict. There is one student, called a cadet, for each representative district, and ten more appointed especially by the president. In a similar manner the naval academy at Annapolis, proposed by the historian Bancroft when he was secretary of the navy, supplies officers for the navy.

What body makes rules for the government of the land and naval forces?

Congress also has power :

“To provide for the calling forth and organizing the militia of the several states.”

For what three distinct purposes may this power be exercised?

How often has congress exercised this power?

For what purpose was it exercised in 1812?

In 1846? In 1861?

Who is commander of the militia when called into actual service?

What and where is the District of Columbia? How is it governed? By virtue of what clause in the constitution?

At the organization of the government there was much jealousy, chiefly between New York and Philadelphia, over the location of the capital. Each of these cities desired the honor and the local advantages of the location. The wisdom of giving up a particular portion of the country as the seat of the national government can hardly be questioned.

## LESSON XIV.

## THE LEGISLATIVE DEPARTMENT.

## The Powers of Congress.

**REVIEW.**—1. Name the war powers given to congress by the constitution. 2. Why is it wise to limit the power of congress to appropriate money for war purposes? 3. By whom are the army regulations made? 4. For what purpose may the militia of the states be called into the service of the United States? 5. Describe the government of the District of Columbia.

We come now to the most comprehensive and far-reaching clause in this important section of the Constitution. Patrick Henry, who did not favor it, called it the "sweeping clause." It was vigorously opposed in the convention, and much of the opposition to the adoption of the constitution by the states was caused by its insertion.

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 these United States, or in any department or officer thereof."

Sweeping as this clause unquestionably is, it is not easy to see any grant of power in it which congress might not reasonably assume without it. And, indeed, the commentators are agreed that the granting of any power implies the necessary means for carrying it out. Chief Justice Marshall says: "A power vested carries with it all those incidental powers which are necessary to its complete and efficient execution." "The Constitution," says the same high authority, "is intended to endure for ages to come, and consequently to be adapted to the

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various crises of human affairs. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to the end, which are not prohibited, but consist with the letter and spirit of the Constitution are constitutional."

And yet the original and all succeeding divisions of the people of the United States into two great parties, may be traced fundamentally to this clause. The followers of Hamilton, under whatever name, have continued to advocate, and when in power, practice a liberal construction, while the followers of Jefferson have favored the strict construction, though sometimes, as notably in connection with the magnificent Louisiana purchase, its advocates have found the opposite interpretation consistent with sound statesmanship. Jefferson is often quoted as saying that he stretched his power "till it cracked" on that occasion, but the verdict of history is that the fame of the author of the Declaration of Independence is in no wise diminished, but brighter and more enduring on account of the part he took in the purchase of Louisiana.

Does the Constitution anywhere authorize congress or the president to buy territory? Decide whether the Louisiana purchase was constitutional, and state, in writing, as well as you can, your reason. Do the same with the Alaska purchase.

A writer on the Constitution says "this provision (the sweeping clause) seems to be among the wisest to be found in the Constitution." Do you agree with him?

In the next two or three lessons we shall consider what congress may not do.

## LESSON XV.

## THE LEGISLATIVE DEPARTMENT.

## What Congress Shall not Do.

REVIEW.—1. Name the powers over the resources of the United States granted to congress. 2. Over congress. 3. Money. 4. Postal affairs. 5. Patents. 6. Copyrights. 7. Crimes. 8. War. 9. Naturalization. 10. The District of Columbia.

Having in mind certain abuses of power which had grown up in the mother country, the framers of the Constitution placed certain definite restrictions on the law-making power. The wisdom of their action in this respect is beyond question. Let the pupil verify the following table by comparison with Sec. 9 of Art. I:

1. The writ of *habeas corpus* shall not be suspended.
2. No bill of attainder shall be passed.
3. No *ex post-facto* law shall be passed.
4. No direct tax shall be levied unless in proportion to the census.
5. No duty shall be levied on exports.
6. No commercial preference shall be given one state over another.
7. No money shall be drawn from the treasury unless appropriated by law.
8. No title of nobility shall be granted by the United States.
9. No officer of the United States shall accept a title from a foreign country.
10. No officer of the United States shall accept any present from a foreign country.

By the writ of *habeas corpus* every person committed to jail may have a hearing in open court to ascertain whether

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he is lawfully held. It is a guarantee, as old as Magna Charta, of personal liberty, which is one of the most sacred rights of the citizen.

How is the statement that it shall not be suspended qualified? Under what circumstances, by what authority and by whom was the writ of *habeas corpus* suspended in 1863?

The bill of attainder was justly odious. By it a person, by act of parliament, *and without trial*, could be banished or put to death, and his family degraded and deprived of their rights of inheritance, the property being confiscated to the state. Read the last clause of Sec. 3, Art. III. Bills of attainder have long been unconstitutional in Great Britain, also.

An *ex post-facto* law punishes as crime that which was not crime when the act was committed. It refers only to crimes and not to civil proceedings. The just rule is that if a person commits crime his punishment shall be that provided by the law as it was when the crime was committed.

The appropriation bills are made and passed annually. They are made with great care, and the minutest attention to detail. The committee on appropriations is one of the most important, and the privilege of serving on it is a special honor. No officer of the government has authority to pay out money, except in accordance with the appropriation laws.

Titles of nobility would be inconsistent with every principle of republican government. That "all men are created equal," stands at the head of the list of self-evident truths in the Declaration of Independence. Why would the acceptance of a title, emolument or present by an officer of the United States from a foreign power be improper?

## LESSON XVI.

## THE LEGISLATIVE DEPARTMENT.

## What Congress shall Not Do.

REVIEW.—1. What is guaranteed by the writ of *habeas corpus*?  
2. What is an *ex post-facto* law? 3. What restriction is put upon the payment of money from the treasury of the United States? 4. How must direct taxes be laid? 5. Why is congress forbidden to grant titles of nobility?

What restriction is placed upon congress by the first clause of Sec. 9, Art. I? What is meant by the words "such persons"? Refer now to clause 3, Sec. 2, Art. I, and define the words "all other persons." Now refer to clause 3 of Sec. 2, Art. IV, and define the words, "no person held to service or labor in one state under the laws thereof."

Where does the word slavery first occur in the Constitution?

Every law is necessarily a compromise or a body of compromises. It is quite certain that many compromises were required to make the Constitution possible, and the institution of slavery was the occasion of some of them. That the framers were ashamed of them is a fair inference from their aversion to the word slave.

If the learner will take his history, or cyclopedia, if necessary, and answer the following questions, he will trace the successive steps taken to shake off this great barbarity:

What was the ordinance of 1787?

What provision in it referring to slavery?

When was the slave trade to foreign countries prohibited?

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When was the importation of slaves prohibited ?

When was the slave trade declared piracy ?

When was slavery abolished in the District of Columbia?

When was slavery abolished in the territories of the United States ?

When was the Emancipation Proclamation issued ?

When was the XIII amendment proposed ?

When was the XIII amendment ratified ?

Let the student repeat the XIII amendment from memory.

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## LESSON XVII.

### THE LEGISLATIVE DEPARTMENT.

#### What States may Not Do.

REVIEW:—1. State all the constitutional provisions affecting the institution of slavery.

In form, the state governments are closely modeled on that of the nation. Each state legislature has two branches, corresponding to the senate and house of representatives, and usually so designated. Laws are passed in a manner strictly analogous to the method in congress. The governor of the state has a veto power, limited as that of the president is. In many, if not in most cases, senators represent a designated territory, one or more counties, while representatives in the legislature are usually appointed according to the population. Thus the student of constitutions, who is familiar with the form and provisions of the Constitution of the United States, has but to compare that of any state with it and note differences, to be acquainted with both. Now let the young student recall to mind the great powers conferred on congress by Sec. 8, Art. I, and observe that they

are all powers which belong of right to a sovereign state. Try to see that they are all powers which had better be exercised by a central authority, and operate uniformly over the whole country. Indeed, it seems to have been considered so important that there should be no question about some of them, that the Constitution not only declares what body shall exercise them, but goes further, and specifies that the states shall not exercise them. Refer to Sec. 10 of Art. I and note that :

1. No state can make treaties.
2. No state can grant letters of marque and reprisal.
3. No state can coin money.
4. No state can make anything but gold and silver coin a legal tender.
5. No state can levy duties of any kind for profit.
6. No state can make war unless invaded and in imminent danger.

