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American History

Course One

The Rise of American Democracy

1492-1840

Based on America: Its History and People

by Harold Underwood Faulkner

and Tyler Kepner



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WASHINGTON, D. C.

3 February, 1944

(Copies for Navy personnel should be requisitioned from Educational Services Section.)

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How to Use This Book

Introduction:

We think rightly that our democracy is "government of the people, by the people and for the people" as Abraham Lincoln said in his famous address on the Gettysburg battlefield. But when we read American history we find this was an ideal which developed rather slowly. That "governments derive their just powers from the consent of the governed" was a revolutionary idea stated in our Declaration of Independence. How did it happen that the first great democracy developed in America? What combinations of peoples, ideas and ideals and environment fused to produce our democracy?

The authors of this book have tried to answer these questions. They believe as did Woodrow Wilson, our President during the First World War, that "Democratic institutions are never done; they are like living tissue, always a-making . . ." The purpose of this book, therefore, is to describe the early struggles in the eternal battle which the people wage for democracy. "It is a strenuous life, this living the life of a free people."

Study Procedures:

In an attempt to provide means for you to get the most out of this course in American History the following general program of study is suggested:

1. *Read each chapter carefully:* Begin by looking at the several bold-face paragraph headings throughout the chapter. This will give you a general idea of the contents of the chapter and will help you to understand relationships as you read. Give careful attention to pictures, maps, charts and any other illustration material as you read. These are included for a definite purpose. When you have finished reading the chapter, try to recall principal facts and their relationship to one another. Reread any parts of the chapter that seemed not clear.

2. *Complete the self-checking exercises:* When you think you have mastered the contents of the chapter, complete the exercises and assign-

ments that are provided. Follow the instructions given for these exercises and assignments carefully. These exercises and assignments have been designed to bring out significant facts and ideas. A key to answers is provided at the end of the book for all exercises except "Correspondence or Class Assignments." Check your answers by means of the key. The numbers in the parentheses in the key indicate the paragraphs containing the answers. If you made any errors, check the textbook for the correct answers.

3. *Correspondence or Class Assignments*: After each set of self-checking exercises in your book is a group of "Correspondence or Class Assignments." If you are a regularly enrolled student in the USAFI and want help from an instructor as you work through this course, write out your answers to these assignments as you come to them and send the answers to the United States Armed Forces Institute at Madison, Wisconsin, or to a branch of the Institute if there is one nearer than Madison. Be sure to enclose your name and address, the title and number of this manual, and the number of the pages on which the assignments appear together with the number of the particular exercise or assignment.

You will receive from the Institute the suggestions of an instructor who has been over your work. He may be able to help you overcome any difficulties you are having with the course. *You are not obliged to send in these assignments.* They are included only for your help and convenience.

If you are working in a class under an instructor, the assignments may be used for outside written work or for class discussion. In any case, read through these assignments. If you are doubtful about the answers to any of them, re-study your text until you are sure you could prepare satisfactory answers.

4. *Course Essay*: When you have completed Course One you should turn in an essay of 1000 to 2000 words when you take your End-of-Course Test. You should not wait until you have completed the course before writing this essay. Begin your essay when you have completed the first half of the course. The following topics are suggested: (a) Geography's Influences on Early American History; (b) Common Man's Struggle for Political Equality; (c) Anglo-Saxon Influences in American Political Thought; (d) The Quest for Religious Freedom; (e) The Rise of Political Parties; (f) The American Bill of Rights; (g) The Political and Social Ideals of Thomas Jefferson and Andrew Jackson; (h) Milestones in the Rise of Democracy; (i) Influences of Various National Groups upon American Life and Thought: 1640-1840.

5. *Suggested Readings*: The books listed should be of interest to you. If library facilities are available, ask for these books. There may be other books available that will serve the same purpose.

6. *Half-Course Review and Self-Check*: When you have completed the reading of the first six chapters in this book check your progress by means of the Half-Course Review and Self-Check. A key is provided for this Review. The roman numerals in the parentheses refer to the chapter numbers and the arabic numerals to the paragraphs in the chapters. If you make any errors, check the textbook for the correct answers.

7. *Course Review and Self-Check*: When you have completed the entire book, check your understanding of the major facts and ideas brought out in the course by means of the Course Review and Self-Check. This should tell you if you are ready for the End-of-Course Test. Follow the directions given above for the Half-Course Review and Self-Check.

8. *End-of-Course Test*: By the time you have completed the first eight chapters of this course, you should apply to the United States Armed Forces Institute, Madison, Wisconsin, or to the nearest branch, for your End-of-Course Test. If you do not have an application blank for this test, ask your Educational Services Officer, your Special Service Officer, or your Librarian to supply you with one.

Before you actually ask the officer who is to supervise your taking of the End-of-Course Test for permission to take the test, you should complete the Course Review and Self-Check after Chapter XI of this textbook. If this checkup indicates that you need a review before taking the test, review carefully. You will then be certain that you can complete the test satisfactorily.

By taking the End-of-Course Test you can obtain a Certificate of Proficiency for this course. This Certificate is issued to let you know how well you have done the work of the course.

Should you need a record of your educational experience for use in qualifying for a job, write to the Commandant, Armed Forces Institute, Madison, Wisconsin, or to the nearest branch office of the Institute; or consult your Educational Services Officer, Special Service Officer, or Librarian.

9. *Additional Courses in American History*: Course One covers only one phase of American History, our political development down to about 1840. Course Two carries this account on to the present. Course Three describes our economic history and Course Four our social and cultural history and the development of our foreign relations. These additional courses may be obtained, in the order given above, by applying to the United States Armed Forces Institute, Madison, Wisconsin, or to the nearest overseas branch of the Institute.

10. *Study Groups:* While these courses in American History have been designed to enable you to study entirely by yourself, you will profit by group study where it is practical, either with or without an instructor. Discussion with others taking these courses will help you to develop your knowledge and ideas about the history of your own country.

CHAPTER I

America's Beginnings

WHY EUROPEANS VENTURED FORTH

1. **The Awakening of Europe.** To grasp the threads of American history one must reach far back into Europe. The expansion of Europe which resulted in the discovery of America was but one phase of that great intellectual and economic awakening which we call the Renaissance. The collapse of the Roman Empire in the fifth century and the overrunning of southern Europe by the barbarian peoples from the north had almost blotted out the ancient culture of Greece and Rome. Politically, Europe broke up into thousands of estates where nobles of greater or less degree resided in their castles, ruled over the destinies of their followers and serfs, and consumed most of their energies in the petty warfare that desolated Europe for so many centuries.

Life in the Middle Ages was coarse and primitive. The first elements of scientific agriculture were hardly known, and all of the commodities then in use were laboriously constructed by hand. The population was small, and the vast majority of the people eked out a miserable existence in the wretched dwellings which clustered around the feudal castles. Intellectually, Europe was asleep. The one force which helped in some degree to hold it together and preserve some of the ancient culture was the Christian church. Its power was immense. Intellectually, it was supreme, for there were few outside its ranks who could read or write. Spiritually it was the only bridge between this world and the after life. For centuries it struggled to bring some order out of chaos and to put a fear of God in the souls of haughty and barbaric nobles. Much romance has been built around the Middle Ages, but the first five hundred years after the collapse of the Roman Empire was a period of cultural and economic decline.

THE CRUSADES. One of the important causes for the stagnation of the life of the so-called Dark Ages was the gradual breakdown of the Roman system of communication which had linked together the known world. Toward the end of the eleventh century this isolation of western Europe began to be broken when a revival of travel, trade and inter-

course over the ancient routes was stimulated by the Crusades. With a cross sewn upon their bosoms and the cry, "It is the will of God," upon their lips, one expedition of Christians after another made its way to Palestine to rescue the holy places from the hands of the Mohammedan Turks.

The various groups that descended upon the lands bordering the eastern Mediterranean Sea failed in the long run to maintain Christian kingdoms in Palestine, but the results of these expeditions were significant. The Crusades provided a liberal education for Europe. They took tens of thousands from their native hamlets and introduced them to a new and far superior civilization, the products of which the returning Crusaders made known throughout Europe. Not only were the rising cities of southern Europe greatly stimulated by the Crusades, but the desire for eastern commodities provided a basis for a great commercial development. By tearing many people loose from their old roots, by the introduction of new ideas, and by the stimulation of commerce, the Crusades dealt the first great blow to former ways of living and prepared the way for a modern era. Undoubtedly this progress would have come even if there had been no Crusades. These expeditions simply hastened a future development.

2. The Commercial Revolution. With the Crusades the ancient trade routes with the East were again opened up and the flow of oriental goods to the European markets increased. From the East came most of the luxuries and even some of the necessities which the wealthy European so ardently desired. Pepper from India, cloves, cinnamon and nutmegs from the East Indies, and sugar from Arabia helped to give the coarse and monotonous food of the Middle Ages more variety. From Asia came important drugs used by the chemists, dyes indispensable in cloth making, and manufactured products superior in workmanship, material, and design to anything made in Europe. New products from the East included glass and cutlery from Damascus and Bagdad, porcelain from China, and a great variety of cottons, woollens, and silks from India, China, Persia and Asia Minor. Persian rugs, calico cloth, cashmere shawls, linen, and japanned ware, all testify to the eastern origin of the most sought-after textiles, rugs, tapestries, and other household luxuries.

In return for these Europe could offer only woollens and metals, products in great demand in the East, but exceedingly costly because of the expense of transporting such heavy and bulky articles on the long overland routes. To make up the balance of trade, Europe exported most of her small quantity of gold and silver, which practically drained her of these precious metals.

MEDIEVAL TRADE ROUTES. A study of the map "Trade Routes With the East" (Fig. 1) shows the various routes by which the products of the

East reached the Mediterranean basin. Here they were collected by the Italian traders and distributed to northern Europe through the Alpine passes, up the Rhone Valley, or by sea to England and the Belgian towns. Venice and Genoa, in particular, became great commercial cities, while Florence became a banking and manufacturing center. Because of its favorable position for handling the commerce of the Orient, the Mediterranean basin, as in ancient times, continued to be the economic and cultural center of mediæval Europe. It was a supremacy based primarily

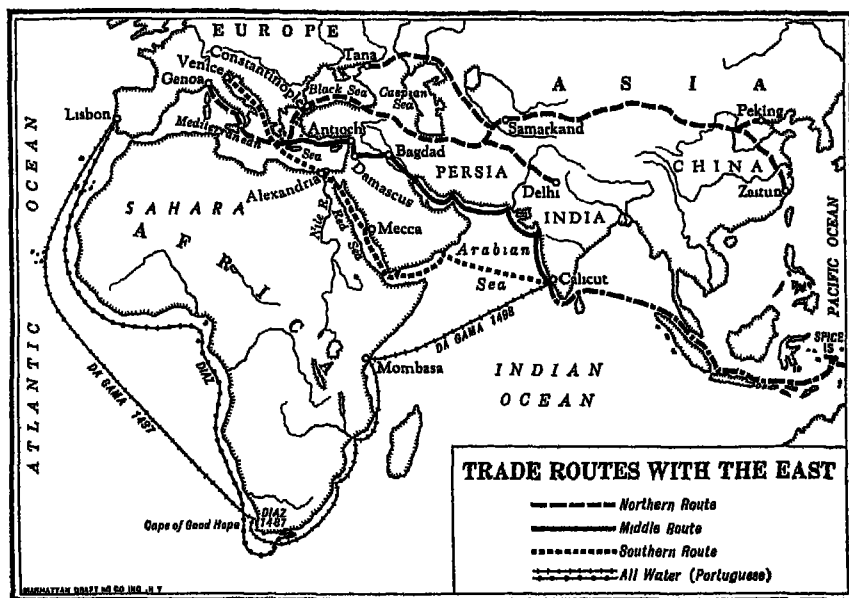


FIG. 1

upon ancient trade routes, and it came to a sudden end with the opening of new routes. In 1453 the Turks captured Constantinople and extended their power throughout the eastern Mediterranean area in a series of wars which disturbed, if they did not endanger, eastern commerce. The old routes were long and expensive and the merchants had to pay numerous taxes to petty chieftains and risk the dangers of robbery. Yet the demand of Europe for oriental commodities could not be satisfied.

SHIFT IN TRADE ROUTES. But the East meant more to Europe than merely spices and other luxuries. It meant romance, adventure, the possibility of great wealth, and perhaps the opportunity of winning souls for Christ. For almost a century the search for new routes to the Orient

went on. Prince Henry the Navigator, a member of the ruling family of Portugal, established a school of navigation, gathered all available data on maritime subjects, and sent out one expedition after another to explore the African coast. Prince Henry died in 1460, but his great



CHRISTOPHER COLUMBUS

No authentic portrait of Columbus painted during his life is known to exist. This is a painting by Anthony More, probably done at the Spanish court between 1543 and 1553 after two small pictures originally painted from life for Queen Isabella. His costume appears to represent the period of the painting rather than that of Columbus.

project went on until in 1487 Bartholomew Diaz rounded the Cape of Good Hope and in 1498 Vasco da Gama sailed up the Indian Ocean to Calicut.¹ (See map, Fig. 1.)

Da Gama's epoch-making voyage opened new routes to the East and provided an opportunity for the maritime nations of western Europe to free themselves from Italian middlemen and deal directly with the East. The center of the world's commerce quickly shifted from the Mediterranean to the Atlantic, and merchants trading with the Orient deserted Venice for the busy docks of Lisbon. Portugal was the first of the nations to reap the rewards of the new trade routes, but it was not long before the other nations facing the Atlantic—Spain, France, Holland

and England—entered the rivalry for commercial supremacy and colonial possessions. A Commercial Revolution had indeed been accomplished.

3. The Discovery of America. If the world was round, it was possible to tap the riches of the East by sailing due west as well as by round-

¹ Certain of the old trade routes were reestablished in 1869 by the opening of the Suez Canal and, a half-century later, by the building of the Berlin-Bagdad railway. The importance of these routes was never lost sight of during the both World Wars, as troop movements in the Middle East indicate.

ing the African continent. Although the ignorant landsman might think that the world was flat, educated astronomers and navigators had long believed otherwise. There was nothing new in the theory held by Columbus. His greatness was not in the originality of his idea but in his courage in venturing the unknown seas to prove his belief, and in his perseverance in the pursuit of his project.

Christopher Columbus was a typical mariner of his day. Born probably in Genoa, he was early attracted to Portugal, where he acquired fame as a map-maker and navigator, and where he sought aid from the king to sail *due west in search of the Orient. Failing in Portugal, he went to Spain* and after years of effort won the support of Ferdinand and Isabella. Having decided to back Columbus, these monarchs commissioned him admiral and governor of any new lands discovered and conferred upon him one-tenth of "all the pearls, precious stones, gold, silver, spices, and other merchandise" he might find there. Setting out on August 3, 1492, with three tiny ships and about 100 men, Columbus sailed west until the night of October 11, when one of his men saw a light "like a small wax candle that was being hoisted and raised," and the next morning they found themselves in sight of land, probably one of the Bahamas of the West Indies.¹

Convinced that he had discovered outlying islands of the Indies, Columbus cruised about for several months, discovering Cuba, Haiti, and many other islands of the West Indies. Showered with honors upon his return to Spain in 1493, Columbus prepared immediately for further explorations. Upon his third trip, he sighted the northern coast of South America, and upon his fourth he skirted Central America, but his search for the Orient was fruitless. No riches immediately flooded the treasury of his sovereigns, and the great admiral died in 1506 in poverty and obscurity.

THE NORSEMEN. To the day of his death Columbus believed that he had discovered merely the fringes of the continent of Asia, but in reality he won eternal fame for opening to settlement a new world. Strictly speaking, Columbus simply rediscovered America.² As early as

¹ Columbus called the island San Salvador. Its identity is lost, but present-day students believe that it is probably Watling's Island.

² Nor did Columbus give his name to the new world. The term America comes from an Italian merchant and explorer, Amerigo Vespucci, sailing under the Portuguese flag, who asserted that he had explored the coast of South America in 1497 and wrote letters concerning this "new world" which he claimed to have discovered. A German professor, Martin Waldseemüller, in getting out a new edition of Ptolemy's geography, reprinted some of Vespucci's letters, and marked the new continent America. Other geographers followed this lead until the custom of calling both the northern and southern continents of the New World America was established.

the ninth century the Norsemen had colonized Greenland, and it appears that Leif Ericson about 1000 sailed from Iceland and landed on the coast of North America somewhere between Cape Breton on Cape Breton Island and Point Judith on the coast of Rhode Island.

4. **A Century of Exploration—The Spaniard.** No sooner had the news reached Europe of the discoveries of Columbus, than Pope Alexander VI, at the request of Portugal, drew (1493) a "Line of Demarcation" from pole to pole 100 leagues¹ west of the Cape Verde Islands. The heathen lands discovered to the east were to belong to Portugal and those to the west to Spain. This decision of the Pope was confirmed in the following year by a treaty between the two nations, but the line was moved to 370 leagues west of these islands. Under this arrangement Spain got practically all of the Americas except Brazil, and during the next century she moved aggressively to occupy this region. Love of adventure, a ruthless greed for gold and the more praiseworthy ambition to save heathen souls influenced the hardy conquerors who quickly spread their civilization in a thin coat over Central and South America.

In the two decades following their discovery many of the West Indian Islands were occupied by Spain. From these islands as a base, explorers and conquerors carried the banner of Spain in many directions. In 1513 Balboa, following the rumors of a great sea to the south, crossed the Isthmus of Panama to behold the Pacific. In the same year Ponce de Leon sighted Florida in search of gold and the fountain of youth, and in 1519-21 Cortez with 500 men landed on the coast of Mexico and conquered the Aztecs.

SPAIN IN NORTH AMERICA. The spoils of Mexico excited the appetite of the Spaniards for new fields to conquer, and in 1532-38 Francisco Pizarro looted the accumulated wealth of another civilization in Peru. One of Pizarro's officers, Hernando de Soto, in search of new empires to conquer, landed in Florida in 1540 with "the most distinguished company of would-be Indian killers and robbers that had come together on Spanish soil since 1493." Killing and exploring, this band wandered through the forests of the present Gulf states until a handful of survivors reached Mexico in 1543. Coronado, in search of the "Seven Cities of Cibola," wandered throughout the American Southwest (1540-42), penetrating the continent as far north as the present Kansas, but the fabled cities proved to be only the pueblos of the Zuñi Indians.

In 1565 the first permanent white settlement in the present area of the United States was established at St. Augustine in Florida. By that year the Spaniards had control of the West Indies, Mexico, Central America,

¹ A league is about 3 miles.

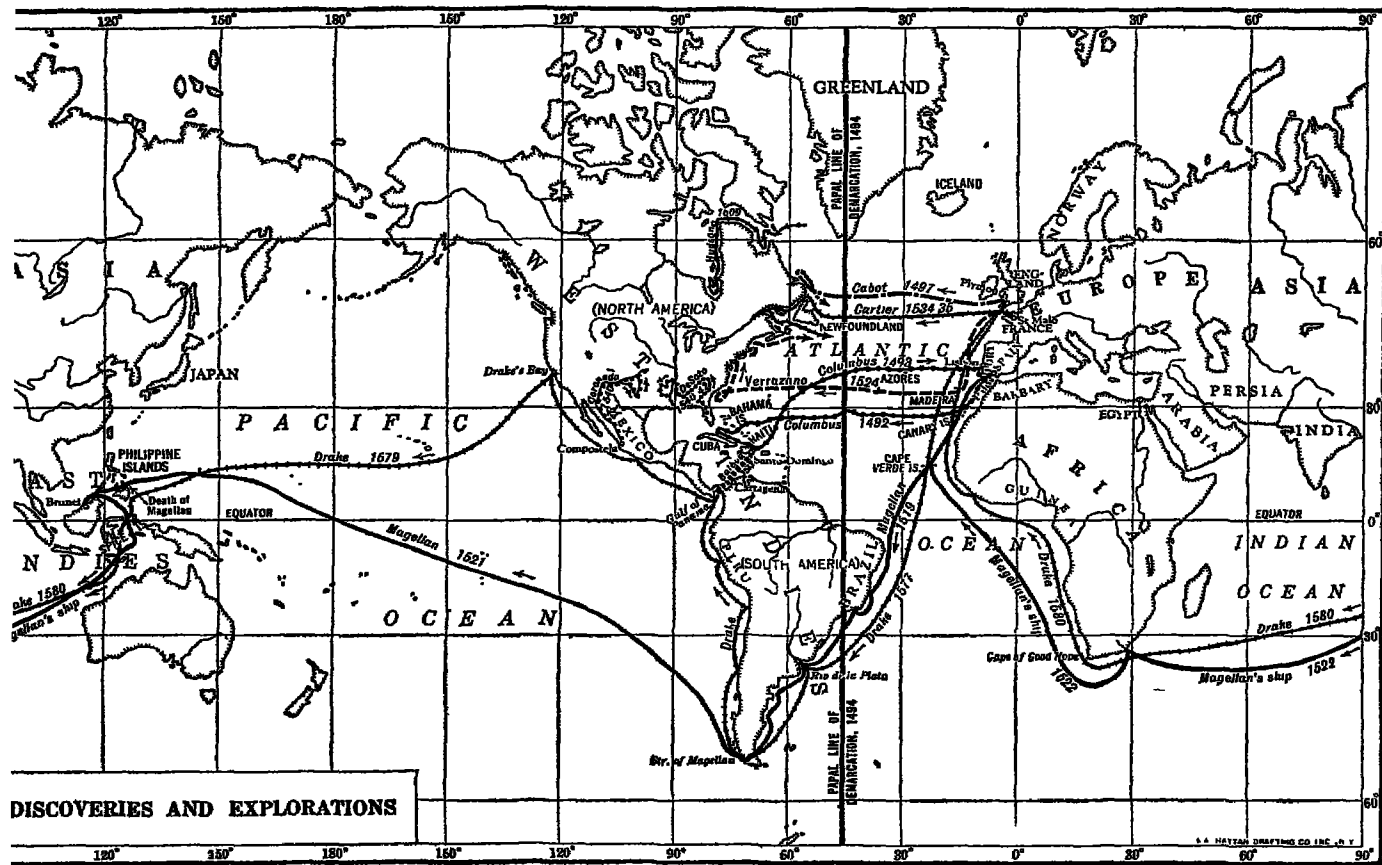


FIG. 2

and much of South America, and it is estimated that some 200 settlements had been established in which 150,000 white Spaniards lived. In the meantime (1519-22) a Spanish expedition, headed by a Portuguese, Ferdinand Magellan, sailed around the world in what may well be called the greatest feat of navigation of all time, an expedition which for the first time gave some idea of the extent of the new discoveries and of the size of the earth.¹

5. **France Enters the Competition.** It was hardly to be expected that the other nations of Europe would stand aside while Spain and Portugal monopolized the wealth of the Orient and of America. France,



Courtesy State Street Trust Company

DEFEAT OF THE IROQUOIS

Champlain's own drawing of his battle with the Indians at Ticonderoga, Lake Champlain, July 30, 1609. The Iroquois stand in front of the stockade which they had built, Champlain and his allies opposite. After Champlain had discharged his gun, killing two chiefs and wounding a third (see picture), the Iroquois fled.

concerned for the moment with religious wars and the conquest of Italy, did not get into action until 1524 when the French king sent the Italian navigator, Verrazano, to seek a route to the Indies. He was followed ten years later by Jacques Cartier. On his second voyage in 1535, Cartier

¹ Magellan started with five ships and 237 men. One ship, the *Victoria* with 18 men, actually completed the voyage. Magellan himself was killed in the Philippines. Four centuries later (1924) the first navigation of the globe by airplane was completed by United States Army fliers in 175 days. In 1931 Wiley Post and Harold Gatty girdled the globe in eight days, 15 hours and 51 minutes. Post, flying solo, reduced this record in 1933 to seven days, 18 hours and 49 minutes.

“found a goodly great gulf, full of Islands, passages, and entrances,” which he explored until he had entered the St. Lawrence. This river he followed until the rapids which he named the La Chine Falls ended any hope of reaching China by this route. Other Frenchmen followed Cartier to fish and trade for furs, but no settlements were made in this region for more than 60 years. In the meantime, two French efforts to found colonies in the Florida region failed.

The French empire in North America was due primarily to the labors of Samuel de Champlain, who in 1603 made his first voyage to Canada and commenced his triple rôle of fur trader, explorer and colonizer, which was to continue until his death in 1635. His first voyage resulted in the founding of Port Royal (now Annapolis), Nova Scotia; subsequently (1608) he built a fort on the rocky promontory of Quebec. Setting out with an Indian war party in the following spring, Champlain discovered the lake which bears his name. On this same expedition he helped his companions disperse a band of Iroquois, thus incurring for the French the undying hatred of the powerful Indians who controlled the region around New York. When the “Father of New France” passed from the scene, the French empire in America consisted of but a handful of fishing posts and fur trading stations, but it was destined to grow rapidly during the next century.

6. English Explorations in the Sixteenth Century. For England the sixteenth century was an age of great change. Her economic interests were shifting from agriculture to handicraft industries. Her seamen were no longer content with short fishing voyages, but were dreaming of adventure on the high seas. It was the century when England broke from the religion of her fathers and organized a protesting national institution, the Church of England. It was also an age of high achievement, for during these years Shakespeare wrote his immortal plays and the little nation broke the sea power of the proud and mighty Spanish empire. Back in 1497 before Columbus had touched the mainland of America, the Italian navigator, John Cabot, in the service of Henry VII of England, had explored the North American coast and taken possession of it for England. No settlements followed Cabot's voyage for many years, but it gave England a claim to the American continent which she later advanced.

It was over half a century before England again took an interest in America, and when she did her effort was chiefly to break the trading monopoly of the Spanish and Portuguese and thus strike a blow at her rival Spain, rather than to settle the country. The interest revived with John Hawkins, who, instructing his crews “to serve God daily” and “to love one another,” set out for Africa to secure a load of Negro slaves.

Hawkins's slaving expeditions soon brought him into conflict with Spain, a private fight which developed into a long imperial conflict.

His young kinsman, Francis Drake, not content with winning a fortune by selling Negroes, set out in 1577 with five vessels and 150 men to wage private war on Spain. Plundering Spanish towns and capturing treasure ships, he finally sailed one of his vessels completely around the world. Instead of being punished at the request of the Spanish ambassador, the fearless pirate was knighted by Queen Elizabeth on his own quarterdeck. To put an end to this type of piracy as well as to conquer England for the Catholic faith, Philip II of Spain sent the Great Armada in 1588 to reduce the island kingdom, but Drake and his skillful navigators with their smaller ships outmaneuvered the unwieldy vessels of the Spaniards, destroying many and forcing the rest to return to Spain.

BEGINNINGS OF COLONIZATION. While Drake was still making his way around the world, the first efforts were being made to found an English empire in America. In 1578 Elizabeth gave Sir Humphrey Gilbert the right to explore and settle the New World, but the unlucky navigator lost his life at sea. His half-brother, Walter Raleigh, took up the work in 1584, and sent an expedition which explored the coast of the region soon to be named Virginia. Persistently, but unsuccessfully, Raleigh tried to settle the new land. One group of settlers on Roanoke Island sailed back with Drake who happened along, and another group disappeared with no record as to their fate, except some letters carved on a tree.

THE STAGE OF THE NEW WORLD IS SET BY NATURE

7. Physiographic Features of the North American Continent. What kind of land did the explorers find when they came to America? A glance at the map (Fig. 2) will show that the North American continent forms a rough triangle about 3000 miles across at the north and tapering to a width of but a few miles at the Isthmus of Panama. On this continent, roughly between the 25th and 49th parallels, lies the present United States, a region of 3,026,789 square miles, an area over two-thirds that of Europe. Two great mountain ranges traverse the continent from north to south, the Appalachians on the east and the Cordilleras on the west. Between the Atlantic and the Appalachians lies a coastal plain cut into by numerous rivers, the most important of which are the Connecticut, the Hudson, and the Delaware, on whose shores the early settlers built their homes and on whose waters they transported their products. Between the Appalachians and the Cordilleras stretches a vast area of table-lands and plains drained by the mighty Mississippi,

forming the greatest area of fertile homeland in the world. West of the Cordilleras lies a narrow region of low mountains and valleys, a section of great fertility and of extremely even and temperate climate.

The region of the United States was eminently fitted for those European races destined to settle here. It lies between the lines of 40 and 70 degrees average annual temperature, representing a climate similar to the portions of Europe producing the most energetic and civilized races. Scientists tell us that the climate most favorable to the rapid development of civilization is one which has a warm season long enough to grow plenty of food, and a cold season severe enough to make men work to lay up surplus food for the winter. Such a land also must provide reasonably healthful surroundings. This combination the settlers found in most of the United States.

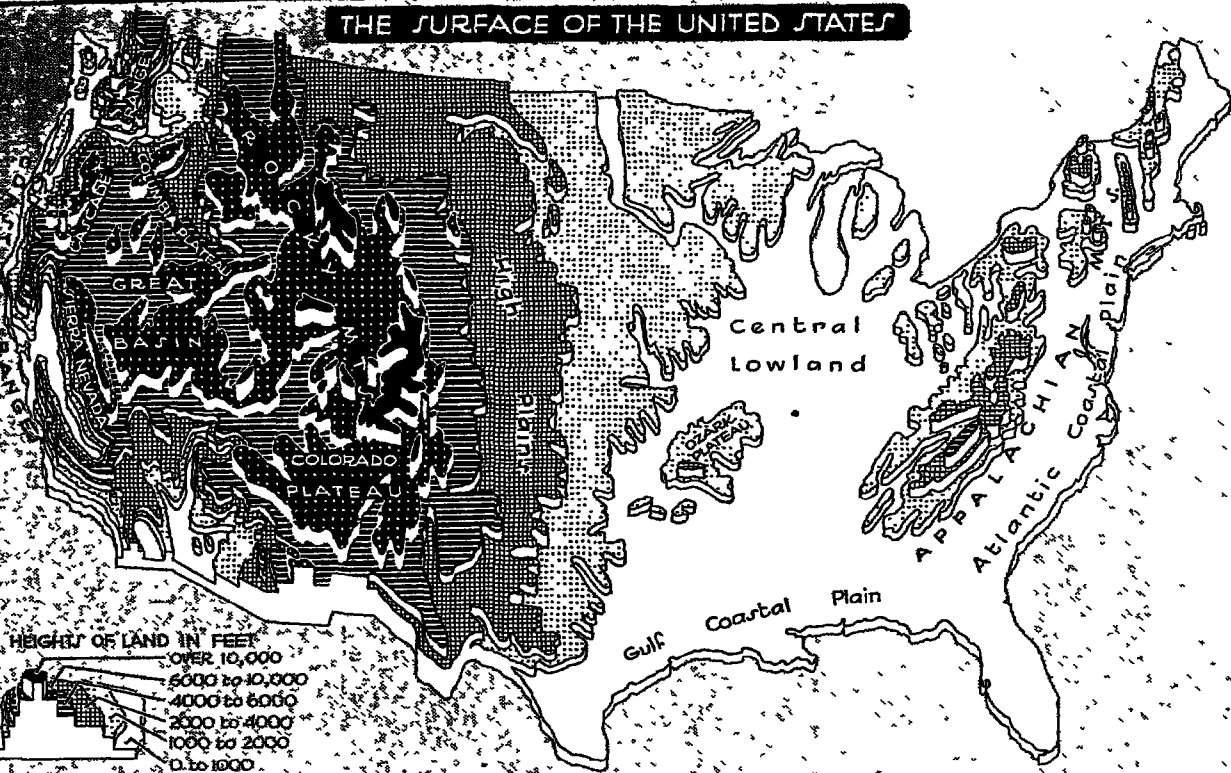
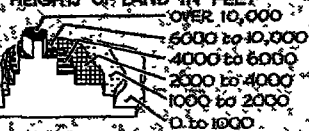
Another important condition essential to the well-being of a people is the amount of rainfall. Wheat, for example, one of mankind's most important foods, can generally not be grown when the annual rainfall is less than 10 inches or more than 45. The average annual rainfall of the United States is 26.6 inches, varying from five inches in southern Utah to 60 in the western valley of California and on the Gulf coast. Excellent soil is to be found in abundance, while great deposits of coal, iron, copper, lead, oil, and other important minerals provide the necessities for an industrial and mechanical age. The wide variation of climate, of rainfall, and of soil, together with the great forests and the large deposits of the most important minerals, has made this nation practically independent of the rest of the world as far as the great necessities of life are concerned.

8. Geographic Influence upon History. These natural resources have had a tremendous influence on our history. This is true because nature determines to a large extent where man shall live, what kind of work he shall do, what he may produce, and the routes over which he must travel and transport his products. Because of its influence upon his economic life, natural environment goes far to determine man's habits and desires, and even his social and political point of view. Civilization has been defined as a process of conquering nature. It was fortunate, for example, that the white man approached these shores from the east. If the continent had been turned around, its history would have been different, for the rugged Cordilleras would have presented to the pioneer a difficult, if not unconquerable, barrier.

It was likewise fortunate that the European found here a continent that was easily penetrated. The St. Lawrence Valley connecting with the Great Lakes, the Hudson and Mohawk Rivers opening through the Appalachians led settlers to the interior. The Mississippi also with its

THE SURFACE OF THE UNITED STATES

HEIGHT OF LAND IN FEET



innumerable tributaries penetrating to the very heart of the continent, pointed the way inland and made possible a more rapid settlement. The countless streams that flowed from the Appalachians into the Atlantic formed the natural highways for the little ships of colonial days which could sail up to the wharves of the planters. Where the streams were not so navigable, as in New England, the coast was found to be indented with excellent harbors.

LOCATION OF TOWNS AND CITIES. A century or so later when the people of the Northeast turned to manufacturing, these same little rivers provided the water power to run the mills, and water power determined the location of towns and cities. Where water power did not exist, cities were made possible by the close proximity of coal, iron, or other mineral deposits.

Although chance may play a small part in determining the location and development of centers of population, the important factor is geographic. Thus Boston is an important city because of its harbor and the crescent of manufacturing cities which lie behind it, the latter originally made possible by the water power of the nearby streams. New York became our greatest city primarily because it dominated the best route to the West (Hudson River—Erie Canal—Great Lakes). New Orleans became the greatest southern city because it caught the great commerce of the lower Mississippi, and San Francisco the most important city on the Pacific because it had the best harbor on the coast. Pittsburgh achieved greatness because of its location at the head of navigation on the Ohio and its nearness to iron deposits; and Chicago, in part, because of its location on the Great Lakes. Fertile soil, mineral resources, and navigation facilities offer the chief explanations for the distribution of population.

METHODS OF EARNING A LIVING. Geographic influences are also important in determining how man may earn his living. The barren soil of New England turned the settlers' interests toward an easier means of livelihood than farming, and the nearby supply of fish made the colonial and nineteenth-century New Englander a follower of the sea. New England became the center of colonial shipping and retained that position in later days during the great era of the American merchant marine. With the passing of shipping as their leading industry, New Englanders turned to the abundant water power and found in manufacturing an outlet for their energies and a source of wealth.

In the Central Atlantic states, where fertile farm lands were combined with good harbors, rivers and water power, the activities of the people were more varied. In the colonial South the discovery that tobacco was well adapted to the soil turned people to the production of this crop.

Later they specialized in cotton, but as their wealth was drawn chiefly from these two commodities southern civilization remained predominantly agricultural and rural.

THROUGH BITTER EXPERIENCE ENGLISHMEN LEARN TO COLONIZE

9. The Economic and Political Background. In the colonization of America, religious, political, and economic motives were closely interwoven. Like the Spaniards, many Englishmen urged that the first object of settlement was "to preach and baptize into *Christian Religion*, and by propagation of the *Gospel*, to recover out of the arms of the Divell, a number of poore and miserable soules, wrapt up unto death, in almost invincible ignorance." As the years went on, one of the powerful motives which impelled Europeans to come to America was the persecution which the dominant churches inflicted upon dissenting minorities, a persecution which sent not only Englishmen, but Irishmen, Germans, French, Jews and other nationalities, to our shores.

Political motives also played their part. Settlements were encouraged to weaken the power of Spain and later to check the eastward pressure of the French. In later years the four-cornered struggle for empire among Spain, France, England, and Holland contributed much in hastening the occupation of America. Englishmen fleeing from the political tyranny of the kings of the Stuart family and their belief that the king ruled as the representative of God likewise helped to populate the colonies.