Again care is taken to extend some of the restraints placed on congress to the states. For example:

1. No state shall grant any title of nobility.
2. No state shall pass any bill of attainder.
3. No state shall pass any *ex post-facto* law.
4. No state shall pass any law impairing the obligation of contracts.

A law impairing the obligation of contracts would violate the same principle of law applied to civil affairs as an *ex post-facto* law would violate in regard to crimes.

But the student must not fall into the common error of thinking the states of small importance by comparison. Many of our most important interests are intrusted wholly to the state. The most important of all public interests—education—is in the hands of the state. The right of suffrage, by the exercise of which the sovereign people

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express their will, is controlled by each state for itself. All our social and business relations, the control of great corporations, the performance of our duties to the deaf, dumb and blind, the unfortunate insane and the helpless poor, the restraint and punishment of crime, and many other important functions of government come within the sphere of the state, and within its own sphere of action the legislature of a state is as independent and supreme as the congress of the nation.

In view of the extent of our country and the diversity of our interests as a people, it seems most fortunate that our peculiar origin made a system which experience has proved so well adapted to the progress and perpetuity of a great nation, the most natural, if not the only plan of union possible.

The Constitution of the United States, with its reservations of power to the people, its wise restraints upon, no less than its specific and implied grants of power to congress and the states, may well be considered "the best system of government ever framed at one time by the hand of man."

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## LESSON XVIII.

### THE EXECUTIVE DEPARTMENT.

Article II of the Constitution deals with the executive department. Let the student read again the entire article, substituting for the third clause of Sec. 1 the XII Amendment, which was substituted for it in 1804. (Whose administration?)

Section 1 provides, first of all, that "the executive power shall be vested in a president of the United States of America."

This provision is plain, direct, and, to the average citizen of to-day, doubtless seems like the only reasonable provision. Yet no part of the Constitution was more discussed by the framers. Under the confederation there was no executive department. There was a committee of thirteen, one from each state, which possessed certain executive powers when congress was not in session. But this plural executive did not work well. What it gained in wisdom it lost in promptness and unity of purpose. Laws are made to be obeyed. When a law is once made it is the duty of the executive to enforce, and of the good citizen to obey it. There is no quality more valuable in an executive officer than energy. The laws may be ever so good and wise, if they are not enforced the government is bad. The counsels of those who favored a single executive finally prevailed, and time has confirmed their wisdom.

The president must be:

1. A natural born citizen of the United States,
2. Who has been fourteen years a resident within the United States, and
3. Who shall have attained to the age of thirty-five years.

The first qualification is intended as a safeguard against intriguing foreigners. Its propriety is obvious.

The second is as short a term of residence as would be likely to give the candidate's fellow citizens an opportunity to judge of his capacity and character.

What is the earliest age at which any president has been inaugurated? The average age of the presidents? What inference do you draw from these facts? What is the term of office for the president? What other officer is elected at the same time, and in the same manner?

Make a list of the presidents, and write after each the

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party to which he belonged and the year of his inauguration. Save your list for ready reference.

What presidents died in office?

What presidents had previously been vice-presidents?

Name the vice-presidents who became presidents by the death of presidents.

What presidents were distinguished soldiers?

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## LESSON XIX.

### THE EXECUTIVE DEPARTMENT.

REVIEW.—1. What is the subject of Art. II of the Constitution? 2. What is the subject of the XII Amendment? 3. In whom is the executive power of the United States government vested? 4. State some reasons why it is better that the executive power should be vested in one person. (Answer the third question in the language of the Constitution and the fourth in your own words). 5. State in the language of the Constitution the qualifications of a president of the United States.

The mode of appointing the president was perhaps the most difficult and perplexing question with which the founders of our government had to deal. "If ever the tranquillity of this nation is to be disturbed," says Kent, "and its liberties endangered by a struggle for power, it will be upon this very subject of the choice of a president." And in the experience of other nations, as recorded in history, there is abundant foundation for such a fear. The safeguard, if any, must be in the intelligence, virtue and vigilance of the people.

The Constitution provides that each state shall appoint, *in such manner as the legislature thereof may direct*, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress.

The method first adopted by the convention was to let congress choose the executive. But it was afterwards decided to choose the president by electors to be appointed by the several states. This not proving satisfactory, it was decided that the electors should be appointed by the several state legislatures. Then the convention went back to the original plan. Finally the present clause was agreed to and allowed to remain.

It will be observed that all of these methods are variations of the idea that this important trust is safer in the hands of a select few than it would be if left in the hands of the whole people.

Notice that the number of electors corresponds to the number of senators and representatives, and gives each state the same relative influence in the election of the president that it has in the congress.

No senator, representative or person holding an office of profit or trust under the United States shall be appointed an elector. This is the only respect in which the Constitution defines the qualifications of electors. Do you see the reason for this provision?

Compare the third clause of Sec. 1, Art. II with the XII amendment. Do this with care; then in parallel columns on the same page write in order each act which the Constitution requires the electors, when chosen, to perform. For example :

ART. II, SEC. 1.

XII AMENDMENT.

1. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves.	1. The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves.
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2. They shall make a list, etc., etc.	2. They shall name, etc., etc.
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What do you understand by the electoral vote of a state? What is the electoral vote of your state? Of Illinois? Of Nevada? Which has the greater electoral power? Which has, relatively to population, the greater power? Compare in the same way New York and New Hampshire. Pennsylvania and Delaware. Which have, relatively, greater power in electing the president, the large or the small states? In congress?

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## LESSON XX.

### THE EXECUTIVE DEPARTMENT.

REVIEW.—1. How does the Constitution direct that presidential electors shall be chosen? 2. What persons may not be presidential electors? 3. To how many presidential electors is each state entitled? 4. What state has the largest number? 5. What is the least number of presidential electors in any state. 6. How many will your state have in the next election?

If you have carefully read Art. II and the XII Amendment, you are ready to become perfectly familiar with the forms to be observed in electing a president.

1. Note that the mode of appointing presidential electors is left to the state legislatures. For some time after the adoption of the Constitution this power was, in many states, exercised by the legislatures, but presidential electors are now chosen by the people in all the states, on the Tuesday after the first Monday in November. The day of appointment is fixed by congress.

“The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves.”

The place of meeting is fixed by the legislatures of the states. The time is fixed by congress and is the second Monday in January.

They shall name in their ballots: (a) The person voted for as President; and (b) the person voted for as vice-president. They must make distinct lists giving the number of votes: (a) Of all persons voted for as president; and (b) of all persons voted for as vice-president.

They must sign and certify these lists, and transmit them, sealed, to the seat of government of the United States, directed to the president of the senate.

This is the constitutional requirement. An act of congress requires the electors to make and sign three certificates, one of which is to be forwarded by mail to the president of the senate, forthwith; a second is given to a person appointed to deliver it to that official before the fourth Monday in January; and the third is to be delivered to the judge of the United States district court in which the electors assemble.

We come now to the proceedings in congress.

On the second Wednesday in February succeeding the meeting of the electors, "the president of the senate shall, in the presence of the senate and the house of representatives, open all the certificates, and the votes shall then be counted."

The Constitution does not provide by whom the votes are to be counted. The closely contested election and conflicting returns of 1876, demonstrated that this a dangerous omission.

Let the pupil refer to the histories and other sources of information in regard to the "electoral committee." By the act of February 3, 1877, the so-called electoral count bill provides a formal method of procedure in counting the electoral votes, and makes it improbable that another electoral committee will be needed.

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The person having the greatest number of votes of the electors for president shall be president, if such number be a majority of the whole number of electors appointed. The same provision applies to the office of vice-president.