ECONOMIC MOTIVES. More important than the religious and political were the economic motives. England at the opening of the seventeenth century was ripe for a great effort in empire building. A surplus of capital, manufactured goods and labor had accumulated which might be expended for just such purposes. The seizure of church property had placed unaccustomed wealth in the hands of the nobility, while city merchants and bankers were amassing capital from the rapidly developing commerce and industry. Manufacturing, particularly of woolen goods, was growing rapidly and merchants were scanning the horizon for new markets. The establishment of colonies, urged one writer, would promote especially the trades of "clothiers, wool men, carders, spinners, weavers, fullers, shearmen, dyers, drapers, cappers, hatters," and would repair "many decayed towns"; and another writer pointed out that Virginia would be a good market for English goods. The New World was also a region where raw materials for the workshops of England might be obtained.

The development of the manufacture of woollens had not been entirely beneficial to England. Much land which had been used for the production

of foodstuffs was now given over to sheep raising. This fencing of agricultural land for sheep raising threw many thousands of agricultural laborers out of work. In addition, the breaking up of monasteries and the gradual ending of the feudal system freed many to seek new means of livelihood. An author of a contemporary pamphlet speaks of

our land abounding with swarms of idle persons which having no means of labor to relieve their misery, do likewise swarm in lewd and naughty practices, so that if we seek not some ways for their foreign employment, we must provide shortly more prisons and corrections for their bad conditions. It is no new thing but most profitable for our state, to rid our multitudes of such as lie at home pestering the land with pestilence and penury, and infecting one another with vice and villainy worse than the plague itself.

To take care of these "rogues, vagabonds, and sturdy beggars" with which England was "exceedingly pestered" proved a difficult task for the English Parliament. Many students of the unemployment problem saw in America a means whereby "all odious idleness from this our Realme" might be "utterly banished." To the unemployed, America held out hope, and those in authority were willing to part with this class. Above all, however, America offered to the masses of Europe a chance to start life anew and an opportunity to improve their economic future.

10. The Trader Takes a Hand. The adventurers, Hawkins, Drake, Raleigh, Gilbert, and others, had stimulated interest in the New World but had done little for colonization except to prove that the task at that time was beyond the ability of any single individual, no matter what his wealth might be. The Crown was unwilling to incur the trouble and expense of founding colonies, but it was willing to grant charters to corporations or individuals who were inclined to risk their own fortunes. Thus it came about that the first permanent settlement was planted by a trading company chartered by the Crown.

These joint-stock trading companies, composed of the big business men of the day, had grown up during the sixteenth century for the purpose of carrying on commerce with various parts of the world. They were ordinarily chartered by the government and given various privileges, including the monopoly of trade in some particular region. In return these companies were expected to protect the political interests of England and assume the expense of governing the colonies. The most famous of all of these companies was the East India Company which controlled India for a century. The most important for America was the London Company which succeeded in establishing the first permanent English settlement here.

In 1606 James I granted the famous Virginia charter which created

two companies, one consisting of "certain Knights, Gentlemen, Merchants, and other Adventurers, of our city of London and elsewhere." The other consisted of a similar group of stockholders centering around Bristol, Exeter, and Plymouth. The first one was known as the London Company, and the second as the Plymouth Company. Upon them the king bestowed most of the coast of the present United States. The London

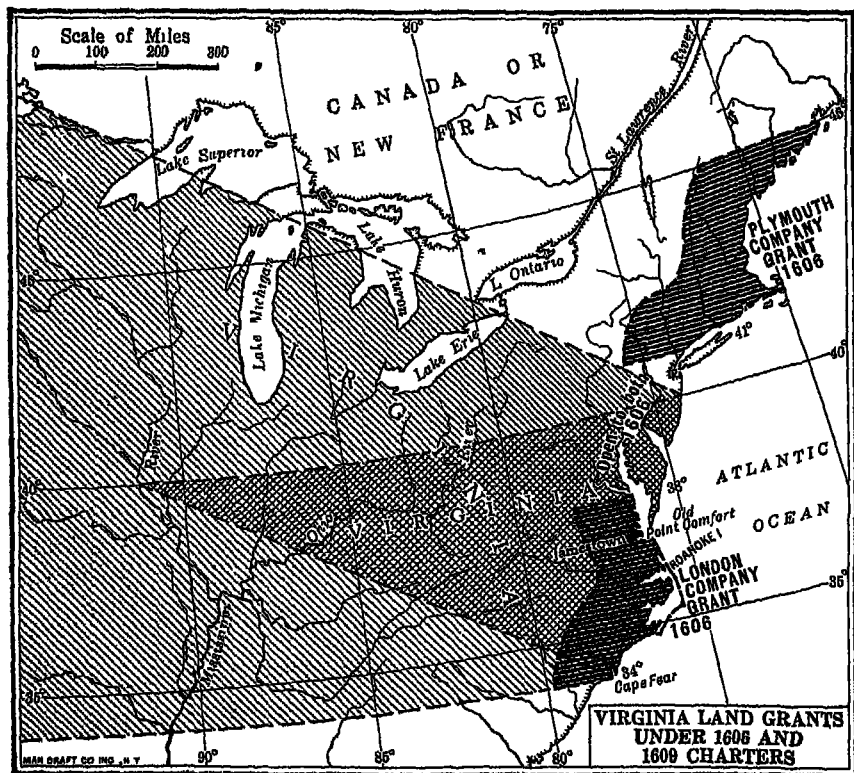


FIG. 4

Company was granted the region between 34 and 38 degrees north latitude. The Plymouth Company got the land between 41 and 45, with the region between 38 and 41 degrees open to either on condition that neither settled within one hundred miles of the other. (See map, Fig. 4.) More important than the boundary lines was the clause which provided that the colonists "shall have and enjoy all Liberties, Franchises, and Immunities . . . as if they had been abiding and born, within this our Realm of England," a clause which provided a precedent for later Eng-

lish policy.¹ The power to govern any colonies which might be set up under these charters the king reserved to a royal council in England.

SETTLEMENT AT JAMESTOWN. Under this authority the Plymouth Company unsuccessfully attempted colonization upon the Kennebec River in Maine, while the London Company sent their colonists farther south. On May 6, 1607, three small vessels carrying 104 colonists sailed into the Chesapeake Bay and shortly thereafter founded a settlement on the James River.

The early years of the Jamestown settlement were a period of incredible hardships. Many of the newcomers were listed as "gentlemen" and were unused to manual labor. The site of the settlement was in a low malarial region which doomed many of the settlers to sickness and death. It was impossible to bring sufficient food from England to support life, and the colonists were inadequate to the task of living on the country. They were likewise unfortunate in their relations with the Indians and encountered the constant hostility of the red men. Of 197 persons who had embarked for Virginia since 1606, only 53 were alive in April of 1608. It was probably the ability and resourcefulness of that famous story teller, Captain John Smith, which kept the colony from completely expiring during the first two years.

EARLY HISTORY OF JAMESTOWN. Three circumstances contributed in the end to save the settlement in Virginia and thus the British empire in North America. In the first place, the company was entirely reorganized in 1609. In that year the king granted a new charter which conferred upon the company (now known as the Virginia Company) the direct management of affairs in the colony.² The council, which under the first charter had governed the colony at Jamestown, was abolished and a strong one-man rule set up. Under the leadership of Sir Thomas Smythe the sale of stock was pushed aggressively, and in the summer of 1609 seven ships with 500 new settlers were sent out. Most of these died in the terrible "starving time" of the winter of 1609-10, and the survivors had embarked for England when Lord de la Warre arrived with fresh supplies and men.

A second influence leading to the salvation of the Virginia colony was the more intelligent treatment of the emigrants. A large proportion of the first colonists were merely servants of the company who bound themselves to work for a certain number of years in return for passage and maintenance during their period of servitude. The new arrangement

¹ A similar guarantee had already appeared in the Raleigh and Gilbert charters.

² The Charter of 1606 had granted land 100 miles inland. The new Charter of 1609 granted the region from a point 200 miles north of Point Comfort to a point 200 miles south, "up into the land throughout from Sea to Sea, West and Northwest."

of 1609 provided that every planter, whether man, woman, or child above ten years of age, was given one share of stock. All were promised maintenance, and at the end of seven years each was to receive 100 acres of land and a division of the assets of the company in proportion to the shares of stock held.

These arrangements made the colony a true plantation, the colonists living from the common store, and the proceeds of their labors going to the company. Under the cruel but businesslike rule of Sir Thomas Dale (1611-16) the colony established itself, and a further advance was made in 1619 when Sir George Yeardley modified the system of common industry by allotting to each settler a small plot of land to cultivate for himself.

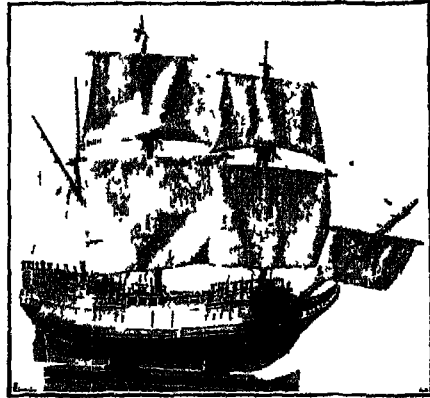
The third, and perhaps the most important, influence leading to the prosperity of the Jamestown settlement was John Rolfe's discovery in 1612 that tobacco would grow well in Virginia. There was a ready market in Europe, and by 1617 even the market places and streets of Jamestown were planted with tobacco. It provided an economic basis upon which the colony might thrive. Although many of the leaders of the Virginia Company were undoubtedly dominated by high patriotic motives, the primary interest of the concern was profit. In this respect the enterprise was a failure. The company sent to America over 5000 immigrants and expended £200,000, a vast sum for that time, but financially the project was a total loss. The Virginia Company, nevertheless, won undying fame, for it established the first permanent English settlement in America.

11. The Religious Dissenters. The settlements at Plymouth and Massachusetts Bay were also made under the supervision of commercial companies, but their purpose was primarily to provide a refuge from religious persecution. England, like other European nations, was torn during the sixteenth century by religious controversy. Under Henry VIII the nation broke away from Catholicism in 1534, and recognized the king as head of the English Church; although the supremacy of the Pope was thus rejected, much of the Catholic doctrine was retained. Under Henry's three children the English Church swung from his religious compromise to extreme Protestantism under Edward VI, back to Catholicism under Mary, and then under Elizabeth back again to the middle ground set up by Henry.

With such a rapid-fire change of the state religion it was natural that there should develop many shades of religious opinion, but what made the situation so unbearable was the fact that all were expected to follow the religion ordained at the moment by the state. The movement toward Protestantism having started, there were bound to be many who wanted to go much farther than Henry or Elizabeth. These were known as

Puritans because of their desire to "purify" the church of certain Catholic practices still used by the Church of England. Some of the Puritans, feeling that it was impossible to make the English Church more Protestant than it was, believed that they must separate entirely from its communion. The "Separatists," as they were called, were persecuted by Elizabeth and by her successor James I (1603-25).

At the opening of his reign James announced his religious policy when he replied to a petition of English Puritans by saying that, if they were aiming at the type of Protestantism in vogue in Scotland, "it agreeth as well with a monarchy as God with the Devil." "No Bishop, no King," he cried. "If this be all your party hath to say, I will make them conform themselves or herry them out of the land." The Separatists would never "conform themselves," and one group which lived at Scrooby in Nottinghamshire migrated under the leadership of their pastor, John Robinson, to Leyden in 1609.



THE MAYFLOWER

A model in the Smithsonian Institution of the 180-ton ship which set sail in August, 1620, with 102 Pilgrims. The voyage from Plymouth to Provincetown lasted 65 days

SETTLEMENT AT PLYMOUTH. In Holland this alien band found life desperately hard, and after some years they determined to seek their fortunes in America. A grant of land was secured from the Virginia Company and 70 London merchants subscribed £7000 to finance the expedition. Under the terms of the "Articles of Agreement of Plymouth Plantation" each share was to be reckoned at £10. For "adventuring himself" each emigrant was counted as holding one share. For seven years all wealth produced by the colonists was to go into the common stock, and from this and supplies sent by the London merchants the colonists were to be furnished food, clothing, and other necessities. At the end of seven years "y^e capitall & profits, viz. the houses, lands, goods and chatles, be equally divided betwixt y^e adventurers and planters; wth done, every man shall be free from the other of them of any debt or detrimente concerning this adventure."

On November 11, 1620, the Pilgrims reached Provincetown on the tip of Cape Cod. Here, finding themselves outside of the jurisdiction of the

Virginia Company, they drew up the Mayflower Compact pledging themselves to obey "such just and equall laws as shall be thought most meete and convenient for y^e generell good of the colonie." This was signed by the whole body of free male settlers and has been called the "first pure democracy in America."

THE FIRST WINTER. About a month later the Pilgrims landed at Plymouth. Although bitter hardships were suffered that first winter, not one of the survivors returned to England the following spring. A firm but intelligent policy won for them the friendship of the Indians. Their rights to the land were approved by a new agreement, and at the end of seven years (by profits obtained chiefly from the fur trade), they purchased their release for £1800 from the merchants who had financed them.

MASSACHUSETTS BAY. While the Separatists or Pilgrims were establishing themselves on the bleak New England coast, the times bore heavily upon the Puritans in England. Charles I (1625-49), more hostile than his father to the hopes of the Puritans, and more determined to establish an absolute monarchy, blocked them at every turn. Like the Pilgrim Separatists a decade earlier, the Puritans turned in desperation to America.

The Massachusetts Bay Company, organized for the business of fishing and fur trading, secured in 1628 the right to the region stretching from three miles south of the Charles to three miles north of the Merrimac and extending from the Atlantic Ocean to the Pacific Ocean. In the following year the company was enlarged and came under the control of the Puritans who determined to use it as a means of founding a Puritan colony. The charter granted the company self-government with the power to make laws not contrary to those of England, and directed that the freemen of the company meet four times a year to elect officers and transact business. As the charter failed to specify where these meetings should take place, the leaders took their charter with them and established the seat of the government in America.

A preliminary migration under John Endicott established itself at Salem in 1628, but in 1630 the first large group of Puritans, with 17 vessels and 2000 colonists under John Winthrop, picked Boston as the site of their settlement. Although the Boston settlers suffered severely in the first winter and many returned to England, the very size of the expedition insured safety from the Indians and made it possible to secure a foothold. Upwards of 18,000 followed them to New England, within a decade laying a firm foundation for the New England colonies.

12. The Opening of a New Era. It was more than a century after the discovery of America before the first English settlement was firmly planted on the seacoast of North America. In the meantime the Spanish

had established themselves throughout the regions of Central and South America, and their explorers had penetrated the southern portion of the present United States. French and English explorers had sailed along the seacoast of North America looking for a route to the Indies, and unsuccessful efforts had been made by these nations to plant colonies.

Economic unrest, national ambition, the desire for profits, and religious persecution were turning the eyes of many in northern Europe toward the New Land. The defeat of their navy had checked the power of Spain and opened the way for the rising naval power of England, France and Holland. In a sense the sixteenth century was an era of preparation. In the seventeenth the strong powers of northern Europe were to reach out to grasp their share of trade and to plant colonies in North America.¹ The colonization of this continent and the long conflict for empire will be told in succeeding chapters.

Can You Use These Terms or Expressions?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. Maritime nations are countries best described as: (a) land-locked; (b) having well-developed river and canal systems; (c) having direct access to the ocean.
2. The Renaissance is best described as: (a) the period of exploration of the world; (b) the time at the close of the Middle Ages; (c) a great intellectual and economic awakening.
3. The trading company of colonial times was a profit-sharing enterprise usually owned by: (a) a group of stockholders; (b) the king; (c) a single owner.
4. Puritans were: (a) Pilgrims; (b) members of a group who wished to simplify further the Church of England; (c) people who wanted to separate from the Church of England.
5. The first English to settle in Massachusetts were: (a) Puritans; (b) Separatists; (c) Pilgrims.
6. The Mayflower Compact established: (a) a union of New England colonies against the Indians; (b) the first pure democracy in America; (c) self-government in Plymouth.

Do You Know the Facts?

B. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

¹ The first half of the seventeenth century was one in which England showed a great expansive force. The British West Indies were also settled at this time, Bermuda in 1612 and Barbados in 1625. In 1630 there were probably as many Englishmen on these islands as on the mainland of North America.

1. The first land in the western hemisphere that Columbus sighted was: (a) the mainland of North America; (b) an island in the West Indies; (c) the coast of Mexico.
2. By international agreement in the late 1400's, claim to most of South America was granted to: (a) Spain; (b) England; (c) Portugal.
3. An important factor in reviving trade between Europe and the Orient was: (a) the Crusades; (b) the feudal system; (c) the Commercial Revolution.
4. As a result of the trade revival of the 1300's the center of trade was located in: (a) in the Mediterranean; (b) in Spanish and Portuguese Atlantic coastal cities; (c) coastal cities of Northern Europe.
5. Continental United States is about: (a) one-third the size of Europe; (b) two-thirds the size of Europe; (c) about equal in size to Europe.
6. The mountain range that traverses the eastern U. S. from North to South is the: (a) Allegheny; (b) Appalachian; (c) Laurentian.
7. The mountain range that traverses western United States from North to South is the: (a) Cordilleras; (b) Sierra Nevada; (c) Cascade.
8. A strong factor in promoting rapid settlement of the Atlantic coastal plain was the: (a) river system; (b) very warm climate; (c) extensive mountain barrier that prevented Indian raids.

C. Match the following items in the right-hand column with the proper choice in the left-hand column. To do this insert the number or numbers of choices in the parentheses in front of the proper item or items. There may be items that cannot be matched. There may be others that can be matched with more than one choice.

CHOICES	ITEMS
1. Cartier	a. () helped defeat Spain's great fleet
2. Cortez	b. () explored parts of southwest U. S.
3. Prince Henry of Portugal	c. () conquered Peru for Spain
4. John Cabot	d. () established first French settlements in North America
5. Magellan	e. () laid England's claim to North America
6. Vasco da Gama	f. () discovered the St. Lawrence River
7. Coronado	g. () conquered the Aztecs in Mexico
8. Drake	h. () sailed around Africa to India
9. Pizarro	i. () first to sail around the world
10. Champlain	j. () set up navigation school in Portugal

Can You Use What You Have Learned?

D. Some of the following statements are true, some are false. Circle the letter T if the statement is true. Circle the letter F if it is false.

1. T F The dominant language of Brazil is Portuguese rather than Spanish.
2. T F Columbus was the first man to believe that the world is round.
3. T F Establishment of the Papal Line of Demarcation gave the greater part of Latin America to Spain.
4. T F Religious persecution was the strongest factor in encouraging migration to North America in colonial times.
5. T F Exploration and settlement was promoted by desire to spread Christianity.
6. T F Natural environment often determines directly or indirectly one's social and political views.
7. T F Development of new trade routes and improved means of transportation influence the importance and prosperity of cities.
8. T F From a commercial standpoint at the time, the voyage of Columbus was more significant than that of da Gama.
9. T F Of the many motives that promoted exploration and settlement the most important were the economic motives.
10. T F Opening of water routes to India had little effect upon the commercial supremacy of the cities located on the Mediterranean.
11. T F Overland routes from Europe to the East have no significance in modern times.

Summarizing Exercise

E. Match the following items by inserting in the appropriate parentheses in the right-hand column the number or numbers of the proper choices in the left-hand column. There may be items that cannot be matched. There may be others that can be matched with more than one choice.

CHOICES

1. Captain John Smith
2. Separatists
3. Puritans
4. Boston
5. The "starving time"
6. Pilgrims
7. Tobacco culture
8. The Mayflower
9. Virginia Company

ITEMS

- a. () Jamestown Colony
- b. () Plymouth Colony
- c. () Massachusetts Bay Colony

Correspondence or Class Assignments

F. See general instructions under this heading, p. vi.

1. Show how the geographic features of the eastern part of North America were well suited to colonial settlement touching upon: (a) climate; (b) natural resources; (c) relative ease of penetration.
2. Give an account of conditions in Europe that gave rise to colonial settlement touching upon: (a) effects of the Crusades; (b) religious influences.
3. Name and describe briefly two or more present customs or other heritages that have their origin in: (a) Spain's settlement in what is now southwestern United States; (b) French settlement in the St. Lawrence river valley; (c) English settlement in New England.

Suggested Readings

Textbooks:

See H. W. Elson, *History of the United States of America*, chaps. i, iii, and H. U. Faulkner, *American Political and Social History*, chaps. i-ii, for good general accounts of exploration and discovery. I. B. Richman, *The Spanish Conquerors*, W. B. Munro, *Crusaders of New France*, M. Johnston, *Pioneers of the Old South*, W. Wood, *Elizabethan Sea-Dogs*, and C. M. Andrews, *The Fathers of New England*, have interesting accounts of early exploration and settlement.

Biographies:

S. E. Morison, *Admiral of the Ocean Sea* is a recent full-length account of Columbus; A. S. Hildebrand, *Magellan* is an excellent account of that explorer's voyage around the world.

Historical Novels:

D. Byrne, *Messer Marco Polo*, is a story of the great merchant-adventurer; C. Kingsley, *Westward Ho*, is a story of conflicts between Spanish and English sailors and adventurers; B. Niles, *Maria Paluma*, describes Spain's conquests in the 1500's as does L. Wallace, *The Fair God*. New England early settlement is described in J. G. Austin, *Standish of Standish*, and in I. Bachelier's *A Candle in the Wilderness*.

CHAPTER II

England the Mother of America

VIRGINIA IS ESSENTIALLY A BUSINESS ENTERPRISE

1. Economic Life. As the years went by, Virginia developed slowly but steadily into a prosperous colony. This prosperity was based upon cheap land and production of tobacco, the same plant which today is the basis for the most important manufactured product of that state. Everyone who came to Virginia was entitled to 100 acres and received 50 more for every other person he might bring over. Under this regulation and other easy land laws, the tobacco growers found little difficulty in obtaining at little or no cost all of the land they needed.

The tobacco plantations were first laid out along the rivers, which were the highways of commerce, and then in the region behind. (See map, Fig. 7.) From 1612, when John Rolfe cured his first tobacco, the culture of that plant grew rapidly. By 1662 close to 24,000,000 pounds were raised in Virginia and by the end of the colonial period 130,000,000.

In many ways tobacco dominated the economic history of that colony. It promoted large plantations, the introduction of servants and slaves, and the concentration upon one major crop. It discouraged industrial development and promoted a one-sided civilization. It likewise delayed

King JAMES
His COUNTERBLAST to
TOBACCO

To which is added a
LEARNED DISCOURSE
Written by
Dr. EVERARD MATNWARINGE,
Proving that TOBACCO is a procuring Cause
of the SCURVY.

WITH
A short Collection out of Dr. George Thom
Treatise of SLOTH; against smoking TOB
ALSO,
Serious Cautions against Excess in DRINKING
WITH
Many Examples of Gods severe Judgments upon
ravenous Drunkards, who have died suddenly.
CONCLUDING WITH
Witty Poems against TOBACCO, By JOSH. STYLLVESTER.

Critical and Published at very proper for this Age.
Animula animula Absinthii solum Salutaris, prout Humane.
Used according to Order, June 4. 1674.
London, Printed by John Stensell, and are to be sold at the Year School by
Pyndell, 1674, or at several Booksellers.

CONTROVERSY OVER TOBACCO

Although the use of tobacco spread rapidly in Europe during the seventeenth and eighteenth centuries, many opposed its use. Among these was James I, who called it a "stinking custom," wrote a pamphlet against it and levied heavy taxes upon the commodity.

It discouraged industrial development and promoted a one-sided civilization. It likewise delayed

the growth of towns and spread the population widely over the country. The commercial life was also controlled by this important product. From their own wharves, strung along the rivers, the plantation owners loaded their tobacco aboard ship and exported it to England where they had a monopoly of the market. Here they exchanged it for various commodities which could not be obtained at home.

2. Population and Labor. The population of Virginia, which had numbered scarcely 1000 when the king took over the colony in 1624, had grown to around 60,000 by 1700. The make-up of this population was in no small degree determined by the demand for labor on the tobacco plantations. Close to a third of the population in 1700 was composed of indentured servants¹ and slaves who provided the rough labor. In Virginia, as in all of the other colonies, the scarcity of labor was in part met by indentured white servants. These were composed of two classes—voluntary and involuntary. The former included poor people who sold themselves for a period of years to obtain their passage to America. The involuntary servants included children and adults kidnaped and spirited aboard ship by professional “spirits” or crimps, and vagrants, debtors or petty criminals who were deported by the English courts rather than otherwise punished. Their term of service ran from three to seven years, during which period they were entitled to maintenance and medical care. At the end of their servitude they were usually given an outfit and fifty acres of land. Composed of all types of people, good and bad, the indentured servant class made up a large proportion of the immigration of the colonial period.

The indenture system was one which helped to solve two problems—the desire of poor people to get to America and the need for laborers in a new country. Although slavery existed in Virginia from 1619, slave labor was not important until the eighteenth century when slaves rapidly took the place of indentured servants on the southern plantations.

3. Social Aspects of Virginian Life. The great majority of free men in Virginia and in other southern colonies were not large plantation owners but small farmers. Like the small farm of the North, these little farms supplied most of the needs of the family, although there was in Virginia the tendency to devote as much land as possible to the cultivation of tobacco. It was not the small farmer, however, who gave the tone to Virginian life, but the relatively small number of plantation owners who held large tracts of land along the numerous rivers. They controlled the

¹ An indentured servant was one who formally agreed to sell his labor for a certain period in return for passage money, maintenance or other consideration. The agreement was called an indenture because the contract originally was written in duplicate on a large sheet, the halves of which were separated by a wavy or jagged line called an indent.

labor of the thousands of white servants and Negro slaves, and devoted their chief attention to raising tobacco for export. These well-to-do farmers led a life resembling that of the English country gentlemen, devoting part of their spare time to politics and government and the rest to horse-racing, hunting, and social contacts.

The free white population of Virginia, like that of other colonies, had in it a sprinkling of the younger sons of the nobility and a considerable number of the prosperous middle class of Englishmen. The larger proportion, however, came from the lower middle and poorer classes who found conditions hard at home and who came to America even when the only way was to sell themselves as indentured servants. Fortunately, class divisions were not firmly fixed and it was possible for the ambitious man to improve his economic and social position.

In a new country where the constant toil of man was needed to make it habitable, it was hardly to be expected that much time would be devoted to learning or religion, especially when there was no aggressive religious leadership such as there was in New England. "I thank God," boasted Governor Berkeley in 1671, "*there are no free schools nor printing*, and I hope we shall not have any these hundred years; for *learning* has brought disobedience, and heresy, and sects into the world, and *printing* has divulged [spread] them . . . God keep us from both!"

NEW ENGLAND IS FOUNDED AS A RELIGIOUS REFUGE

4. **The Pilgrim and the Puritan.** The Pilgrims at Plymouth were simple God-fearing folk, who bravely and sensibly faced each problem as it presented itself. With no expectation of quick riches, they devoted themselves to agriculture and before many years were comfortably established. In comparison with the sister colony to the north, the growth of Plymouth was slow, and in 1691 it was finally absorbed by Massachusetts Bay.

While Plymouth grew slowly, the Massachusetts Bay Colony developed rapidly, and a number of settlements soon grew up in the vicinity of Boston, including Newtowne (Cambridge) where Harvard College was established in 1636. During a large part of the first twenty years the colony was under the direction of Governor John Winthrop, a man of culture and great practical wisdom. But life for the rulers of New England in those early days was no bed of roses. Puritans like Winthrop had no intention of setting up a refuge for the persecuted of all lands. Their purpose was to found a "Bible Commonwealth" where the lives of all should be regulated according to the will of God as interpreted by the rulers. To insure the success of such a scheme they were quite willing to

restrict religious toleration, free speech and political privileges. As a majority of the immigrants who came to Massachusetts Bay were not even Puritans, it was not easy to accomplish this purpose. Furthermore, differences of religious opinion among the Puritans themselves threatened more than once to imperil the Bible Commonwealth.¹



Bwing Galloway

ANNE HUTCHINSON

Banished from the Massachusetts Bay Colony in 1638 for her religious beliefs, she became one of the founders of Rhode Island. Today her statue, by Cyrus Dallin, stands outside the State House at Boston.

Massachusetts, she and her followers journeyed to a little settlement in

5. **Expansion of Massachusetts.** Although they criticized the Church of England in the mother country, the Puritans had no sympathy with criticism of the Puritan Church in New England.

RHODE ISLAND. When Roger Williams, pastor of the church of Salem, taught that the land in America belonged to the Indians and not to the king, and that the state had no business to interfere with a man's religious life, he immediately encountered the hostility of the Puritan rulers. Driven from the colony in the winter of 1636, he made his way to the south, purchased some land from the Indians, and began the settlement which he called Providence.

Another radical was Mrs. Anne Hutchinson, a woman, according to John Winthrop, of "haughty and fierce carriage, of a nimble wit and active spirit, and a very voluble tongue." She suggested that man could have a direct word from God which might be contrary to those doctrines officially set forth by the clergy. Banished from

¹ The form which the dominant religion of New England finally took was that now known as Congregationalism. It involved separation from the Church of England, rejection of many beliefs and forms of worship which the Church of England had carried over from the mediæval Catholic Church, abolition of bishops, and the full control of each church by its own congregation. These principles were in the main those held by the Pilgrim Separatists at Plymouth, rather than those held by the early Puritan emigrants.

Rhode Island known as Portsmouth. Others followed, the colony prospered, and in 1643 Williams obtained a patent confirming the occupation which was later (1663) reaffirmed in a charter from Charles II.

MAINE AND NEW HAMPSHIRE. Rhode Island maintained her independence against the strong Massachusetts Bay Colony, but the region to the north was not so fortunate. The land covered by the present states of Vermont, New Hampshire, and Maine was granted to Captain John Mason and Sir Ferdinando Gorges and later divided, Gorges taking Maine, and Mason, New Hampshire. These men made unsuccessful efforts at colonization, and in the end the region was largely taken up by settlers moving north from New England, often persecuted religious dissenters from Massachusetts. Massachusetts absorbed both colonies, but in 1679 Charles II gave independence and a new charter to New Hampshire.¹

CONNECTICUT. Rumors of the fertile land along the Connecticut, combined with discontent over the political and religious situation in Massachusetts Bay, led the Reverend Thomas Hooker, pastor of the Newtowne church, to set out in 1636 with a group of followers for the Connecticut River Valley where they founded the towns of Hartford, Windsor, and Wethersfield. Here in 1639 the settlers drew up the Fundamental Orders of Connecticut, believed to be the "first written Constitution known in history that created a government."

In 1637 the Reverend John Davenport and Theophilus Eaton arrived in Boston with two shiploads of immigrants. Refusing all inducements to remain, they set out in the next spring for the shores of Long Island Sound, where they founded New Haven and other nearby towns. Living

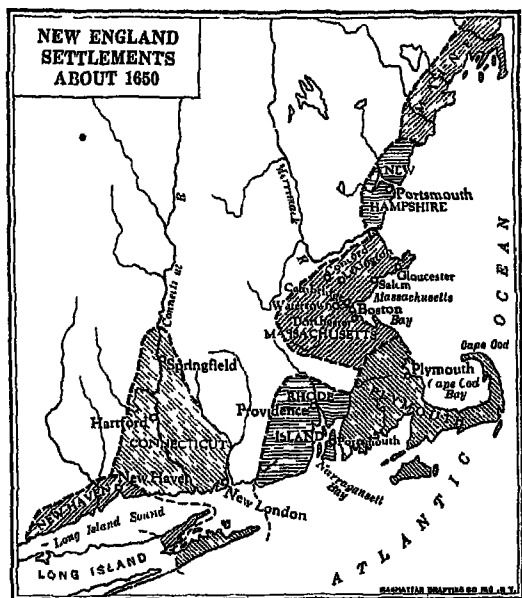


FIG. 5

¹ Maine remained a part of Massachusetts until 1820 when Massachusetts consented to a separation.

on the king's land, the Connecticut and New Haven settlers were finally given a charter in 1662. From Connecticut, New Englanders began to penetrate Long Island, New Jersey, and the Hudson Valley.

6. Economic Life in New England. Unlike Virginia, where land was granted to any individual who had fulfilled certain conditions, the expansion of population in New England was carefully regulated by the colonial governments. Expansion was by townships rather than by individual grants. A group of men desiring to take up new land petitioned the government for a grant. If their purposes and piety were approved, they received a township grant of perhaps 36 square miles. Having determined the location of a town, the settlers laid out a common, fixed the site for the church and assigned home lots around the common. After this was done, they distributed the rest of the land among the settlers, each receiving a share in the upland, meadow land, marsh land, and rights in the common. This system, in combination with rigorous climate, poor soil and land laws which allowed division among several heirs, did not permit the development of large estates. It made of New England a community of small self-sufficing farms and compact settlements.

Although the life of New England was predominantly agricultural, a larger proportion of the population than in any of the other colonies gained a living from commerce and industry. The soil was poor, but there was great wealth in the sea and forest. High tariffs prevented them from selling their foodstuffs in England, but fortunately a market was discovered in the West Indies. To the West Indies, therefore, the New Englanders exported their surplus agricultural products, fish and lumber, and in exchange received sugar, molasses, and currency. The sugar and molasses were turned into rum which was later widely used in the slave trade; the currency was used in buying those manufactured goods from England which they so much desired. Lumbering, ship-building, the manufacture of containers for fish, and the making of small metal goods for local consumption, for use in the fur trade, and even for export to other colonies provided work for many mechanics.

SEEDS OF COLONIZATION SPREAD COASTWISE: THE PROPRIETARY COLONIES

7. Foundations of the Proprietary Colonies. Virginia and Massachusetts, as we have seen, were settled through the efforts of trading companies. The same was true of New Netherland and Delaware. The remaining colonies were founded on royal grants given to an individual or to a small group. These proprietors, as they were called, not only

owned the land but were given wide powers of government. They could not, however, make laws without the advice and assent of the freemen, and the settlers were granted "all the privileges, franchises, and liberties which other English subjects enjoy." As the proprietors were usually primarily interested in the economic development of their domains and as there was great rivalry between proprietors to entice immigrants to settle, their rule was bound to be mild. Land could be obtained on favorable terms, and in all of the proprietary colonies the settlers were allowed to participate in the government through an elected legislature.

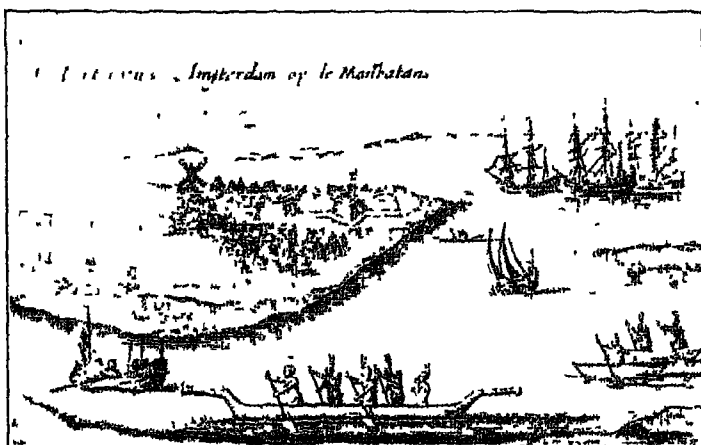
MARYLAND. The first of the proprietary colonies to be settled was Maryland. In 1632 Charles I gave to George Calvert, Lord Baltimore, a right to the land between the Potomac and the 40th parallel. In the following year his son, Cecilius Calvert, sent a group of 300 settlers who founded St. Mary's on a tributary of the Potomac. With the experience of Virginia and Plymouth to profit by, Maryland was established without difficulty and was soon prosperous. The subsequent history of colonial Maryland is largely a story of the conflict between Catholics and Protestants, the disputes between the colonists and the proprietors, and the difficulties with Virginia and Pennsylvania over boundary lines. The Calverts lost their political rights as a result of the English Revolution of 1688, but after the fourth Lord Baltimore became a Protestant, Maryland was restored to the family in 1715.