The proceedings by the electors are purely formal. It was the intention of the framers of the Constitution to provide for an independent, deliberative body, competent to weigh and consider the qualifications of candidates for this high trust. But the practice of the great political parties has wholly defeated this intention. The electors are expected to vote for particular persons, placed in nomination by a convention, and whatever may be their personal views, they are not at liberty to vote for any other. Such an act would be fraud and a permanent political disgrace to the elector who committed it. So we see how, without departing from the letter of the Constitution, it has practically been modified by the people. The electoral college, instead of the dignified and responsible body intended, has been reduced to a mere board of registry, to record and certify to the act of the whole body of voters.

Because, under the present plan, it is possible for a president to be chosen, as John Quincy Adams, Polk, Taylor, Buchanan, Lincoln, Hayes, Garfield and Harrison were, without receiving a majority of the popular vote, some have advocated electing the president by direct popular vote, ignoring state lines. If you were a voter would you favor such a proposition? Why?

## LESSON XXI.

## THE EXECUTIVE DEPARTMENT.

REVIEW.—1. Who fixes the place of meeting of the electors? 2. The time? 3. When do the electors meet? 4. State fully the proceedings. 5. When and by whom are the electoral votes counted? 6. What was the intention of the framers of the Constitution in regard to the electors? 7. How have the proceedings come to be purely formal?

We have seen that, when the electoral votes have been counted, the person receiving the greatest number of votes for president shall be president, if such number be a majority of the whole number of electors appointed.

But it may happen that no candidate receives a majority of all the electoral votes.

It has so happened on two occasions, once in 1801 and again in 1825.

In such event the Constitution provides that the house of representatives shall choose immediately the president, and

1. He must be chosen by ballot.
2. He must be chosen from the persons having the highest numbers, not exceeding three, on the list of persons voted for as president.
3. The vote is taken by states.
4. Each state has one vote.
5. There must be present when the vote is taken a member or members from two-thirds of all the states.
6. A majority of all the states is necessary to a choice.

The provision in regard to the election of a vice-president by the senate corresponds closely to that in

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regard to the election of president. Let the pupil state it exactly.

If no person is elected vice-president, the senate shall choose one from the two highest numbers on the list of persons voted for as such, and a majority of the whole number of senators is necessary to a choice. A quorum for this purpose consists of two-thirds of the whole number of senators.

When Thomas Jefferson was elected by the house of representatives in 1801, the violence of the struggle seemed to "threaten the tranquillity of the union." There were then sixteen states, and through thirty-five ballots Jefferson received the votes of eight states and his rival, Aaron Burr, of six. The representatives from the other two states were equally divided and so the states lost their votes. On the thirty-sixth ballot Jefferson received the votes of nine states and was therefore elected.

Who became vice-president? Had the XII Amendment been adopted in 1801?

The second case of the election of a president by the house of representatives occurred in 1825. The persons voted for by the electors were Andrew Jackson, John Quincy Adams, William H. Crawford and Henry Clay. No one received a majority. Henry Clay received the lowest number and hence could not be voted for by the house of representatives. Why?

Who was elected? Who was chosen vice-president? Was he chosen by the electors or by the senate?

What vice-president of the United States was chosen by the senate? Who was chosen president by the electors at that time?

Our mode of choosing a president "appears to be well calculated to secure a discreet choice, and to avoid all

those evils which the partisans of monarchy have described, and the experience of other nations and past ages have too clearly shown to be the consequence of popular elections."

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## LESSON XXII.

### THE EXECUTIVE DEPARTMENT.

REVIEW.—1. If the number of representatives is 356, what is the whole number of electoral votes? 2. How many electoral votes are necessary to elect a president? 3. If the president is elected by the house of representatives, how many votes are required? 4. What presidents were elected by the house of representatives? 5. State exactly how the vice-president is chosen in case the electors fail to elect? 6. What vice-president was chosen in this manner.

Before the president-elect can enter upon the duties of his office he must swear or affirm:

1. To execute faithfully the office of president of the United States.

2. To preserve, protect and defend to the best of his ability, the Constitution of the United States.

Let the student refer to the Constitution for the exact form and language of the oath of office. It is usually administered by the chief justice of the supreme court of the United States, on the fourth day of March. The ceremony is termed the inauguration and the president usually delivers an appropriate address.

Abraham Lincoln's second inaugural address is universally conceded to be a model in its way. In its appropriateness to the occasion, loftiness of tone, and beauty of diction, it stands unsurpassed among the state papers

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of the world. Every young student of American history or politics should read and study it.

The president, thus chosen and inducted into office, holds his office for the term of four years. This is another of the many compromises found necessary in the convention. There was a strong party in favor of the proposition that the executive should hold office for life or during good behavior. Seven years was once fixed upon as the term. There were advocates of one, two and three year terms. The term of four years was the outcome of these conflicting opinions. It is intermediate between the term of senators and representatives, long enough to give time to judge of the wisdom or unwisdom of the general policy of an administration, and short enough to enable the people to hold their chief executive to a frequent accountability. The president is re-eligible for any number of successive terms, but the earlier presidents set the custom of declining a third election, and present public opinion is undoubtedly in favor of maintaining the custom under all ordinary circumstances.

The salary of the president is fixed by congress. But the Constitution limits the power of congress by declaring that it shall not be increased nor diminished during his term of office.

Assign a reason for each limitation. What is the president's salary? The vice-president's?

In addition to his salary the president has the executive mansion (White house) for a residence, and other perquisites, but the entire sum of salary and perquisites is very much less than the sums paid to the rulers of other civilized countries of similar wealth and standing among nations.

"In case of the removal of the president from office, or of his death, resignation, or inability to discharge the

powers and duties of said office, the same shall devolve on the vice-president."—Art. II. Sec. 1, clause 6.

The Constitution also provides that congress shall provide by law that in case there should be no vice-president at the time of any of the foregoing contingencies, what officer shall act until the disability is removed or a president elected. Accordingly it was provided in 1866 that in the event of a vacancy one of the following officers, if eligible, should act as president for the remainder of the term: The secretary of state; or in case he cannot act, the secretary of the treasury; or if he cannot act, secretary of war; and so on, the further order of succession being attorney-general, postmaster-general, secretary of the navy, and secretary of the interior.

What was the law previous to 1866? What were some of the reasons for a change?

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## LESSON XXIII.

### THE EXECUTIVE DEPARTMENT.

#### Powers and Duties of the President.

1. The president is commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into actual service of the United States.

2. He has power to grant reprieves and pardons for offenses against the United States. Note the exception.

3. He has power to make treaties with foreign nations, two-thirds of the senate concurring.

4. He shall nominate, and by and with the advice and consent of the senate, appoint :

Ambassadors,

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Other public ministers and consuls,

Judges of the supreme court and all other officers of the United States not provided for.

5. He has power to fill all vacancies that may happen during a recess of the senate by granting commissions, which shall expire at the end of the next session of congress.

6. He commissions all officers of the United States.

7. He shall receive ambassadors and other public ministers.

8. "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." (President's "message.")

9. He may, on extraordinary occasions, convene both houses or either of them in extra session, or in case they disagree as to the time of adjournment, he may adjourn them to such time as he shall think proper.

10. He shall take care that the laws be faithfully executed.

This is the sweeping clause of Art. II, and sums up all the duties of the president, duties so numerous and responsibilities so great that they may well challenge the powers and try the courage of the greatest and best citizens. From the moment of his inauguration the president ceases to be a partisan and becomes the servant of the whole people, or, failing to do so, fails to rise to the level of the opportunities of the first office in the republic.

There is no specific provision in the Constitution for executive departments, or as it has come to be called, the cabinet. But by reference to clauses 1 and 2 of Sec. 2, Art. II, it will be seen that such departments are presumed to be necessary.

The departments of state, of the treasury, of war and

of justice, were established by the first congress. The department of the navy was established in 1798, having formerly been part of the war department. The post-office department was taken from the treasury in 1829. The department of the interior was organized in 1849, and has grown to be one of the largest departments of the government. The department of agriculture was organized in 1889. The heads of these departments are called secretaries except the postmaster-general and the attorney-general.

Though these departments of the government are all organized by law, the "cabinet," as a body of councillors, has no legal existence. The members hold meetings and deliberate over measures of state, but no record of the proceedings is kept. The president asks and receives their advice but he is not bound to act upon it, nor are the members of the cabinet, acting as heads of departments, bound to act on the advice of the cabinet as a body.