THE CAROLINAS. The region between Virginia and the Spanish settlements in Florida was granted by Charles II in 1663 to eight of his favorites. (See map, Fig. 6.) Two centers of population developed—one around Albemarle Sound where immigrants from Europe mingled with southward-moving frontiersmen from Virginia, and the other around the region of the present Charleston between the Ashley and Cooper Rivers. Although settlers gradually came from many parts of Europe, the proprietors proved themselves inefficient rulers and were in continual friction with the colonists. In 1719 the assembly representing the group around Charleston petitioned the king to end proprietary rule and make the colony a royal province. This he did in 1729 when he bought out the proprietors and separated the region into North and South Carolina.

GEORGIA. Four years after the Carolinas were separated, Georgia, the last of the thirteen colonies, was founded. The Georgia settlement came in part from the desire of the British government to set up a buffer state against the Spanish in Florida, and in part through the humane desire of James Oglethorpe to help English debtors commence life anew. To promote these objects a charter was given to a group of trustees in 1732, who were to be in control for 21 years, and in 1733

Governor Oglethorpe founded Savannah. But few of the debtor class for whom the colony was planned came, and the population grew slowly.

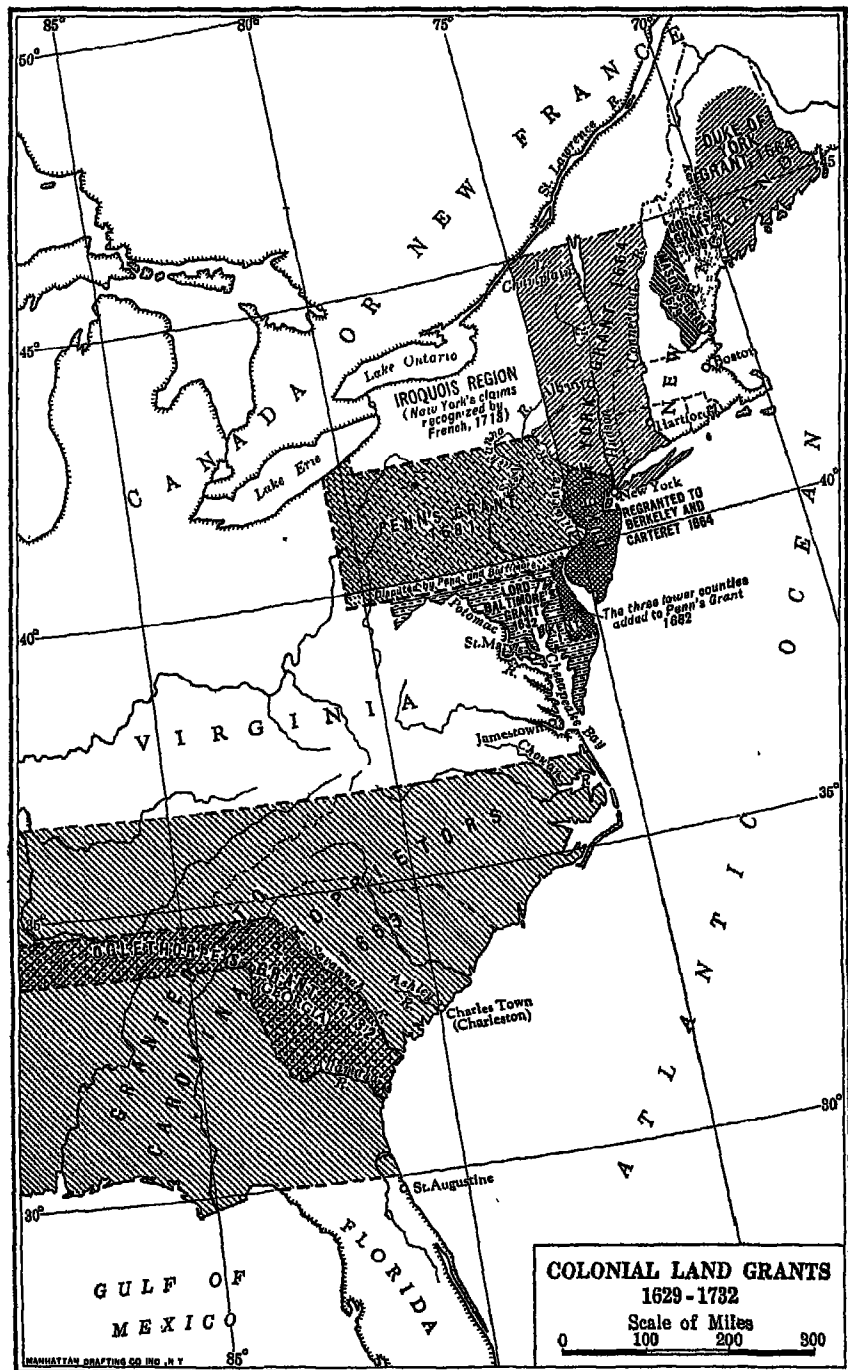
NEW YORK. In the meantime, the foundations were being laid for the middle colonies of New York, New Jersey, Pennsylvania, and Delaware. It was in 1609 that Henry Hudson, an Englishman in the employ of a Dutch trading company, sailed up the river which bears his name, and in 1614 that the Dutch planted their first trading post on the island of Manhattan. Under the control of the Dutch West India Company the fur trade was developed during the next half-century and the land along the Hudson allotted in large estates to members of the company who would bring over 50 families or more. Although the fur trade pros-



EARLIEST VIEW OF NEW AMSTERDAM

From an engraving which appeared in a Dutch account of New Netherland published at Amsterdam in 1651. It represents the lower end of New Amsterdam as it appeared about 1628 to 1632.

pered, population grew slowly. Too weak to hold their outposts to the northeast, the Dutch finally relinquished the Connecticut Valley to the English. They were more successful against the Swedes who had founded New Sweden on the lower Delaware, conquering them in 1655. In New Netherland there was much discontent against the arbitrary rule of the company's agents, and this increased after the New Englanders began to filter in. Driven like a wedge between the English colonies in New England and the South, it was unlikely that New Netherland would long escape conquest by the English. In 1664 Charles II granted all the region between the Connecticut and the Delaware to his



brother, the Duke of York (later James II), whose fleet in the late summer of that year forced the inhabitants of New Netherland to acknowledge the authority of the English Crown.

NEW JERSEY. Before the Duke of York actually secured this region he had granted the land between the Hudson and the Delaware to his favorites, Sir John Berkeley and Sir George Carteret.¹ In 1674 Berkeley sold his half interest and it eventually came into the possession of



WILLIAM PENN

No authentic portrait of Penn in his mature years is known to exist. This picture is from a steel engraving published in Germany and reputed to be taken from a painting by Sir Godfrey Kneller, English court painter at the time of Penn. The painting itself has not been found.

three English Quakers (one of whom was William Penn), which led to the division of the province into West New Jersey and East New Jersey. (See map, Fig. 8) After the death of Carteret, his section, East New Jersey, was sold, and William Penn and his associates also gained control of this. In 1702 the proprietors surrendered their rights, the two sections were united into one province, New Jersey, and the colony became a royal province.

PENNSYLVANIA AND DELAWARE. Among the numerous religious groups which appeared in Europe after the Protestant Revolt were the Quakers, or Friends. Rejecting many of the religious forms practiced by both Protestants and Catholics, they guided their actions by an "inner light" or direct revelation from God. Extremely democratic in their forms of worship and their theory of life, they refused to take oaths and even to take off their hats in

the presence of magistrates. "My prison shall be my grave before I will budge one jot," said Penn, "for I owe obedience of my conscience to no man."

Persecuted on religious and political grounds, many sought safety in America, but after four of their brethren had been hanged on Boston Common in 1659-60, there seemed to be no relief here. In England their

¹ Carteret had been governor of the Island of Jersey in the English Channel, and in his honor the region was named New Jersey.

most distinguished member was William Penn, a son of the wealthy Admiral Penn, who had fought for the Stuart kings and lent them much of his private fortune. To pay this debt as well as to push the imperial fortunes of England, Charles II granted to Penn in 1681 the region of the present Pennsylvania (Penn's Woods), and in the following year the Duke of York turned over to him the territory of the present Delaware.

Far in advance of his time, Penn granted religious toleration to all his colonists who acknowledged God, and also conferred a large measure of home rule. "For the matters of liberty and privilege," said he, "I propose that which is extraordinary, and to leave myself and successors no power of doing mischief; so that the will of one man may not hinder the poor of the whole country." Penn was a practical man and laid the foundations with great wisdom. He called his project a "holy experiment" and welcomed the persecuted of all nations. Settlers flocked to Pennsylvania, and within three years after he had secured the grant, he could truthfully say, "I have led the greatest colony into America that ever man did upon a private credit, and the most prosperous beginnings that ever were in it are to be found among us." The "Three Lower Counties," or Delaware, were separated from Pennsylvania in 1702 and given their own legislature, but continued under governors appointed by the Penn family until the Revolution.

· 8. **Economic and Social Life in the Middle Colonies.** Civilization in the Middle Colonies differed in certain respects from both New England and the South. Instead of the granting of land by townships, as in New England, the proprietors sold or donated their land to settlers, but reserved to themselves a small quitrent.¹ The quitrent, small as it was, proved exceedingly unpopular and was collected with difficulty. Nor was it easy to keep the land titles straight, for many of the settlers as they pushed on to the frontier "squatted" upon the land, paying little or no attention to the rights of the proprietors. In New York great estates had been granted by both the Dutch and English authorities which the owners hoped to rent out to tenants. In this they had little success as long as good land in New Jersey, Pennsylvania, and Maryland could be obtained for little or nothing.

With richer soil than New England, the Middle Colonies devoted themselves more exclusively to agriculture. Their chief product was wheat, and they have been called the "bread colonies." Like New England, they found a market in the West Indies. "We sell our superabundance of grain and cattle," said Pastorius in 1700, "in Barbados for

¹ As the use of money became more common in the late Middle Ages and as feudal landowners became more desirous of obtaining money rather than other services, rent payments in money (quitrent) were often substituted for payments in labor or produce. The serfs were "quit" of their former services.

brandy, syrup, sugar and salt, but we send the fine peltries over to England." Furs, in fact, were an important export item in the early years in all of the colonies. From the start the Middle Colonies had a larger number of non-English people than the other sections. The Dutch in New York, the Swedes on the Delaware, the Germans, the Irish, the Scotch-Irish scattered in all of the colonies, gave its civilization a more varied aspect which was evident in the style of architecture, methods of agriculture, and social life.

THE AMERICAN PEOPLE ARE COMPOSED OF MANY NATIONALITIES

9. **The English.** Although the American people even in colonial times were composed of many nationalities, the settlers from England were in the great majority. More important than mere numbers, however, was the fact that the English language and culture were destined to predominate in the colonies. From England came the forms of government as laid down in the charters, altered somewhat, to be sure, by American conditions. Colonial legislatures, in a sense, were little parliaments which occupied here somewhat the same position that the English Parliament did at home. Whatever civil rights Englishmen had at home were the heritage of Americans.

The local government of county, borough and township was introduced here as well as such officials as sheriff, constable, collector of taxes, and overseer of the poor. The English state church was the official form of religion in five of the colonies, although in New England Congregationalism was dominant. The colonists imported most of their manufactured goods from England. They read English books, and the wealthy sent their sons to England to be educated, while those who could not afford it sent them to schools modeled after the English type of education. In a cultural if not in a strictly racial sense, England was the motherland of America.

10. **The Irish and Scotch-Irish.** Outside of the English, the most important group coming to America from the British Isles were those from Ireland. These were of two types. The first consisted of the pure Irish stock from south and central Ireland who were Catholic in religion and were scattered widely throughout the colonies. The other type was known as "Scotch-Irish"¹ and came from northern Ireland. These people

¹ The term "Scotch-Irish" is not wholly accurate. The non-Irish population who had settled in Ulster and other parts of north Ireland came from England as well as Scotland; and of those who came from Scotland, the great majority were lowland Scots whose blood may have been more English than Scotch. In America all who came from Ireland, whether from north or south, were commonly known as "Irish." This is one of the reasons why it is difficult to estimate the number and influence of those from the north and those from the south of Ireland.

were of mixed Scotch, English and Irish extraction and were Protestant in religion. Partly because there was no large distinct migration of south Irish, it has been difficult to estimate their number, but it was certainly much larger than has been generally supposed. On the other hand it is easier to follow the fortunes of the north Irish Protestants from Ulster, who came in large groups during the first half of the eighteenth century.

These men were descendants of settlers who had migrated to Ireland a century earlier to occupy the land which had been wrested from the Irish by the English king. Their religion was Presbyterian and their chief industry the making of woolens. When they were forced to pay tithes to the Church of England and forbidden to export their woolens to England, the Ulsterites turned to the New World. When they arrived in America they found the best lands near the coast occupied, and so were forced to move to the west.

Trained by decades of border warfare in Ireland, brave, resolute, and aggressive, they quickly adapted themselves to the rigors of pioneer life and were excellent Indian fighters. Their little hamlets became the pioneer outposts from Belfast, Maine, to the back country of Georgia. The center of their migration was the Pennsylvania frontier, and from here a steady stream flowed into the Cumberland and Shenandoah Valleys. Afterwards they went through the passes east into North Carolina or west some years later into Kentucky and Tennessee.

11. The Germans. Next to the English and Irish, the largest national group coming to America in the colonial period was the Germans. The migration originated chiefly in the upper Rhine Valley or Palatinate where hard times, political discontent and religious persecution were the causes which impelled them to cast their lot in a foreign land. Penn sent agents to encourage them to migrate to Pennsylvania, and more than 100,000 settled there during the eighteenth century.

Certainly a third of Pennsylvania's population at the opening of the Revolution were Germans from the Rhineland, the ancestors of the "Pennsylvania Dutch" of later times. A smaller number found their way to the Hudson and Mohawk Valleys. Skillful mechanics and thrifty husbandmen, these home-loving people occupied some of the most fertile land in the east, and their descendants still hold it. Many of them, mingling with the Scotch-Irish, also pushed their way into the back country of Virginia and the Carolinas.

12. Other Nationalities. In addition to the groups mentioned, many other nationalities contributed to the colonial stock. The Dutch were numerous in New York and New Jersey, and reminders of their civilization are still to be found in the Hudson Valley. The ill-starred attempt of the Swedes to settle the Delaware left some representatives of that nation in the Middle Colonies. Spaniards were to be found on

the southern borders of the lands now part of the United States. Thrifty French Protestants, persecuted at home and denied a haven in the French colonies, came to South Carolina and scattered themselves in the scaports from New England to Georgia. Members of the Jewish race were to be found in the trading centers, and some of them by the end of the colonial period had achieved wealth and influence. Even in the colonial period America was a great melting pot of many races, and this has been an important characteristic of our civilization down to the present time.

SELF-GOVERNMENT BEGINS IN THE COLONIES

13. Conditions Favoring Self-government. An important feature of colonial life was the large amount of home rule or self-government which existed here. Many influences contributed to this. We have seen, for example, how the charter of Massachusetts Bay made no reference to the place where the company should hold its meetings, thus enabling the company to transfer its charter and conduct all of its business in America. We have noted the extensive powers of government granted to the proprietors, who in turn granted to the people a participation in the government, reserving only supervision and veto power. The charters themselves granted many specific rights.

Distance from England, frontier conditions, the self-reliance of the sturdy pioneers who, amid bitter hardships, were subduing a wilderness, all tended toward the maintenance of those political rights which existed and to a demand for more. In the minds of the settlers every little colonial assembly took on the significance of a little parliament. The colonists knew their own needs better than the government in England, and they looked to their own assemblies to advance their interests and protect their rights.

14. Representative Government in Virginia. The development of representative government in Virginia was slow. Under the charter of 1606 the king kept the government closely in his hands. He directed it through a general council in London and a resident council in Virginia, all of the members of which he appointed. In 1619, however, the company granted a measure of home rule when it called a general assembly to be composed of the governor, his council, and a House of Burgesses made up of two representatives from each settlement, the latter to be freely elected. Delegates from eleven plantations were duly chosen and met on July 30, 1619, in the church at Jamestown. This was the first representative assembly in the New World and marks the beginning of representative government on the American continent.

In 1624, however, Charles I took the direct control of the government

into his own hands and ruled through a governor and council appointed by him. He did, nevertheless, allow the representative assembly to remain, and around this assembly the planters rallied to protect their interests. Although Virginia in general sympathized with the Stuart kings in their conflicts with the English Parliament, they strongly opposed any unjust seizure of authority in Virginia by the king's representatives. As the years went by they achieved through their assembly a large amount of home rule, in spite of the veto power enjoyed by the governor and the English crown. All freemen who owned a small amount of property were allowed to vote, but as time went on the government came increasingly under the control of the large plantation owners.

15. The Mayflower Compact and the Bible Commonwealth. Unlike the Virginians, the Pilgrims came without a charter, merely with a grant of land from the Virginia Company. Finding themselves beyond the bounds of Virginia, the free male members of the group met in the cabin of the *Mayflower* and set up their own government, an example followed in later years by more than one group of American pioneers. The Mayflower Compact established no definite form of government. This agreement was simply a promise of the freemen to obey "just and equal laws."

The Pilgrims chose John Carver governor and, after his death, William Bradford. Laws were made at first by the whole body of free male settlers, but in 1643, when the colony had grown to nine towns, a pure democracy was no longer practicable. Representatives were chosen from the various communities who attended a General Court at Plymouth, elected the governor and passed necessary laws, thus developing a type of government which became general throughout New England.

MASSACHUSETTS BAY. The charter of the Massachusetts Bay Company provided that a "general court" of the "freemen" was to meet four times a year and elect from their number a governor, a deputy governor and eighteen assistants, and to make laws not contrary to those of England. The governor, deputy governor, and five or six assistants, contrary to the charter, attempted to govern without the aid of the freemen and to tax the colonists without their consent. Objecting to taxation without representation, the famous Watertown Protest was presented in 1632 as a result of which the freemen obtained the right to send two representatives from each town to confer with the General Court on taxation. Two years later delegates from 14 settlements repaired to Boston, requested a view of the charter and demanded that all laws be made in the General Court. Winthrop and his assistants were forced

to grant this demand and inaugurate a representative assembly to make laws and levy taxes.