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## LESSON XXIV.

### THE JUDICIAL DEPARTMENT.

We have seen how the legislative and executive departments are constituted, and paid some attention to their functions and the manner of exercising them. We are now to survey, very briefly, the third co-ordinate branch of the government. "Personal security and private property," says Chancellor Kent, "rest entirely upon the wisdom, the stability and the integrity of the courts of justice." In no power of government, therefore, is the citizen more directly concerned than in the administration of justice.

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Read Sec. 1 of Art. III. What courts are provided for by the Constitution? Do you infer that congress is given discretionary power, or is it ordered by the Constitution to establish courts of justice equal to the demands of the country? How long do judges of the United States courts hold office? What guarantee has the Constitution placed upon their compensation? Can you see how this conduces to independence? How do the stability and integrity of courts depend upon permanent, or long, tenures of office and uniformity of salary?

The principal courts provided for, in accordance with this section are :

The supreme court.

The circuit courts.

The district courts.

The supreme court consists of one chief justice and eight associate justices.

There are nine judicial circuits and nine circuit judges.

There are about sixty judicial districts. The judicial district, like the congressional district, never crosses state lines, so that there is at least one district judge in each state. But some states have two, and one or two states have three each.

The district court is the lowest of the three principal federal courts. In it may be tried any crime not capital, and a great variety of civil cases. If the sum in dispute exceed \$50 there is an appeal to the circuit court. The salary of a district judge varies from \$3,500 to \$5,000.

The circuit court hears appeals from the district courts, and has original jurisdiction in civil cases when the sum in dispute exceeds \$500, and unlimited criminal jurisdiction under United States law. There is an appeal to the supreme court when the sum in dispute exceeds \$5,000.

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction." Appeals may be taken to the supreme court from the other courts except when by law their decision is made final.

"If a law of any state, or of the United States," says Fiske, "is decided by the supreme court to be in violation of the Constitution, it instantly becomes void and of no effect. In this supreme exercise of jurisdiction our highest federal tribunal is unlike any other tribunal known to history. The supreme court is the most original of all American institutions. It is peculiarly American, and for its exalted character and priceless services it is an institution of which Americans may well be proud."

In each federal district there is a district attorney, whose duty it is to represent the United States in all cases to which the government is a party in his district, and a United States marshal, who is the executive officer of the federal circuit and district courts. His duties are like those of a sheriff.

Each justice of the supreme court is assigned to a circuit, in which he must hold, or assist in holding, a court at least once in two years. He may have associated with him a circuit judge or a district judge or both. A district judge may hold circuit court, but a circuit judge cannot sit in the supreme court.

Let the pupil make a complete list in the language of the Constitution of the kinds of cases that can be tried in the United States courts.

What special restriction is put upon the judicial power of the United States by the XI Amendment? This amendment means that no citizen of another state nor of a foreign state can sue one of the states in a federal court.

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The power to sue the United States is equally limited. The United States court of claims is a special court, held in Washington, which is authorized to investigate and report to congress upon claims of certain kinds, but the opinion of the court is not binding. Congress pays the claim or not, as may be decided by law. This being the case, can you tell why it is that congress can borrow money on the credit of the United States at such low rates of interest? Has your state ever repudiated its debts?

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## LESSON XXV.

## AMENDMENTS TO THE CONSTITUTION.

A recent writer on the Constitution has aptly remarked that "political government is like a plant ; a little watering and pruning do very well for it, but the less its roots are fooled with the better."

Article VII provides that "the ratifications of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same." But when the continental congress laid the results of the constitutional convention before the people it was found the roots of the new scheme of political government, like those of a young tree just transplanted, demanded one good drenching as the earth was packed about them. There was much and vigorous opposition to the adoption of the new Constitution. A hundred years before the British parliament had framed a "Bill of Rights" embodying an explicit statement of those "ancient and undoubted" rights for which the English people had contended from the time of King John, rights which, often in abeyance, they have never yielded. By

virtue of this bill of rights William and Mary ascended the English throne, and its many provisions were embodied in the constitutions of twelve of the thirteen states. It is quite probable that the framers thought that these rights had at last been so firmly established that they would never again be questioned in this country. Were they not "ancient and undoubted?" But the people thought differently. One hundred and sixty-nine different forms of amendment were sent to the first congress for consideration. Twelve of them were proposed by congress, in accordance with Art. V, and by 1791, ten of them had been ratified and declared in force. These are the first ten Amendments to the Constitution. They are adaptations of the English Bill of Rights. The pupil should read each of these amendments, asking himself what precious and inalienable right is guaranteed by each.

The eleventh Amendment refers to the judicial power and was proposed in 1794 by the third congress and declared adopted in 1798.

The twelfth Amendment, often referred to in these lessons, was proposed by the eighth congress in 1803 and adopted the year following.

The thirteenth, fourteenth and fifteenth Amendments were outgrowths of the long struggle which reached its climax in the civil war. They are radical and important.

The principle quoted at the beginning of this lesson is no doubt correct. But no body of men, however wise, could frame even a fundamental system of law which could last for all time, so the framers wisely included in the Constitution a provision for its own amendment. Article V is second in importance to no part of the Constitution. It provides:

1. Two methods of proposing amendments.
2. Two methods of adopting them.

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Let the pupil state orally and in writing, using the language of the Constitution, the two methods of proposing amendments. All the amendments so far have been proposed in the first way named. Now state orally and in writing the two methods of ratification.

Which is more valid, a part of the original Constitution or an amendment? In what respect may the Constitution not be amended? Suppose congress, two-thirds of both houses deeming it necessary, were to propose an amendment providing for the election of senators by the people and apportioning the number to the several states according to population, and suppose also that such an amendment were to be ratified by the legislatures of three-fourths of the states; would such an amendment be valid and become a part of the Constitution if any state objected?

The work of the framers was completed September 17, 1787. September 13, 1788, congress adopted a resolution providing as follows:

1. That the first Wednesday in January next be the day of appointing electors in the several states.
2. That the first Wednesday in February next be the day for the electors to assemble in their respective states and vote for a president.
3. And that the first Wednesday in March next be the time, and the present seat of congress the place of commencing proceedings under the said Constitution.

What day of the month was the first Wednesday of March, 1789?

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Long ago the question was asked "Am I my brother's keeper?" In a very important sense every man is his brother's keeper. Unless this truth is recognized no good government of the people by the people is possible. If

it is a correct principle, the responsibilities of citizenship in a free country are very great. These lessons have failed entirely of their purpose if they have not excited a desire to know much more of our system of government and to become better prepared to assume these responsibilities. If the great experiment in free government now trying in our country is to be successful, the masses of her citizens must be intelligent as well as virtuous. They must understand her institutions and glory in their citizenship. As was said by Washington, our government "completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment has a just claim to your confidence and your support."

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# Constitution of the United States.

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We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

## ARTICLE I.

### SECTION I.

1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

### SECTION II.

1. The house of representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and has been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of rep-

representatives shall not exceed one for every 30,000, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence plantations, 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.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill up such vacancies.

5. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

### SECTION III.

1. The senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators 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; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The vice president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

5. The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice president, or when he shall exercise the office of president of the United States.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or

affirmation. When the president of the United States is tried the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in case of impeachment, shall not extend further than to remove from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States, but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

#### SECTION IV.

1. The time, places and manner of holding elections for senators and representatives, shall be prescribed in each State, by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday of December, unless they shall by law appoint a different day.

#### SECTION V.

1. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION VI.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of



the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

#### SECTION VII.

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the house of representatives and the senate shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But, in all such cases, the vote of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote, to which the concurrence of the senate and house of representatives may be necessary, except on a question of adjournment, shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the senate and house of repre-

sentatives, according to the rules and limitations prescribed in the case of a bill.

# SECTION VIII.

The congress shall have power

1. To lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States and with the Indian tribes.

4. To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and post roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the supreme court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions.

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by congress.