The charter hardly provided for this, but conditions in Massachusetts made it necessary. The efforts of Winthrop and the other leaders to maintain autocratic government in Massachusetts Bay were due chiefly to their desire to maintain a Puritan Commonwealth with laws and culture conforming to their own ideas of a model state. In spite of the concessions of 1634, the leaders were able to maintain this ideal for many years, for the right to vote was long limited to church members, and unoccupied lands were granted largely to responsible God-fearing Puritans. It was not until the late seventeenth century that the Puritan theocracy was weakened by a new charter which made property ownership rather than church membership the basis for voting.

16. The Development of Religious Liberty. The religious intolerance of Massachusetts Bay was not universal throughout the colonies. It is one of the great glories of colonial America that it was a leader in the development of toleration. Too many harassed sects sought refuge here and too many proprietors were anxious for settlers to permit persecution to continue. The religious clause in the Maryland charter was so vague that the proprietor, Cecilius Calvert, who hoped that Maryland might be a refuge for Catholics, was able to grant toleration to both Catholics and Protestants. As a result many Catholics came to Maryland. Nevertheless they were soon outnumbered by Protestants. Friction ensued between the two groups until in 1649 the famous Toleration Act was passed, providing that those "professing to believe in Jesus Christ shall not henceforth be anyways troubled, molested, or discountenanced for, or in respect of, his or her religion, nor in the free exercise thereof within this province." In Pennsylvania, as we have seen, the persecuted of all lands were welcomed and anyone who acknowledged "one Almighty and Eternal God" to be the "Creator, Upholder, and Ruler of the World" was tolerated, but only Christians could participate in the government. By the end of the colonial period such toleration was virtually achieved in all of the colonies.

This toleration does not mean that actual religious freedom prevailed. In a majority of the colonies there existed a church established by law to which taxes must be paid and which was otherwise favored by the government. Even in liberal Pennsylvania and Maryland only Christians could vote. It was only in little Rhode Island that there was complete religious freedom, for in that colony there were no religious tests for voting, no taxes for the support of religion and no compulsory church attendance. The fiery Roger Williams may have been extremely positive in his own beliefs, but he demanded for everyone the same freedom

which he insisted upon for himself. To him goes the glory of first establishing full religious freedom in America, and this was done 13 years before the Toleration Act in Maryland.

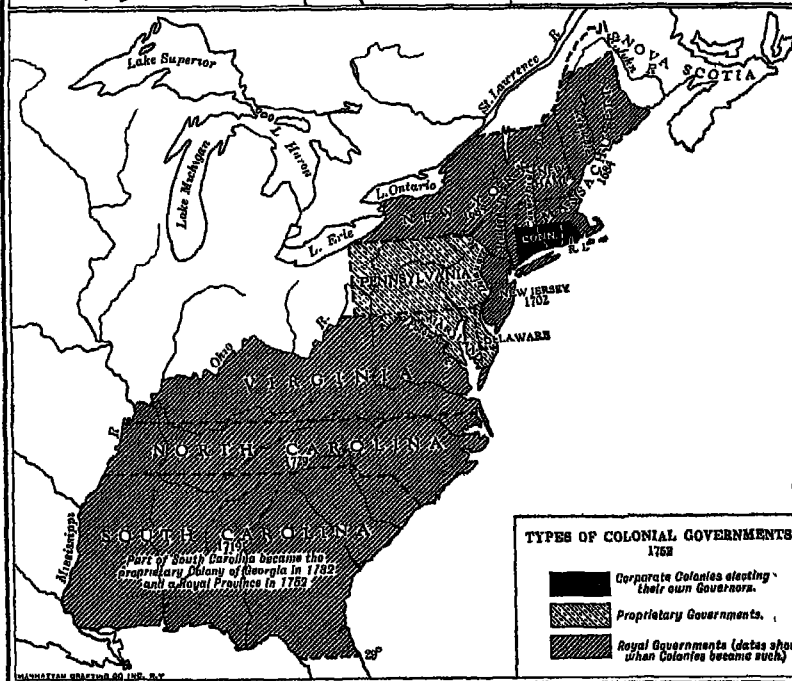
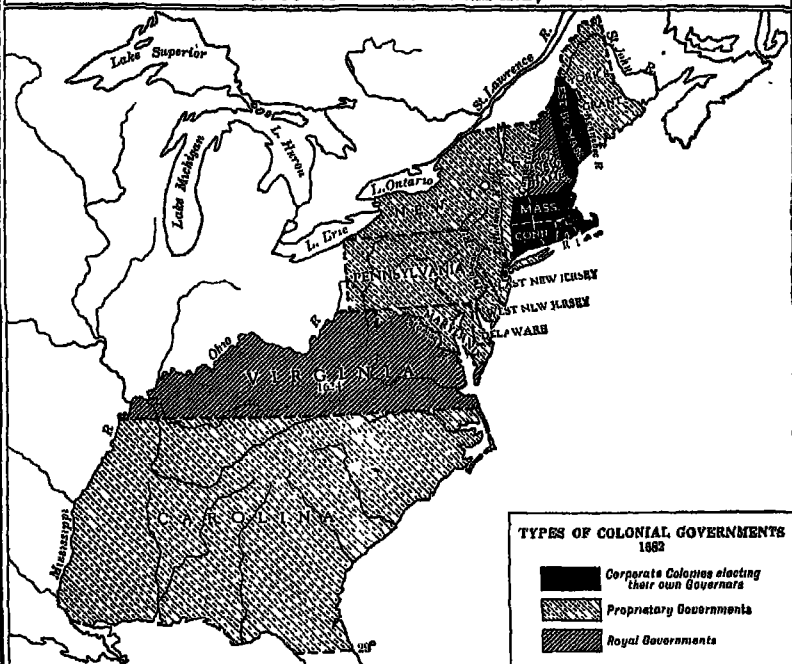
17. Main Features of Colonial Self-government. As we have tried to point out in previous sections, the American colonies were settled under charters granted by the king to various groups, companies and individuals. By the time of the Revolution all except five had become "royal colonies" under the direct control of the Crown. (See map, Fig. 8.) Rhode Island and Connecticut elected their own governors and virtually governed themselves. Maryland continued to be a proprietary colony under the Calverts, and Pennsylvania and Delaware under the Penn family. In the royal colonies the governor and leading officials were appointed by the Crown, in the proprietary colonies by the proprietors, and in the self-governing by the people themselves.

GROWTH OF POLITICAL LIBERTY. The original charters granted wide powers of government to the companies, proprietors, or settlers, but invariably with the restriction that the laws must be in conformity with those of England and in certain cases with the advice and consent of the settlers in the colony. The proprietors, anxious to entice settlers, granted a representative assembly to aid in making laws. In Massachusetts the freemen of the colony obtained this right from the company. In Virginia the company granted it, and the Crown in 1624 allowed the assembly to remain. Rhode Island and Connecticut took for granted such an assembly from the beginning.

However it may have originated, a representative assembly existed in each of the colonies by the end of the colonial period. In these provincial assemblies the colonists made their local laws and expressed to the Crown their desires and plans for provincial welfare. Oftentimes they fought valiant battles against the representatives of the king or proprietors for control of the purse strings, just as their brothers in England waged the same fight. In these assemblies the factional fights in the individual colonies were also waged. Minor religious sects fought for greater freedom; the small landowner came in conflict with the great proprietor; the western counties in combat with the eastern. Here were struck the first blows in behalf of the rising American democracy and here the colonial leaders were trained in the give and take of political warfare.

The colonial assembly was a proving ground for political leaders and statesmen who were later ready to take the helm when independence was declared. Over these bickering legislatures the Crown attempted to exercise some consistent policy. Supervision was maintained in England through various bodies which nullified colonial acts distasteful to the English government and attempted to enforce legislation of the English Parliament relative to the colonies.

CHANGES IN COLONIAL GOVERNMENT, 1682 - 1762



18. The New England Confederation. Not only were the colonists sensitive to any invasion of their interests and rights by the English Crown, but the citizens of various colonies were often suspicious of one another. Differences in religion, nationality and economic background help to account for this. On the other hand, fear of the Dutch, French, and Indians tended to draw them together, and there is at least one notable example of colonial union. In 1643 representatives from Connecticut, New Haven, Plymouth, and Massachusetts framed articles for the United Colonies of New England to form "a firme and perpetual league of friendship and amity for offense and defense, mutual advice and succor." Maine and Rhode Island were not included, for Massachusetts claimed Maine as part of her territory, and neither colony conformed to the established religious system of the four colonies in the league. "Concerning the Islanders," said Winthrop, "we have no conversing with them, nor desire to have, further than necessity or humanity may require." The Confederation was formed without any authorization from England.

Massachusetts, because of her size and wealth, dominated the Confederation and at one time refused to make war upon the Dutch when the representatives of the other colonies unanimously voted for this action. The Confederation did, however, enable the member colonies to coöperate on matters of mutual interest and established an important precedent for future action. It was in a sense the forerunner of a national union. Dissensions and the revocation of the Massachusetts charter in 1684 brought this experiment to an end.

THE STRUGGLE TO SAVE SELF-GOVERNMENT IS LONG AND SEVERE

19. Bacon's Rebellion in Virginia. It is not to be thought that colonial self-government was achieved without many a severe struggle. These struggles in the colonies were often closely intertwined with the political struggles in England. Both James I (1603-25) and Charles I (1625-49) believed in the divine right of kings to govern as they saw fit. Both persecuted those who did not belong to the Church of England and both attempted to collect taxes and rule without Parliament. As Charles I became more autocratic in rule and tended more toward Catholicism in religion, his rule became intolerable to the great mass of middle-class Englishmen now firmly believing in Protestantism. In 1642 civil war broke out (the "Great Rebellion"), the armies of Charles were defeated, the king himself was beleaguered in 1649, and from that year until 1660 England was a republic or "commonwealth" under the control of the Puritan faction led by Cromwell.

The Stuarts were restored in 1660 in the person of Charles II (1660-85), but the rule of his brother James II (1685-88) was so unpopular that he was deposed, and the Crown was offered jointly to the Protestant prince, William of Orange, and his wife, Mary, daughter of James II. Parliament at the same time passed a "Bill of Rights" reaffirming the time-honored rights of Englishmen which had been challenged by the Stuart kings. To liberal Englishmen this episode became known as the "Glorious Revolution."

During the period of the Commonwealth the royalist governor Berkeley was deposed in Virginia and that colony was almost a free republic. He was restored to power in 1659, but his administration was a stormy period. In control of the House of Burgesses, Berkeley forced through



Courtesy of Metropolitan Museum of Art

OLD VIRGINIA

Planter aristocracy attending worship at Old Bruton Church Williamsburg, Virginia
A painting by A. W. Thompson in the Metropolitan Museum of Art

laws which deprived the people of their right to elect certain local officials and laid heavier taxes upon the poor while favoring the rich. Virginia at the time was suffering an economic depression due in part to English tariff laws which restricted the market for tobacco.

When Indian warfare broke out in 1676 and the governor failed to prosecute it vigorously, the poor and middle-class farmers rose in rebel-

lion behind Nathaniel Bacon. These rebels gained control of the assembly and passed legislation ("Bacon's Laws") which gave more people the right to vote and provided a more democratic method of electing officials. Bacon died at the height of the rebellion; Berkeley regained his power and took such bloody revenge that the easy-going Charles II remarked, "That old fool has taken away more lives in that naked country than I did here for the murder of my father." "Bacon's Laws" were revoked by the king, but some of them were eventually restored. Bacon's Rebellion was an example of a democratic uprising against a representative of the English Crown and also of a revolt of the frontiersmen and small farmers against the seacoast aristocracy.

20. Andros and the Dominion of New England. The restoration of the Stuarts in 1660 was a bitter pill for Puritan Massachusetts to swallow, and there was continued friction between the Puritan colony and the government of Charles II. Finally in 1684 the charter of Massachusetts was revoked, and Maine, New Hampshire, Massachusetts, and part of Rhode Island were placed under a single governor, Joseph Dudley. In 1686 Sir Edmund Andros arrived in New England with a commission authorizing him to rule over all New England, New York and New Jersey as the Dominion of New England. Connecticut and Rhode Island refused to surrender their charters but yielded to his authority. The rest of New England submitted reluctantly.

Upon the people of Massachusetts the rule of Andros bore heavily. Exasperated by their intense opposition, he dismissed the assembly, collected taxes without consent, abolished the courts and dispensed justice himself. He took over the disposal of the western land, arbitrarily arrested the inhabitants, introduced the Episcopal form of worship, and instituted censorship of the press. In short, he outraged the inhabitants in almost every imaginable way and took away long-established rights. When the news of the "Glorious Revolution" reached Massachusetts, the tyrannical Andros was seized and thrown into prison. The people again assumed control and sent representatives to the new king, William of Orange.

21. The Glorious Revolution of 1688 and Its Effects upon America. With the end of the civil wars and the political unrest in Great Britain, the political situation became more stabilized in America. Massachusetts in 1691 was granted a new charter making her a royal province, but now including the colonies of Maine and Plymouth. Connecticut and Rhode Island brought their constitutions out of hiding and quietly resumed their earlier form of government. In Virginia the long period of Stuart invasions of the rights of the people was ended. In Maryland the Protestants seized the government in 1689 and petitioned

William and Mary to make it a royal province. The Crown thereupon deprived Baltimore of his political power, but left him his proprietary rights in the ungranted lands. Maryland was a royal province until 1715, when it was restored to the Baltimore family.

The political confusion in England strengthened in Pennsylvania the opposition to proprietary rule and the demand of the settlers for home rule, but it did not break the proprietorship of Penn. Under Andros, New Jersey had been joined to New York, but with the Revolution of 1688 it was separated again under its proprietors. New York had become a royal province when her proprietor, James, became king in 1685. Its chief gain from the Revolution was a representative assembly which first met in 1691. Politically, the Revolution of 1688 marked an important milestone in colonial life. There was an end to the tyrannical efforts of the Stuarts to restrict colonial liberties, and for many years thereafter political life in the colonies developed in a more peaceful and orderly fashion.

22. The Seventeenth Century. By the end of the century all of the original 13 colonies but Georgia had been settled. Their boundaries had been roughly determined and their form of government established. The Civil War and political battles in England had reacted upon the colonies, but they had come through with their own political rights little impaired. Immigration in the seventeenth century had been chiefly from England, but by 1700 the large and steady migration from Ireland and Germany, an important feature of the next 50 years, had commenced. By the opening of the new century the general economic features of colonial life had developed, the colonists had hit upon the most profitable methods of earning a living, and the way had been prepared for a half-century of rapidly advancing prosperity.

Two difficult problems remained to be solved: (1) Was France or England to dominate North America, and (2) how might colonial interests and the desire for home rule be reconciled with the imperial ambitions of England? The long struggle to settle the first question had already commenced before 1700; the solution of the second question was to lead directly to the American Revolution.

Can You Use These Terms?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. In general, indentured servants are best described as: (a) petty criminals who worked out their sentences through forced labor; (b) whites who agreed to work for a stated number of years to repay costs of transporting them to America; (c) Negro slaves.

2. Massachusetts Bay has been called a "Bible Commonwealth" because: (a) all the settlers were devout Christians; (b) its government was closely associated with the Puritan Church; (c) most of the settlers were Puritans.
3. The religious ideas of the Puritans are best reflected today in the practices of the: (a) Episcopal Church; (b) Congregational Church; (c) Protestant Church.
4. A proprietary colony was a colony: (a) established by a trading company; (b) owned and governed by an individual or small group; (c) owned by the king.
5. The so-called "bread colonies" whose chief product was wheat were the: (a) New England colonies; (b) Middle colonies; (c) Southern colonies.
6. A theocratic state is one in which: (a) there is complete separation of religion and government; (b) there is religious intolerance; (c) government is controlled by religious interests.
7. A colonial charter is best described as: (a) an agreement or contract permitting colonization in stated area; (b) rules imposed upon the colonies by the king; (c) a constitution drawn up by the colonists.
8. By the "Glorious Revolution" is meant: (a) the end, in England, of the autocratic rule of the Stuart kings; (b) Bacon's Rebellion; (c) founding of New England Confederation.

Do You Know the Facts?

B. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. The major product of Virginia during the colonial period was: (a) cotton; (b) tobacco; (c) wheat.
2. Most of the white inhabitants of our southern colonies were: (a) owners of large plantations; (b) small farmers; (c) merchants and traders.
3. The theocratic rule by Puritans in Massachusetts Bay: (a) drove many people to other parts of New England; (b) enabled all Christians to worship according to their own way; (c) gave control of the government to the majority.
4. The first written Constitution that established a framework of government in America was: (a) the Mayflower Compact; (b) the Fundamental Orders of Connecticut; (c) drawn up by Roger Williams.
5. Religious dissenters who left the Massachusetts Bay colony and established settlements elsewhere were: (a) Anne Hutchinson; (b) John Winthrop; (c) Roger Williams.
6. The first settlers who established what later became New York were: (a) Dutch traders; (b) Englishmen driven from Massachusetts Bay; (c) migrants who came directly from England.

7. A large measure of religious tolerance was permitted in the colony of: (a) Rhode Island; (b) Pennsylvania; (c) Massachusetts Bay.
8. The Scotch-Irish settlers from Northern Ireland established themselves mainly: (a) in New England; (b) in the southern coastal towns; (c) along the western frontier.
9. In terms of total numbers the largest group of immigrants to colonial America, except for the English and Irish, were: (a) Dutch; (b) Germans; (c) Scandinavians.

Can You Use What You Have Learned?

C. Some of the following statements are true, some are false. Circle the letter T if the statement is true. Circle the letter F if it is false.

1. T F The so-called "Pennsylvania Dutch" are the descendants of Dutch settlers.
2. T F The Puritans of Massachusetts Bay, while intolerant of the religious views of others, maintained their theocratic state to protect their own religious beliefs.
3. T F Political and religious tolerance was established in most of the colonies from the beginning.
4. T F Economic and social conditions of rugged frontier life tend to break down intolerance.
5. T F Like the Southern colonies, those in New England developed an economic system based upon the production of a single staple crop.
6. T F A diversity of religious groups and nationalities in the middle colonies encouraged establishment of a theocratic government.
7. T F Colonial America by the mid-1700's was a mixture of several nationalities.
8. T F By the end of the 1600's the British colonies were firmly united into a single unit.