17. To exercise exclusive legislation in all cases whatsoever

over such district, not exceeding ten miles square, as may, by cessions of particular States and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dock yards and other needful buildings; and,

18. 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.

#### SECTION IX.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation not exceeding \$10 for each person.

2. The privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post-facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another, nor shall any vessel, bound to or from one state, be obliged to enter, clear or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign state.

#### SECTION X.

1. No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills

of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post-facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on the imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tunnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

### SECTION I.

The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be president, if such number be a majority of the whole number of electors appointed;

and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But, in choosing the president, the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president, neither shall any person be eligible to that office who shall not have attained to the age of 35 years, and been fourteen years a resident within the United States,

6. In case of the removal of the president from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may, by law, provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

SECTION II.

1. 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 may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for all offenses against the United States, except in cases of impeachment.

2. 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 nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, consuls, judges of the supreme court and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the senate by granting commissions which shall expire at the end of their next session.

SECTION III.

1. 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 the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

1. The President, Vice-president and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

## ARTICLE III.

## SECTION I.

1. The judicial power of the United States shall be vested in one supreme court and in such inferior courts as the congress may, 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, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

## SECTION II.

1. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, the treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the supreme court shall have original jurisdiction. In all the other cases above mentioned the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the congress may by law have directed.

## SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

### SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

### SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

### SECTION III.

1. New States may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislature of the States concerned, as well as of the congress.

2. The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any peculiar State.

### SECTION IV.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive, when the legislature cannot be convened, against domestic violence.



## ARTICLE V.

1 The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the senate.

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## ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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## ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.

*Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.*

GEORGE WASHINGTON, President,  
and Deputy from Virginia.

New Hampshire—John Langdon, Nicholas Gilman.

Massachusetts—Nathaniel Gorham, Rufus King.

Connecticut—William Samuel Johnson, Roger Sherman.

New York—Alexander Hamilton.

New Jersey—William Livingston, David Brearly, William Pat-  
terson, Jonathan Dayton.

Pennsylvania—Benjamin Franklin, Thomas Mifflin, Robert  
Morris, George Clymer, Thomas Fitzsimmons, Jared Ingersoll,  
James Wilson, Gouverneur Morris,

Delaware—George Read, Gunning Bedford, Jr., John Dickinson,  
Richard Bassett, Jacob Broom.

Maryland—James McHenry, Daniel-of-St. Thomas Jenifer, Dan-  
iel Carroll.

Virginia—John Blair, James Madison, Jr.

North Carolina—William Blount, Richard Dobbs Speight, Hugh  
Williamson.

South Carolina—John Rutledge, Charles Cotesworth Pinckney,  
Charles Pinckney, Pierce Butler.

Georgia—William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, Secretary.

## RATIFICATION OF THE CONSTITUTION.

Of the thirteen States which originally composed the Union under the confederation, eleven ratified the constitution prior to the 4th of March, 1789, the time fixed by the resolution of September 13, 1788, for commencing the proceedings under it, viz.: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; New York, July 26, 1788.

Of the other States, North Carolina ratified the constitution November 21, 1789; Rhode Island, May 29, 1790; Vermont, January 10, 1791.

## AMENDMENTS

## TO THE CONSTITUTION OF THE UNITED STATES.

The following amendments were proposed at the first session of the first congress of the United States, which was begun and held at the city of New York, on March 4, 1789, and were adopted by the requisite number of States, First Volume of the Laws of the United States, page 72.

## ARTICLE I.

1. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ARTICLE II.

1. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

1. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

## ARTICLE IV.

1. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

## ARTICLE V.

1. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service, in time of war or public danger; nor shall any person be subjected, for the same offense, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

# ARTICLE VI.

1. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

# ARTICLE VII.

1. In suits of common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules at the common law.

# ARTICLE VIII.

1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

# ARTICLE IX.

1. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

# ARTICLE X.

1. The powers not delegated to the United States by the constitution, nor prohibited by it to the States are reserved to the States respectively or to the people.

[The following amendment was proposed at the second session of the third congress. It is printed in the Laws of the United States, 1 vol., p. 73, as article 11.]

# ARTICLE XI.

1. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

[The three following sections were proposed as amendments at the first session of the eighth congress. They are printed in the Laws of the United States as Article 12.]

## ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president shall be the vice-president, if such number of electors be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

[The following Article was ratified December 18, 1865.]

### ARTICLE XIII.

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

[The following Article was ratified July 28, 1868.]

### ARTICLE XIV.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

3. No person shall be a senator, or representative in congress, or elector of president or vice-president, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof; but congress may, by a vote of two-thirds of each house, remove such disability.

4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States or any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[The following Article was ratified March 30, 1870.]

#### ARTICLE XV.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

2. The congress shall have power to enforce this article by appropriate legislation.

# HISTORY OF THE MOVEMENT

## LEADING TO THE ADOPTION

### OF THE

# CONSTITUTION OF THE UNITED STATES

By J. H. BEADLE.

*This article was prepared for the Associated Press, and was used by them in 1889 as the leading discussion of this all-important question in celebration of our Centennial National Birthday.*

One hundred years ago there was no United States of America. There was no nation on this continent—only English, French, Spanish and Portuguese colonies from Hudson's Bay to the Rio de la Plata. There was in this country no president, no cabinet, no senate and no national treasury; there was no public credit, no power to create a national revenue, no authority to secure union at home and respect abroad. Even the piratical Barbary States sneered at the talk of American power. The contribution box was passed Sunday after Sunday in New England churches for means to ransom American sailors in Algerian captivity. The last—the definitive—treaty of peace had been signed at Versailles on September 3, 1783, and the army had been disbanded with a mere fraction of its pay. None of the treaties recognized the existence of a new nation—the independence and sovereignty of thirteen colonies, each by name, were separately acknowledged. The public securities were steadily declining, the worn soldier of liberty sought his desolated home with only wounds and glory for his pay. Not because the country was poor—it was admittedly rich in resources that could soon be converted into cash—but there was no central power; there were thirteen separately independent sovereignties bound together only by a vague something, which could not be called a charter of union, was illy defined as a confederation, and scarcely merited even the title of a league or compact.

Each State had its own army, its own currency and banking



system, its own commercial marine, its own system of administration, and, above all, its own system of customs duties, one State tariffing against another. In short, each State held in itself the complete power of the sword and the purse, and only obeyed the mandate of the Confederation Congress so far and at such time as the State chose. The adverse vote of one State could defeat an important law. The plan was in imitation of that of the united provinces of the Netherlands in the preceding century—a very poor model indeed, and very badly imitated. The system almost ruined the united provinces, and was utterly unsuited to a confederation in which the area of a single State was greater than that of the Netherlands.

There had been three governments—Colonial, Revolutionary or Continental, and Confederated. The Colonial had ended in revolution, the royal governors flying to British ships and the people seizing the power; the Continental began to take form in the First Congress at Philadelphia, September, 1774, but could not be called complete (if at all) till a few weeks after the Declaration of Independence; and it expired peaceably in March, 1781, when the last State (Maryland) acceded to the Articles of Confederation and the Congress, then in session, at once proceeded to act under its new powers. The Colonial had expired in revolution and the Continental had grown slowly into the Confederated; and now the Confederation was dying of dry rot. It only had power to "request" of the States; each successive requisition was met with more indifference until, on November 1, 1784, Robert Morris announced that he could pay no interest on any foreign loans and a very small fraction of the domestic claims, and that he saw no way of securing a revenue under the Confederation—then resigned his post as superintendent of the finances in a tone that seemed like a wail of despair.

#### INDEPENDENCE HALL.

All these years, however, the spirit of union was growing fast. There had been from the first a few who could "think continually," as the phrase was. They saw in patriotic fancy a time when all this country should form "an empire of free republics indissolubly united." Most active among these were Washington, Hamilton, Madison, Gouverneur Morris and Gen. Philip Schuyler. They had many ardent supporters; but the mass of mankind are naturally decentralizationists. The citizen stands for his neighbor

as against the next neighborhood, for his county as against the State; he loves his own State, and it is not till it becomes truly great that his heart swells with pride at thought of his nation. The States' right principle in our system is one that needs little cultivation—only intelligent direction. So the "strong Government Whigs," as they began to be called, worked cautiously. Every school boy knows the repeated difficulties Washington had with their sovereignties, the States; how often he appealed for a stronger central power, how often he had to literally beg the State authorities to stand by him. And if the local feeling has more than once proved too strong within the memory of living men, what must it have been when as yet no glorious memories clustered about the General Government, when there was but a vague promise of union, but an ideal nation.

Nevertheless, there were a few conditions which made Americans one people. Though planted in adverse interests at intervals stretching over 126 years, with forms of government varying from the extreme of proprietaryship to the extreme Democracy of Connecticut and Rhode Island, representing at least six great branches of Christianity, and extremely diverse social and industrial conditions, the colonies still had many more points of resemblance than of difference. They all had the same language and substantially the same literature; they all claimed the liberties of Englishmen and judged cases upon principles of the English common law; they were all planted by men who longed for a larger liberty, and were all swayed by the same necessities as against wild nature and the Indians, and most of all, perhaps, the native born Americans were similarly transformed from the European type by breathing the air and seizing upon the opportunities of a new continent. The result was apparent in this; the animosities of the Seventeenth century between Puritan and Quaker, and Yankee and Dutchman, Protestant and Catholic, had yielded so rapidly that in the middle of the Eighteenth century but a trace remained; Catholic Charles Carroll, Liberal Stephen Hopkins, and Free Thinking Puritan Franklin joined in public devotions without hesitation, and the new comer from Europe remarked with amazement that there was already the one American type, with local variations less than marked the counties of England, from Boston to Savannah. While the Lincolnshireman still laughed at the "babble" of the Cornishman, and both of them regarded the Yorkshireman as an "outlanguidged

vurriner," it was but barely possible (and seldom that) in the Continental Congress to distinguish the accents of the Georgian and the Bostonian. The written language was absolutely one; the most acute critic cannot decide by the internal evidence in which colony any document of that time was produced. The same books were read, and often exchanged the length of a continent, and at the foot of the Blue Ridge as at the head of the Hudson were many men like Madison and Jefferson, of powerful intellects and of vast and varied reading. The Americans were one far more truly than the English of that day and more than the English and Scotch now are.

#### MOVEMENT FOR A GENERAL GOVERNMENT.

It is not possible to assign an exact date to the movement for a General Government—it was in the air. In 1643 the three New England colonies joined in a short-lived confederacy against the Indians and the Dutch. In 1684 a common movement against the Six Nations of Indians united all the colonies but South Carolina. The attempt of James II to restrict colonial liberties led to temporary unions, but the British Revolution of 1688 brought in William and Mary, who restored the colonial charters. John Locke then drew up a plan for a captain-general and one assembly for all the colonies, but Parliament refused to consider it. In 1697 William Penn (in England) proposed a congress of two members from each colony, but the ministry of that day refused it. In 1754 Benjamin Franklin drew up a very good plan of confederation, but could not get it considered. In 1765 nine colonies were represented in a conference at New York. Finally, on the 5th of September, 1774, the first Continental Congress met at Philadelphia, and thereafter the tendency toward union was irresistible till the Declaration of Independence, July 4, 1776.

It is not easy to define the powers of the Continental Congress, they were so augmented by necessity and so supplemented by the colonial legislatures and local committees of safety, which exercised almost despotic powers. The movement for a better organized government was already in progress. Thomas Paine issued his brilliant pamphlet in favor of a national government, and Alexander Hamilton warmly seconded Paine's argument in many letters and addresses. Paine was a revolutionist, Hamilton an organizer; Washington followed as the moderator. He first ventured to use the word "empire," meaning, as subsequent letters

show, an "empire of republics." After taking command of the army, he often urged the members to consider "that power and weight which ought of right to belong only to the whole." Four years he continued to urge a stronger central power, and in March, 1779, wrote to George Mason, of Virginia: "I lament the fatal policy of the States employing their ablest men at home. How useless to put in fine order the smallest parts of a clock unless the great spring which is to set the whole in motion is well attended to. Let this voice call forth you, Jefferson and others to save their country." Yet it took the Congress two years to complete the Articles of Confederation, and nearly two more to get them sanctioned by all the States, only to find them inefficient within six months after their adoption.

On the 1st of March, 1781, the delegates from Maryland subscribed the articles; on the 2d it was taken for granted that the new government was in force, and within the month several members complained of the want of sufficient powers. On the 16th James Madison introduced a new clause, that the States should give Congress the power to compel a recalcitrant State to perform its obligations. On the 2d of May it was referred to a committee of one from each State; on the 20th of July they reported a substitute, that Congress might in time of war lay an embargo for sixty days and name receivers of public money, after it had been collected by State officers. On the same day Edmund Randolph presented the resolutions of the Virginia legislature, that Congress "ought to have more power." In July and August Hamilton issued a series of papers called "The Continentalist," in which he vigorously urged a more complete union, a central executive and a national revenue. But all in vain. Soon after Cornwallis surrendered the British hastily concentrated in two or three ports, ready for embarking; every one went wild in expectation of an immediate close of the war, and the "more perfect union" was ignored. Philip Schuyler, Alexander Hamilton and others had just before this persuaded the great State of New York to agree that duties should "be collected in such manner and by such officers as Congress should direct," and Virginia had consented to a similar measure; but the other States were so slow that the opposition had time to rally, and both concessions were revoked or ignored. New York, however, for the first, proposed a convention to form a new constitution. Hamilton drafted the resolutions, his father-in-law, Schuyler, urged them vigorously and they passed

both houses of the legislature by unanimous vote. Thereafter they were the platform, the storehouse of texts and arguments for the "Strong Government Whigs." Finally, all the States but Rhode Island consented to a national revenue from customs duties; the negative of the one State ruined the scheme, and thus the weary see-saw went on four years longer, till the confederation was without cash at home or credit abroad, and was fast sinking into contempt. In Virginia the issue was debated almost incessantly for six years, Washington and Madison leading the nationalists, Richard Henry Lee contending for separation and State sovereignty, Patrick Henry advocating only a strengthening of the existing confederation.

Pressure from without had kept Americans united during the war; a renewal of that pressure was needed to force a more perfect union, and it came exactly at the right time. When the British Parliament met after the peace of Versailles, the Liberal element proposed a renewal of close intercourse with America and "free trade on liberal principles." When asked what guarantees they could secure, they were forced to reply that they knew of no power to bind the separate colonies. A reaction set in and ceased not till Great Britain had adopted the most stringent navigation laws and every practical method of crippling the trade of Americans. When this was known in the States, the number of those who could "think continentally" increased suddenly and rapidly. Virginia especially advanced toward extreme national views. Jefferson said that his first choice would be no navigation laws, no distinction between ports, and the freest possible commerce; but, as Great Britain had chosen otherwise, we must have a government that could meet her in the same spirit. Rhode Island, as usual, resolved that each State should do its own retaliating; but almost everywhere else there was a movement toward union. The States began measures to surrender their western lands to the General Government, and the movement progressed so rapidly that it was completed before the constitution.

Congress had already established a mint and Federal coin. The Bank of North America had been set up. Settlements in the Western Territory were in rapid progress, and the settlers were impatient for exact statements of their relations to government. Already Spain was harassing the border with unfriendly legislation. Treaties with the Indians were imperative and wars probable. Kentucky and her neighbors were demanding, in daily louder

tones, free navigation of the Mississippi or —? On all sides foreign or domestic questions pressed the demand for a stronger central government, yet a few States held back and the others delayed out of deference to them. Meanwhile, Pitt was enforcing the British navigation acts against the United States with the utmost severity, and the "Strong Government Whigs" were making converts. The powers of established churches in the several States were greatly curtailed, religious freedom became general and by local acts the rights of a citizen in any State were freely accorded immigrants from other States. And the clause on this subject in the Constitution is the only one more obscure, at any rate, more awkwardly worded than the laws it superseded. Commerce between the States was being better systematized. In short, the country was traveling slowly toward a sort of unity. But the war between debtor and creditor was raging with great severity; the "soft money men" of many localities dreaded a General Government which would abolish legal tender paper; there were riots in divers places, and Capt. Daniel Shay's rebellion in Massachusetts. Commerce, finance and foreign affairs demanded a stronger government.