Summarizing Exercises

D. 1. In the following list circle the names of people who encouraged or fought for democracy. Underscore the names of those who resisted democracy.

- (a) Nathaniel Bacon; (b) Sir Edmund Andros; (c) William Penn; (d) Henry Hudson; (e) Thomas Hooker; (f) Roger Williams; (g) Charles I; (h) Governor Berkeley; (i) Anne Hutchinson.

2. Match the following items in the right-hand column with the proper choices in the left-hand column. To do this insert the number or numbers of choices in the parentheses in front of the proper item or items. There may be items that cannot be matched. There may be others that can be matched with more than one choice.

CHOICES

- a. Pennsylvania was one of (
- b. Plymouth was one of
- c. Tobacco culture began in
- d. By the close of the colonial period there were legislatures in each of
- e. Most of the proprietary colonies were in (
- f. The "Bible Commonwealth" was one of
- g. Considerable numbers of people of diverse nationality appeared first in
- h. Small compact towns grew first in
- i. Diversified agriculture was typical of (
- j. First effort to unite several colonies occurred in
- k. The plantation system grew rapidly in
- l. By the end of the colonial period toleration of all forms of Christianity existed in

ITEMS

) the New England Colonies

) the Middle Colonies

) the Southern Colonies

Correspondence or Class Assignments

E. See general instructions under this heading, p. vi.

1. Describe briefly political, economic and social factors that led to the settlement of each of the following colonies: (a) Massachusetts Bay; (b) Pennsylvania; (c) Virginia.
2. Give an account of the early struggle for religious toleration in America touching upon each of the following: (a) founding of Rhode Island; (b) the Maryland Toleration Act; (c) Penn's "Holy Experiment."
3. Other peoples, as well as Englishmen, helped to establish British Colonial America. Indicate the reasons for migrating, areas settled, and main contributions of each of the following: (a) Scotch-Irish; (b) Germans.

Suggested Readings

Textbooks:

J. S. Bassett, *A Short History of the United States*, chaps. iii-vii, H. W. Elson, *History of the United States of America*, chaps. iv-vi, and H. U.

Faulkner, *American Political and Social History*, chaps. iii-iv, have good general accounts of the period of colonization. S. E. Forman, *The Rise of American Commerce and Industry*, chaps. iv-v, discusses economic conditions in the colonies. For particular colonies try: C. M. Andrews, *The Fathers of New England*; S. G. Fisher, *The Quaker Colonies*; M. W. Goodwin, *Dutch and English on the Hudson*; M. Johnston, *Pioneers of the Old South*.

Historical Novels:

Three well-known books about colonial New England are *The House of the Seven Gables*, *The Scarlet Letter* and *Twice-Told Tales*, all by Nathaniel Hawthorne. Knickerbocker's *History of New York* by Washington Irving is an entertaining mixture of fact and fiction of early days. E. L. Bynner, *Agnes Surriage*, is considered to be one of America's greatest historical novels.

CHAPTER III

England Battles for Supremacy in America

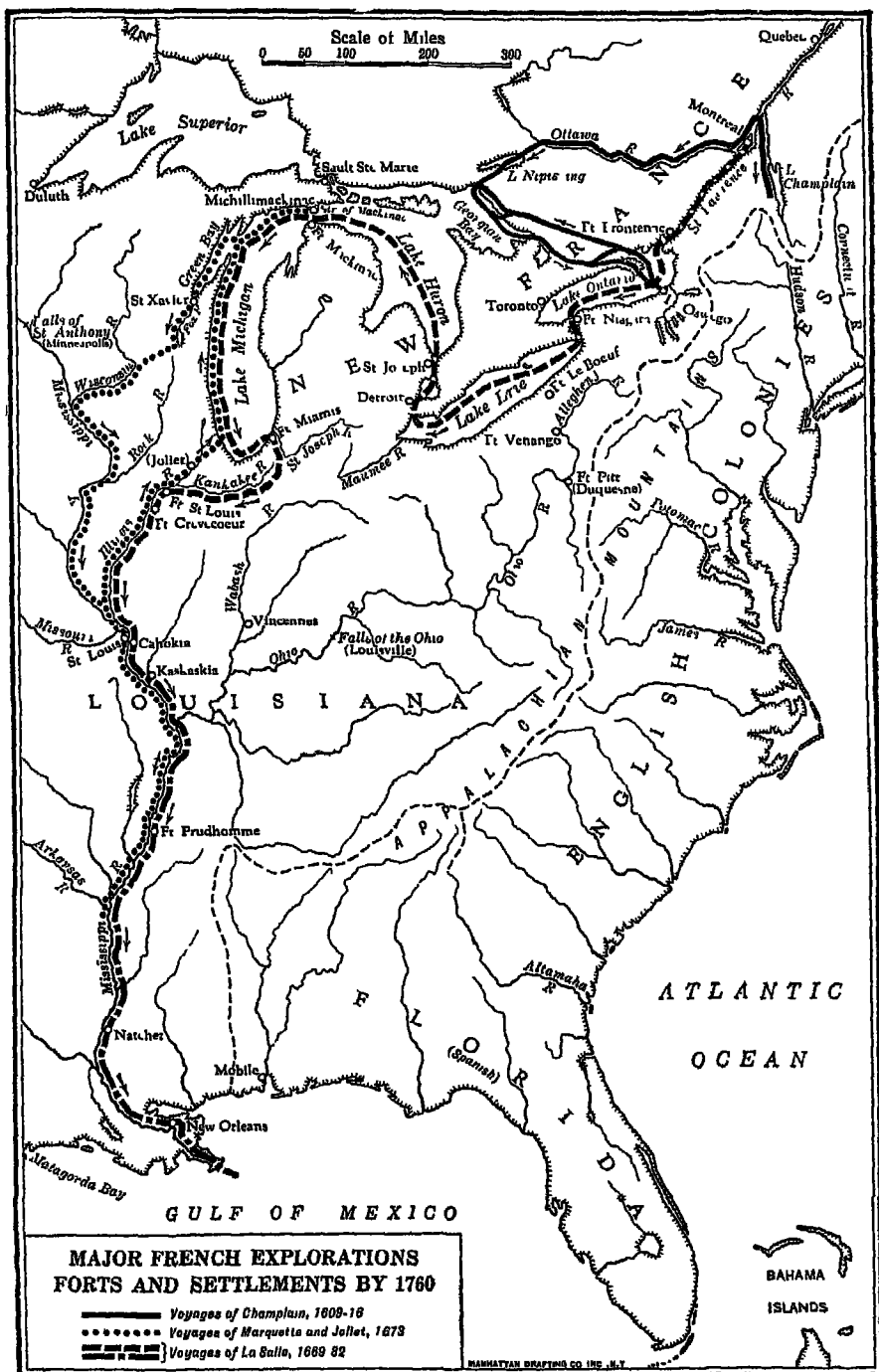
EUROPEAN NATIONS DIVIDE A CONTINENT

1. Development of French Power in America. The English settlers in America not only faced the task of conquering a wilderness and subduing hostile savages, but they were also confronted with the rival empires of France and Spain. From its base in the West Indies and Mexico the Spanish Empire pressed northward into what is now Florida, Texas and California. The French, established on the St. Lawrence, explored the region of the Great Lakes, the Ohio and Mississippi Valleys, and located their trading posts in the wake of the explorers. (See map, Fig. 9.) Following in the footsteps of the pious but valiant Champlain came a band of brilliant explorers who established the territorial claims of France and carried the message of the Gospel to the remote interior.

Louis Joliet, a fur trader, and Father Marquette, a Jesuit priest, made their way to the Mississippi by way of the Fox and Wisconsin Rivers, and voyaged down the Father of Waters beyond the mouth of the Arkansas, until they were convinced that the great river emptied into the Gulf of Mexico and not into the China Sea. The greatest of them all, Robert Cavalier, Sieur de La Salle, came to New France as a young man possessed with the dream of establishing the French Empire more firmly in the interior. After enduring incredible hardships, La Salle enjoyed a brief moment of glory when in the spring of 1682 his band floated down the Mississippi to the mouth and he took possession of the valley, naming it Louisiana in honor of Louis XIV. Attempting to lead a group of settlers to colonize Louisiana in 1684, he missed the river and landed on the shores of Texas where he was murdered by mutineers.

In 1701 Cadillac established a post at the strategic point of Detroit, and in the next half-century the outposts of the French Empire were extended from Nova Scotia on the east, westward along the St. Lawrence and the shores of the Great Lakes, south along the Ohio, Illinois and other rivers, and down the Mississippi to the Gulf.

2. French Civilization in America. The success of the French as colonizers hardly measured up to their success as explorers and mission-



aries. When the French Empire in North America finally passed to Great Britain in 1763 there were but 80,000 French in Canada. The average Frenchman seemed content to remain at home and was less willing than his English rival to venture across the ocean. One group of Frenchmen, the Protestant Huguenots, were eager to emigrate because of persecution in France, and they would have provided excellent material for the colony, but they were forbidden to leave France.

The handful of white men in New France were collected in villages along the St. Lawrence and its tributaries or grouped about the trading posts extending far into the interior. The government was autocratic and interfered in minute ways in the everyday life of the people. Every effort was made to introduce the feudal system of Europe, but such a system could hardly thrive in a region where vast areas of vacant land and great wealth in furs beckoned the peasant to desert his feudal lord for an independent life.

In New France the chief form of marketable wealth was furs. This was both the strength and the weakness of the colony. On the one hand it provided a source of wealth and spurred the French to exploration and conquest; on the other it discouraged agriculture and industry and kept the population scattered. If wealth was to be gained in New France, it must be through furs, and noble and peasant alike engaged in the business. Adaptable in the extreme, the Frenchman would often assume the manners and dress of the Indians, lead them on the warpath, live with them, and even intermarry. This gained for the French not only the furs but also the friendship of practically all of the Indian tribes, except the Iroquois. The latter, who controlled the strategic Mohawk Valley, never forgot their early conflict with Champlain and gave their allegiance to the English.

3. Conflicting European Rivalries in America. In 1664, when New Netherland was captured by the English, both Holland and Sweden were eliminated as colonizing nations in North America. There remained Spain, France and England; and the rivalries of these nations for the domination of North America continued even after the United States had won her independence. The whole question was greatly complicated by the fact that the European nations were fighting more or less continually from 1689 until 1815. England and France, for example, were at war approximately 60 years during this period, in a series of conflicts known as the Second Hundred Years' War.¹

¹ Second Hundred Years' War:

Europe	America
War of the League of Augsburg, 1689-97	King William's War
War of the Spanish Succession, 1702-13	Queen Anne's War

There was an infinite variety of causes for these European wars—among them the question of balance of power in Europe, conflict of religions, rivalry for the control of the sea or the acquisition of colonies. Whatever were the complicated European problems that resulted in war, America sooner or later was drawn in, but the conflict in America was only one aspect of a world-wide struggle.

There were, of course, specific causes of friction in North America. In her northward advance Spain came in conflict with the settlers of the Carolinas and Georgia and with the fur traders of the southern English colonies. She was irritated by the piracy and illegal trading rampant on the Spanish Main,¹ much of which could be traced to the English. In the North the fur traders of New England and New York had early come into rivalry with the French for the fur trade of the Mohawk and later for that of the vast regions west of the Appalachians. The far-flung empire of France bade fair not only to rob the English of the rich western fur trade but to confine the English colonies east of the mountains. For the settlers on the outposts the wars between France and England were a fight for existence; otherwise they were mainly a conflict for the Ohio and Mississippi Valleys. In the end, the wars determined which culture and which people should control North America.

STRENGTH OF THE RIVAL NATIONS. In this long and bitter conflict the French had certain advantages. Their centralized and autocratic government made it possible to use effectively the resources at their disposal. This advantage was increased by a succession of able leaders, the greatest of whom was the Count de Frontenac, a resolute soldier and a far-seeing governor of New France for two decades. Of great aid likewise was the friendship of a majority of the Indians who came to realize that the French were primarily interested in furs while the English sought land.

Are you ignorant of the difference between the king of England and the king of France [asked Governor Duquesne of the Indians]? Go see the forts that our king has established and you will see that you can still hunt under their very walls. . . . The English, on the contrary, are no sooner in possession of a place than the game is driven away. The forest falls before them as they advance, and the soil is laid bare so that you can scarce find the wherewithal to erect a shelter for the night.

War of the Austrian Succession, 1744-48
Seven Years' War, 1756-63
War of the American Revolution, 1778-83
War of the French Revolution, 1792-1802
Napoleonic Wars, 1803-15

King George's War
French and Indian War, 1754-63
War of the American Revolution, 1775-83
War of 1812-15

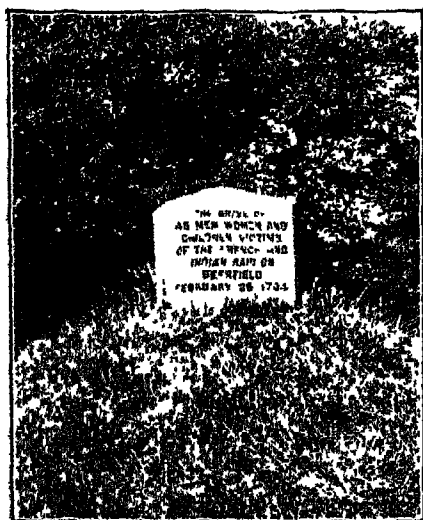
¹ The term Spanish Main properly used means the coasts bordering on the Caribbean Sea, but is sometimes applied to the Caribbean itself.

As against these advantages, the English colonies were far superior in economic strength and in number of population. The English colonists might be grouped under 13 separate governments which seldom acted effectively or in close coöperation, but in population they outnumbered the French about twelve to one. Their economic interests were more varied and their resources were far greater. Nor should there be forgotten the genius and enthusiasm of the great English statesman, William Pitt, who in the later stages of the conflict brought the full power of the British empire to bear upon the American phase of the struggle.

ENGLAND AND FRANCE STRUGGLE FOR A HUNDRED YEARS

4. The Preliminary Conflicts—Border Warfare.

In the great struggle between England and France for maritime and colonial supremacy which opened in 1689, the American colonies were immediately involved. In America the conflict generally took the form of raids by the French and their Indian allies upon the frontier settlements of New York and New England. In retaliation the English organized expeditions against the French fortresses in Acadia (Nova Scotia), along the St. Lawrence, and elsewhere. For America the outcome of the first war, King William's War (1689-97), was inconclusive. This struggle witnessed raids by the French and Indians upon the English frontier towns from Schenectady, New York, to Fort Loyal (now Portland), Maine. In return a New England fleet captured Port Royal (Annapolis), Acadia, but another expedition against Mont-



The Mirror Allen, Deerfield, Mass.

PERILS OF THE FRONTIER

On a February night in 1704 a band of French and Indians swooped down on the frontier village of Deerfield, Massachusetts, climbed the stockade and killed 48 of the inhabitants before being driven off. Over 100 prisoners were carried back to New France.

real failed. The Treaty of Ryswick (1697) settled nothing.

Five years later Queen Anne's War (1702-13) broke out. The French raided the frontier towns, notably Deerfield, Massachusetts, and the Spaniards, allied with the French, attacked the English frontier of the

Carolinas. Port Royal was taken by an expedition of British and colonials. In the Treaty of Utrecht (1713) Acadia, Newfoundland, and the Hudson Bay region were ceded to England. This treaty resulted obviously in great gains for England, but it did not settle the important question as to which nation was to dominate the continent or even the interior.

5. The Albany Plan of Union. As a result of warfare it became increasingly evident to many colonial leaders that some sort of colonial union would promote common action against the French and Indians besides dealing more efficiently with other matters of common concern. We have already pointed out how certain of the New England colonies took the initiative in 1643 when they organized the New England Confederation to deal with the Indian menace, and how a few years later the English government united the colonies north of Pennsylvania into the short-lived Dominion of New England.

In the summer of 1754, on the eve of the French and Indian War, delegates from seven of the colonies met at Albany to consider other means of common action. Here Benjamin Franklin proposed his famous scheme of political union known as the Albany Plan. It provided for a federal congress of delegates from each of the colonies to meet annually, with powers to maintain a colonial army, deal with Indian affairs, control public lands, pass laws and levy taxes necessary for the general welfare. The executive power to appoint high officials and military commanders was to be in the hands of a President General, appointed by the king, who might also have the power to veto acts of the congress.

The plan was rejected by the colonial legislatures to which it was referred on the grounds that they would be sacrificing too much of their power. Great Britain, fearing that it would increase the power of the colonial governments, also frowned upon it. Although the Albany Plan crashed upon the rocks of colonial jealousies and English imperialism, it is of great significance in our history. It was the forerunner of the later Continental Congresses which not many years afterwards were given practically the same powers to direct the revolution against Great Britain. The leaders of the revolution had a plan of union ready made for them.

6. The French and Indian War. In the earlier wars the colonists in the New World were drawn into the whirl of great European conflicts. In the final great colonial struggle, the French and Indian War (1754-63), the first fighting took place in America two years before war was formally declared or became general in Europe. For England and France it was a great conflict waged on three continents for sea power and for the control of India and North America. In America the rivalry between the French and English was becoming acute. American fur traders were

stretching their operations beyond the mountains, wealthy land speculators were securing grants in the same regions, and aggressive frontiersmen were about ready to penetrate the mountain passes to possess themselves of the rich lands beyond.

On their side the French moved to strengthen their position in the Ohio Valley and their relations with the Indians both north and south, and thus to hold back the English east of the mountains. In 1754, Duquesne, governor of Canada, sent an expedition to build a series of forts and roads which would stretch from the site of the present Erie south to the Allegheny and Ohio Rivers. In behalf of Great Britain and Virginia which claimed the region, Governor Dinwiddie of Virginia sent George Washington, a young man of 21, with a demand that the French vacate. Instead of complying, the French built Fort Duquesne on the present site of Pittsburgh and in the next spring (1755) captured a force of Virginians under Washington who had been sent west to dislodge them.

EARLY CAMPAIGNS. The frontier skirmishes between Washington and the French in the western wilderness of Pennsylvania opened a conflict which was soon to involve three continents. In America the struggle was disastrous for the English during the next three years. There was little coöperation on the part of the colonial governments, and the initiative was taken by Great Britain.