On March 28, 1785, commissioners from the two States of Virginia and Maryland, met at Mount Vernon to form a plan for the joint navigation of the Potomac—George Mason and Alexander Henderson, for Virginia; Daniel-of-St.-Thomas Jenifer, Thomas Stone and Samuel Chase, for Maryland, all assisted by Washington. Their special work was quickly done, so they discussed general politics, and ended by drawing up a plan of union for the two States involving uniform money and taxes. Maryland promptly acceded, and asked that Delaware and Pennsylvania might be added. Virginia argued these matters till January 21, 1786, then by large majorities in both branches invited all the other States to meet her in convention at Annapolis, Md., on the first Monday of the next September. The Sixth Congress was in session, and South Carolina, by Charles Pinckney, led the movement for a new government. He proposed a number of amendments to the articles giving the central government more power, but was defeated by the extremists. Those who wanted no change and those who wanted an entirely new system were alike opposed to reform. The Annapolis convention met, but three States sent no delegates, and others arrived so late that the short sitting was over before they could act. The few present united in an able appeal

to Congress to order a national convention. Even this action excited violent criticism. The Nationalists were in despair, when Madison, of Virginia, raised them again to hope. On his motion the General Assembly unanimously resolved on a Federal convention, to meet at Philadelphia, May 2, 1787, and draft an entire constitution to be presented to the States. As soon as the news reached New Jersey that State, on the 23d of November, acceded and chose its delegates. Pennsylvania followed in December, North Carolina in January and Delaware in February. Congress next approved the measure, and then the States followed one by one—all but Rhode Island, which refused to act as usual. But Maryland, distracted by a fight over paper money, did not elect till near the end of May, and New Hampshire was a few days later.

On the 14th of May, 1787, the day finally set, only Pennsylvania and Virginia were represented; but their delegates repaired to the State-house, organized and were soon joined by others. On the 17th came South Carolina, on the 18th New York, on the 21st Delaware, on the 22d North Carolina. On the 25th William Churchill Houston, of New Jersey, previously detained by illness, arrived, and so the seven States needed for a quorum were represented—from the South, four States, with nineteen members; from the North, three States, with ten members. On motion of Benjamin Franklin, Washington was unanimously chosen president of the convention. On the 28th the delegates from Massachusetts and Maryland arrived. It was a convention of learned men. There were nine graduates of Princeton, four of Yale and six of other colleges; at least seven were of some eminence in literature; one, a native of Scotland, had taught in her first universities; a very large proportion were well read lawyers, and nearly all had had long and valuable training in the State legislatures or Congress. And to these men was submitted this problem: How shall we combine these sovereigns into one sovereignty? How shall we take just enough power from the thirteen to form a government sufficient for all general concerns, especially commerce and foreign affairs, and yet leave all other powers unimpaired in each State?

### THE CONVENTION.

Their work may be detailed historically or analyzed by themes. For many reasons the second plan is the better, chiefly because it avoids detail and makes the conclusion clearer.

Four general schemes were suggested:

First—The extreme Federalist or Nationalist plan: That the States should be practically abolished; reduced to mere departments, and on their ruins one strong government established—"on the British model," added Hamilton. The convention took one good look at this plan and rejected it—unanimously. It does not appear that they did more than merely listen to its presentation.

Second—The extreme States' rights plan: That the Confederation should be strengthened a little, so far as to have an independent revenue and exercise some control over commerce, each State to retain its absolute sovereignty as before. The convention considered this at some length and rejected it, not quite unanimously.

Third—The moderate Nationalist plan.

Fourth—The moderate States' rights plan.

Out of the last two, by compromise, the convention evolved the present constitution, with the understanding that it was to be construed according to the plain meaning of the words on these three basic principles:

First—That the power of the flag, the sword and the national purse (and these constitute sovereignty) should be vested exclusively in the national government.

Second—That as to these, the public property, especially the land, certain general functions, and all foreign affairs, the people of the United States should constitute one nation.

Third—That just enough—and no more—powers should be taken from the States to constitute a government for these general purposes, and all other powers remain in the States as before.

James Madison came into the outline of a constitution already formed and employed the days in waiting in urging its main points upon the delegates who first arrived. Edmund Randolph had elaborated certain principles in addition to those of Madison. Washington had drawn up the heads of these constitutions. Paterson, of New Jersey, had a plan which was merely to strengthen the confederation. And it was known that Connecticut was coming with still another. "The New Jersey system," said those who spoke first, "is federal, the Virginia system national; in the first the powers flow from the State governments, but in the latter they derive authority from the people of the States." And even before the convention met, the extreme States' right party had



sounded an alarm about the Virginia plan. William Jones, of North Carolina, refused to serve, as he understood the convention was designed to subordinate the States, and was replaced by Hugh Williamson, an "original free soiler," who wanted slavery excluded from all new States. Patrick Henry, Thomas Nelson and Richard Henry Lee, of Virginia, refused to accept their appointments, as they would not act under the Virginia resolutions, and were replaced by men of much less note, but ardent nationalists. Edmund Randolph wavered. His first intent was to vote for a mere strengthening of the confederation, but his personal record pointed to nationalism as his final position. Though but thirty-three years old, he had borne a very active part in the revolution and was now governor of Virginia. To him, therefore, was intrusted the duty of presenting the "Virginia plan" to the convention, which he did May 29 in a preamble and fifteen resolutions.

They declared for a national legislature of two branches with specific powers over national concerns ; a national executive to be chosen by the legislature and eligible for but one term ; a council of revision to examine and approve the acts of the legislature before they should go into force ; a national judiciary, substantially such as we now have ; a national revenue to be collected from the states by quotas, and the right of suffrage in each State should be the basis of enumeration for apportioning the quota ; new States to be admitted on terms of equality, and each State to be required to have, and to be guaranteed a republican form of government. This plan contained two notable clauses. One provided for representation in both branches, according to population ; the other suggested that only "free inhabitants" should be counted for representation. We do not find in the scanty accounts that the latter proposition attracted much attention, but the former at once provoked fierce opposition from the smaller States. Charles Pinckney, of South Carolina, only 29 years old, presented a series of resolutions very similar to those from Virginia, and both were referred to a committee of one from each State.

On the morning of the 30th, Nathaniel Gorham, of Massachusetts, offered a resolution that "A national government ought to be established, consisting of a supreme legislative, executive and judiciary." Pierce Butler, of South Carolina, now passed over from the Confederationists to the Nationalists, saying that the division of powers between three departments, the democratic branch coming direct from the people and holding the power of

the purse, had removed his objections. So the Gorham resolution passed, Connecticut only voting in the negative; New York divided. Next day the first clause of the Virginia plan, that there should be a national legislature of two branches, passed without debate, Pennsylvania alone voting in the negative. Three weeks later she withdrew her negative and the vote was made unanimous. All the powers of the legislature were agreed upon the same day. On the 1st of June the executive was taken up and debated long and earnestly. The veto power was conferred by the votes of eight states against Connecticut and Maryland. The judiciary was debated for a week and settled nearly as we now have it. Then came the hard fight as to equality of representation; and the first settlement was that each State should have at least one senator and others in some proportion to its population. The remaining Virginia resolutions were gone through with rapidly, and in thirteen sessions the work on them was complete. But the smaller States had been deprived of equal representation, and their discontent soon took active form.

New Jersey organized and led the opposition of the smaller States. Connecticut, by Roger Sherman, had already presented and vehemently urged what might be called the moderate States' rights plan, but it was merged in the "New Jersey plan," which Paterson presented on the 15th of June. It provided for a legislature with a single house, and was generally less national than the "Virginia plan." The convention debated this five days, and by the vote of seven States rejected it. In the midst of this debate Hamilton introduced his plan—for extreme centralization. It was "praised by everybody but supported by nobody," says one member in his memoirs. It was, in fact, a plan for an elective monarchy, with democratic features—very much such a government as that of England now is, or would be if the monarch were elected "for life or good behavior." From the 19th of June to the 2d of July the convention debated almost constantly on one subject—the rights of the States, especially the right to equal representation. Connecticut now took the lead, and by Roger Sherman proposed a compromise—that there should be equal representation in one branch and proportional in the other. On the 2d of July five States voted for it and five against it, Georgia divided and New Hampshire was not present. So the matter was referred to a committee of one from each State, and, as the convention was in a very hot temper over it, an adjournment of three days after the 3d was

voted, in the hope that rest and the celebration of the 4th would restore harmony. The final settlement was in favor of equality in the senate. As soon as this was done, Paterson, Sherman and Ellsworth passed over to the Nationalists, and thereafter voted for every measure to strengthen the general government. Paterson was for the rest of his life an ardent and extreme Federalist.

The basis of representation in the lower house, or Democratic branch, excited long discussions on the slavery question ; but the agreement on a three-fifths enumeration of the slaves was nearly unanimous. The next ten days were devoted to drawing the line between State and National powers, and perfecting the general outlines of the constitution. Meanwhile the States had completed the cession of their western lands, and congress (the congress of the old confederation being in session contemporaneously with the convention) had adopted the ordinance of 1787, for the government of the territory north of the Ohio and west of Pennsylvania, so the convention's next task was to provide for a territorial system.

From the 17th to the 26th of July the convention debated the general outlines of the constitution, adopted some restrictions on the powers of the states, agreed unanimously that the States were to retain all powers not specifically taken from them, but that it was unnecessary to so state in the constitution; appointed a committee of three from the north and two from the south to formulate the work so far done, and then adjourned to August 6. The committee of detail consisted of Gorham, Ellsworth, Wilson, Randolph and John Rutledge—the last an eminent scholar of South Carolina, of great experience in congress and State legislature, being chairman. On August 6 they presented each member of the convention with a printed copy of their draft of a constitution, and thence to September 10 it was thoroughly discussed in detail.

From the middle to the end of August slavery was debated with a great earnestness and the compromise agreed upon, the word "slave" being carefully excluded from the constitution. The method of choosing the president was long and warmly debated ; the result was the most awkward clause in the instrument. The judicial system of the United States was settled with little heat, after which it was decided that the constitution should be submitted to conventions, chosen for that purpose only, in the States, and should go in operation in the adopting States as soon as they numbered nine. A committee of five was named to make the complete draft—Mad-

ison, Hamilton, King, Johnson and Gouverneur Morris—and the last named wrote the final copy. And now a new difficulty arose; a few members refused to sign the completed instrument, and declared they would oppose its adoption in their States. Washington, Hamilton, Madison and Franklin labored with them most earnestly. Finally all signed it but Gerry, Mason and Randolph. So the unanimous consent of the eleven States present was secured on Monday, the 17th of September; the convention adjourned, the members dined together and then retired, says Washington, “to meditate on the momentous work which had been executed.”

#### ADOPTED BY THE STATES.

But the contest was not over. Indeed, the bitterest fight was to come; for only friends of the new constitution consented to serve in the convention, while enemies remained at home to fight in their States. In Massachusetts, New York and Virginia the uproar was terrific. The opponents savagely contended that the new constitution was despotic. It contained no bill of rights, it made no provisions to secure the citizens against illegal powers; there was nothing about the right of conscience, the freedom of the press, the trial by jury, excessive bails, fines, forfeitures or oppressive military establishments. Its friends replied that the whole instrument was a bill of rights, since the general government could exercise no powers except such as were granted, and the States could devise as many safeguards as they chose. Nevertheless, they generally consented that these things should be provided for in amendments, though insisting (and truly, too) that they were needless. The first fight came on in the congress still in session, which was, indeed, asked to approve its own annihilation. Richard Henry Lee opposed the new government because it was too strong; Grayson, also of Virginia, because it was too weak. All the New York delegates, Melancthon Smith at their head, opposed it on the ground that New York could not afford to surrender her customs duties. Finally congress decided to submit the constitution to the States without special recommendation. But Richard Henry Lee was implacable. He and Grayson had been outvoted by their three colleagues, and so Virginia was recorded in congress as for the constitution. He now stirred up opposition in every State, scattering many thousand copies of his “Letters from the Federal Farmer.” Madison and Hamilton replied in the Feder-

alist, while Washington exerted himself in Virginia against Harrison, Nelson and Patrick Henry.

The Virginia assembly met on the third Monday in October, and wrangled till March before ordering a convention; and then the date of its meeting was postponed to the first Monday in June, 1788. The debates of this convention furnished a most valuable guide to the intent of the framers and the meaning of the constitution; but this is no place for details. Suffice it that after long and heated discussion, and only upon the pledge of its supporters that the constitution should be amended, the Virginia convention ratified it on the 25th of June, 1788, by the narrow margin of 89 yeas to 79 nays. In Delaware the legislature hastened to say that it "could not find language to express the joy of the people," and called a convention at once. That body, as soon as organized, unanimously ratified the constitution on December 6, 1787. The Pennsylvania convention met November 20, and after three weeks' debate ratified the constitution on December 12, by a vote 46 to 23. Twenty-one of the minority signed a protest "that the powers vested in congress would lead to an iron handed despotism, with unlimited control of the purse and sword." New Jersey's convention met December 11, 1787, read the constitution by sections for a week, and on the 18th ratified it unanimously. So the union of the central States was complete. Georgia also ratified unanimously and without debate, January 2, 1788, firing thirteen guns as the signing progressed. Connecticut, with very little opposition, ratified January 9, 1788, by a vote of 128 to 40. Then came the great battle royal in Massachusetts.

The delegates in that State were elected in the heat and fury following the Shay's insurrection, and eighteen "rebels" had seats in the convention. The friends of the constitution confessed themselves in a minority at the start, but they gained by concession and the Maine delegates saved the day (Maine was then a district of Massachusetts.) For three weeks the opposition offered every objection that the mind of man can conceive, religious, commercial and fiscal, the lack of a bill of rights, the want of a religious test, the matters. They then tried all possible schemes of delay; another convention was proposed, a reference of the matter back to congress, etc. Finally, when the friends of the constitution had promised all sorts of amendments, the ratification was squeezed through, February 6, 1788, by the painfully small majority of 187 to 168. Boston was wild with enthusiasm for the new government,

and celebrated with exceeding great joy. New Hampshire had substantially the same fight, with variations; so the friends of the constitution proposed an adjournment until June, hoping that the influence of other States would help them. Finally, on June 21<sup>st</sup> 1788, after agreeing to twelve amendments, the ratification was carried by 57 against 46. This was the ninth State, and so the existence of the new Union was secured.

Maryland, after a short but very spirited debate, had ratified, April 26, by 63 votes to 11. South Carolina's convention met at Charleston on the 13th of May, debated ten days, but with great calmness and courtesy, and on the 23d ratified, by a vote of 149 to 73. The New York convention met on June 17, "and debated with much earnestness till July 26," then ratified by the close vote of 30 against 27, with the understanding that numerous amendments were to be adopted or another federal convention called at once! North Carolina's convention met July 21, and on the 1st of August declined immediate ratification by a tie vote—184 to 184. The next day, however, the convention provided that congressional laws as to commerce should be in force in the State just as if she had ratified. After the new government was fairly established North Carolina acceded, November 21, 1789. Rhode Island, as usual, was in opposition to the last; unrepresented in the convention and in the first congress, she ratified May 29, 1790, the last of the thirteen.

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#### SUGGESTIONS TO TEACHERS.

It is peculiarly fitting at this time, having successfully passed over one hundred years of constitutional government, that the pupils in our schools should have placed before them, with renewed patriotic zeal, the value and importance of Our Constitution in all its various articles, sections and amendments. This Constitution, as it is spread upon the printed page, has no distinguishing mark of honor or of pre-eminence, but it is nevertheless the corner stone and rock of defense of the greatest nation God's sun ever shown upon. Teachers, do you appreciate, as you ought, your responsibility and your opportunity? Let the citizenship which you may touch, testify, ten years hence, as to your faithfulness in these things.