In 1755 General Braddock arrived in America with an army of British regulars, and with the aid of Virginia militia under Washington moved to take Fort Duquesne, the key to the Ohio Valley. Within eight miles of the fort the British troops were ambushed by a party of French and Indians considerably smaller in numbers, and thoroughly routed, after which they retreated rapidly to Philadelphia. A French attack along the Champlain-Lake George route, on the other hand, was beaten back. In the same year a volunteer force of New Englanders won doubtful fame by descending upon Nova Scotia, removing the French Acadians forcibly from their homes, and distributing them among the English colonies. The English feared their loyalty, but it was a wanton and unnecessary bit of cruelty.

In 1757 a large contingent of British regulars was sent to America. In addition the colonial governments, responding to the new spirit, voted substantial sums of money and enlisted the militia to aid in the struggle. In 1758 the war was pushed aggressively on all fronts. Jeffrey Amherst with an adequate force captured and demolished Louisburg, a site never again to fall into the hands of the French. General Forbes, with British troops and colonial militia, cautiously cut a road across Pennsylvania, only to find Fort Duquesne deserted and in ruins when he reached the

Ohio.¹ An English and colonial expedition toward Canada along the Hudson-Lake Champlain route, however, was a complete failure. Nevertheless, the year had witnessed great gains for the English. The power of the French had been smashed at the extremes of their American Empire—at Louisburg on Cape Breton Island and in the Ohio Valley.

7. The Fall of New France. In 1759 the struggle reached its climax. Redoubling their efforts, the British planned three movements. Wolfe



QUEBEC FROM POINT LÉVIS, 1759

Point Lévis, on the south bank of the St. Lawrence opposite Quebec, was occupied by the British during the siege. In the picture British troops appear to be landing.

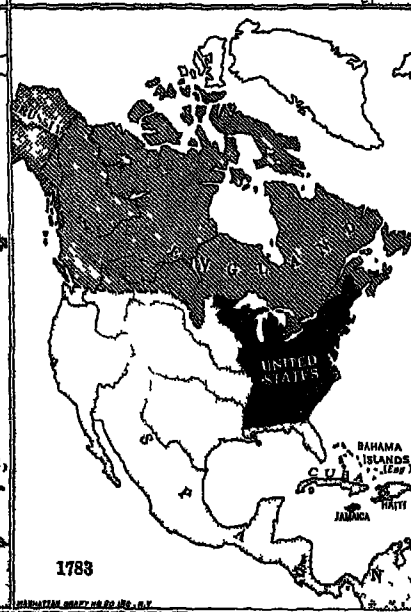
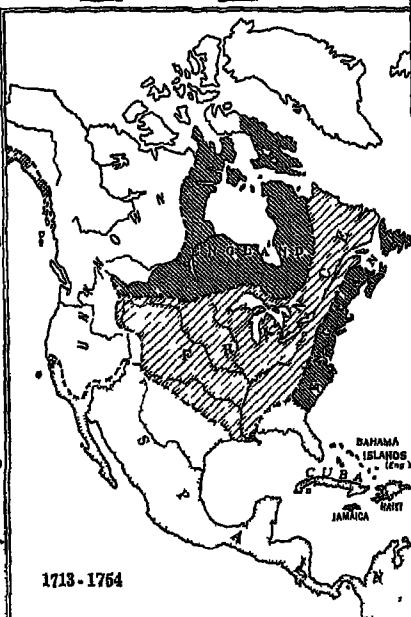
with a strong fleet was to attack Quebec by way of the St. Lawrence. A large military force under Amherst was to advance against the same place by way of Lake Champlain, while a third contingent was to move against Fort Niagara. In New France the outlook was dark. Her military forces were under the command of the Marquis de Montcalm, a valiant gentleman and a capable soldier, but his activities were greatly hampered by jealous and corrupt civil officials.

Slowly but surely the British closed in upon New France. Fort Niagara was easily captured, and Montcalm found it necessary to relinquish his outlying posts, including Ticonderoga and Crown Point, and concentrate his forces at Quebec. For two months Wolfe besieged Quebec

¹ The fort was rebuilt and christened Fort Pitt, and the town which later grew up around it took the name Pittsburgh.

CHANGES IN OWNERSHIP OF NORTH AMERICA 1664-1783

English French Spanish Russian United States



without success. Finally, on the night of September 12, his boats eluded the observation of the French sentries, 4,500 of his men scaled the cliffs above the town and were drawn up on the Plains of Abraham at daybreak ready for the assault. A short but severe battle ensued in which both Montcalm and Wolfe lost their lives, and the city surrendered three days later. The British held on grimly until relief came in the spring. In September of 1760 Montreal also fell and the war in Canada was over.

TREATY OF PARIS. Although French resistance in America was broken, the general conflict lasted more than two years longer. Spain came into the war in 1761, but the loss of Manila in the Philippines and Havana in Cuba soon brought her to terms. In the Treaty of Paris of 1763 France ceded to England her claims to Canada and the land east of the Mississippi except New Orleans, retaining but two little islands off the coast of Newfoundland (St. Pierre and Miquelon) for her fishermen to dry their fish. To her ally, Spain, France ceded Louisiana (including New Orleans) and her claims to land west of the Mississippi in compensation for Florida, which England insisted upon taking as the penalty for Spain's participation in the war. (See maps, Fig. 10.) During the war England had also captured the French islands in the West Indies, and British statesmen hesitated whether to take Canada or these islands. Better judgment prevailed and the two richest, Martinique and Guadalupe, were returned to France.

SIGNIFICANCE OF THE TREATY. Like many treaties before and since, the distribution of land made at the Treaty of Paris of 1763 did not last forever. Twenty years later, at the end of the American Revolution, Great Britain lost her colonies south of Canada and ceded Florida back to Spain. (See map, Fig. 10.) The Treaty of Paris, nevertheless, marked a momentous turn in world affairs. It marked the end of the French Empire in North America (except for an attempted brief revival under Napoleon), and the eventual substitution in Canada of English culture and institutions for those of France. It ended for the English colonists in America any serious danger of French aggression, for when France next played a large rôle in America it was as an ally of the rebellious colonists. It marked for England her emergence as the leading naval and colonial power of the world. What success she might have in holding together the vast empire she had won, remained to be seen.

Can You Use These Terms?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. Frenchmen who had broken with the Catholic Church generally were called: (a) Protestants; (b) Puritans; (c) Huguenots.

2. An empire is usually considered to be: (a) a large, powerful nation, (b) a nation that controls other territories and alien peoples; (c) a war-like country.
3. An autocratic government is one in which the people: (a) have small share; (b) are governed by one ruler; (c) are represented by a legislature of their own choosing.
4. The term "Spanish Main" meant: (a) all the lands in this hemisphere claimed by Spain; (b) the mainland of Spain; (c) the area in the vicinity of the Caribbean Sea.

Do You Know the Facts?

B. Indicate the chronological order of the events mentioned within each of the following groups by placing the letters a, b, c in the appropriate parentheses.

- | | |
|--|---|
| 1. () Queen Anne's War | 2. () Albany Plan of Union |
| () French and Indian War | () New England Confederation |
| () King George's War | () The Continental Congresses |
| 3. () Nova Scotia taken by British | 4. () American Revolution |
| () Mississippi Valley claimed by France | () French and Indian War began |
| () British take Quebec | () French control ended in North America |

C. In each of the following incomplete sentences write the appropriate item or items in the blank space or spaces.

1. George Washington gained military experience when he fought on the side of the _____ during the War.
2. The greatest of French explorers, who claimed all the Mississippi Valley for France was _____.
3. The greatest of the colonial governors of New France was _____.
4. The Iroquois Indians controlled the _____ Valley, the natural highway extending from east to west in central New York.
5. The Battle of Quebec in 1759 was won by the British led by General _____.
6. The great British statesman, whose vision and planning helped to defeat France, was _____.
7. The European struggle, of which the French and Indian War was a counterpart, is called the _____ War.

Can You Use What You Have Learned?

D. Some of the following statements are facts, others may be opinions. If the statement is a fact, circle the letter F; circle the letter O if it is an opinion.

1. F O The struggle between European powers for control of North America was a phase of a long series of European Wars.
2. F O There is ample evidence to show that America has been involved in Europe's major wars beginning with the colonial period.
3. F O Colonial France was controlled by a totalitarian type of government.
4. F O Totalitarian governments can wage wars more effectively than can democratic states.
5. F O A factor that helped to bring about the American Revolution was the defeat of France in the French and Indian War.
6. F O If the French Empire in North America had not been overthrown, there might have been no American Revolution.
7. F O French domination of the Mississippi Valley and Great Lakes region tended to keep the English colonists east of the Appalachians.

Summarizing Exercise

E. Place the events in the right-hand column in proper time order in the left-hand column. There may be some events listed in the right-hand column that have no proper placement.

- | | |
|---|----------------------------------|
| 1. La Salle claimed the Mississippi Valley for France | a. Treaty of Paris of 1763 |
| 2. King William's War | b. Battle of Quebec |
| 3. | c. Albany Plan of Union proposed |
| 4. French and Indian War began | d. American Revolution began |
| 5. | e. Mexico achieved independence |
| 6. Fall of New France | |
| 7. | |

Correspondence or Class Assignments

F. See general instructions under this heading, p. vi.

1. "A happier calamity never befell a people than the conquest of Canada by the British arms," stated the famous historian, Francis Parkman. Discuss this statement touching upon: (a) effect upon colonists of removal of the French menace; (b) probable effects upon colonies had France retained control of the Mississippi Valley.
2. Contrast the French and British colonization of North America touching upon: (a) types of colonial governments; (b) motives of settlers; (c) extent and nature of settlements.
3. Give an account of the French and Indian War including: (a) causes; (b) major campaigns; (c) extent of territory in North America ceded to Britain at close of the war.

See "How To Use This Book," p. vi, concerning your Course Essay.

Suggested Readings

Textbooks:

H. U. Falkner, *American Political and Social History*, chap. v, H. W. Elson, *History of the United States of America*, chap. vii, and J. S. Bassett, *A Short History of the United States*, chap. vi, have good general accounts of the struggle between France and England for North America. G. M. Wrong, *The Conquest of New France*, gives considerable detail about campaigns and battles. Almost all of the works of Francis Parkman deal with New France.

Historical Novels:

K. L. Roberts, *Northwest Passage*, upon which the film was based, is a gripping story of border warfare; W. Cather, *Shadows on the Rock*, is a story of old Quebec; J. F. Cooper, *The Last of the Mohicans*, is a famous story of border warfare.

CHAPTER IV

Growing Friction Between the Colonies and Great Britain

ENGLAND APPLIES THE "OLD COLONIAL SYSTEM" TO AMERICA

1. **Mercantilism in Theory.** European statesmen of the seventeenth and eighteenth centuries were ardent followers of the economic theory known as mercantilism. This was a theory which aimed at the building of strong, wealthy and independent national states by promoting economic independence in all lines and establishing a favorable balance of trade. Specifically it was hoped to do this in a number of ways: (1) by encouraging native shipping to build up a strong merchant marine and train seamen for an efficient navy; (2) by protecting and aiding home agriculture to produce sufficient foodstuffs and raw materials for manufacture and thus to enable the country to be independent and self-sufficing in this respect; (3) by protecting and stimulating home industries to become self-sufficing industrially and provide employment for citizens, and (4) by maintaining a favorable balance of trade by exporting more goods than were imported and amassing and keeping in the home country as large an amount of metallic currency as possible, under the erroneous belief that the nation with the greatest amount of gold was the wealthiest.

According to this theory, the colonies existed primarily for the advancement of the home country, and their interests were generally held to be subordinate to those of the mother nation. They were expected to provide those raw materials not available at home, and to be a market for the finished goods of the home country. This colonial policy was followed by every colonizing power of Europe. How it was applied by England to her American colonies and how it contributed to the final break will now be told.

2. **Mercantilism in Practice.** The groundwork upon which England erected her colonial economic policy was three famous "Navigation Acts" passed by Parliament in the middle of the seventeenth century. In 1651 it was enacted that goods imported into England or her dominions from Asia, Africa, and America must be carried in English ships, and that all goods imported from Europe must be transported in English

ships or in such foreign ships as belonged to the nation where the goods were produced. The purpose of this act was to give, as far as possible, a monopoly of the carrying trade to English or colonial shippers and thus develop English sea power.

By an act of 1660 a new feature was added when it was enacted that certain commodities produced in the colonies must be sent only to England.¹ In other words, England sought to regulate colonial trade by demanding a monopoly of certain "enumerated products" of the colonies. Another act of 1663 ordered that European goods (with certain exceptions) must be taken to the colonies only in English ships and by way of England, an act by which she sought not only to monopolize the handling of imports but to collect duties and commissions as the goods passed through her ports. These were only the most outstanding of a long series of acts designed to regulate commerce and trade.

While England was regulating commerce in this manner, she was also carrying out other phases of mercantilism. The production of the commodities which she wanted she was quite willing to encourage. Thus "bounties" were granted on naval stores and other commodities, tariffs were imposed against the goods of other nations to aid colonial products, and a monopoly of the English market was assured for certain colonial commodities. On the other hand, England did not hesitate to exclude by high tariffs other colonial products, particularly foodstuffs, which came in conflict with the English farmer.

RESTRICTION ON MANUFACTURING. England did not hesitate in her efforts to nip in the bud the development of colonial manufactures. Thus she forbade the exportation of woolen goods and beaver hats from the colonies to England or even from one colony to another. While she encouraged the making of pig iron, she forbade the erection of any mills for the rolling or slitting of iron or furnaces for the making of steel. These restrictions on colonial manufacturing may not have seriously hindered American economic development, but the fact that England was so quick to protect the interests of her own citizens as against the colonists was a source of irritation.

3. How Detrimental Was the Old Colonial System? In spite of the fact that the English colonial policy was essentially selfish and was planned primarily for the benefit of the home country, it is nevertheless true that the effect was not markedly disastrous. This was due to a number of reasons. (1) In some cases the interests of the colonists ran

¹ The Act of 1660 specified "sugars, tobacco, cotton-wool, indigo, ginger, fustick, or other dyeing woods." The list was expanded in 1706 by the addition of naval stores, tar, pitch, turpentine, hemp, masts, yards; in later years by rice, copper, ore, furs, molasses, iron, lumber, pearl ashes and other commodities.

parallel with those of the mother country. It was fundamentally sound for them to devote themselves to the production of raw materials rather than the finished manufactured article. (2) English bounties in some cases promoted a logical development and were an aid to the colonist. Furthermore, the early acts were a great incentive to shipbuilding in the colonies. (3) Where the English market was closed to colonial goods, a market was usually found elsewhere, in the West Indies or southern Europe. (4) More important than all else, the acts were not enforced or were evaded by the colonist.

During the first half of the eighteenth century England followed the "Salutary Neglect" policy of her statesman, Sir Robert Walpole, whose motto was "*Quia non movere*" ("Let sleeping dogs lie"). It was during this period that the evasion of the laws reached such great proportions and that smuggling was widespread. It was estimated in 1700 that one-half of the trade of Boston was in violation of the law. The situation seems to have been quite as bad in the other colonies, and it did not improve as time wore on.

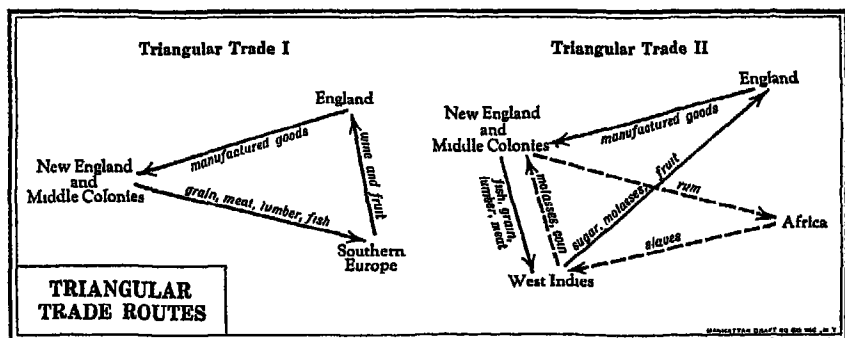


FIG. 11

The goods exported from the colonies to Great Britain were of much less value than the manufactured goods imported from the mother country. How this unequal balance of trade was overcome can be seen by following carefully the trade routes on this chart.

There were, nevertheless, certain features disadvantageous to the colonists. Giving a monopoly of the carrying trade to English and colonial shippers removed competition and increased freight rates. Paying duties and middlemen's profits upon goods imported by way of England increased their cost. The general policy of discouraging all industry not conforming to the interests of England was bound in the long run to work hardship.

A notable example of the clash of economic interests can be seen in the

Molasses Act of 1733. New England and the Middle Colonies, with England closed to them as a market for their foodstuffs, found an outlet in the West Indies, where grain, meat, lumber, and fish were exchanged for molasses and currency. The molasses was turned into rum for the fishing fleet and slave trade, and the currency exported to England for manufactured goods. When the planters in the Dutch and French West Indies began to sell their molasses and sugar cheaper than the planters of the British West Indies, England placed prohibitive duties on these commodities imported from foreign plantations into the British colonies in America. The enforcement of this act would have dealt extensive injury to colonial commerce, but fortunately it remained a dead letter until 1763.

GREAT BRITAIN ADOPTS A NEW IMPERIAL POLICY

4. Economic Friction Reaches a Climax—England Ends the Policy of Salutary Neglect. Although the clash of economic interests was ever present, the mother country and her thirteen daughters managed to dwell for many years in the same house in reasonable friendship. When the mother country, however, began after 1763 to exert the parental authority, a break quickly came. What were the reasons which led England to turn her back on Walpole's policy of "salutary neglect" and undertake a more aggressive imperial policy? They appear to have arisen chiefly as a result of the long struggle for empire which reached its climax in the French and Indian War.

During that struggle the weaknesses of the existing situation became evident. These weaknesses were: (1) the lack of unity on the part of the colonists in handling the Indian problem and questions of colonial defense, (2) the backwardness of some of the colonies in contributing their fair share to the general problem of defense, and (3) the willingness of some of the colonists to supply the enemy in Canada and the West Indies with foodstuffs during the war. France had been defeated, but the government of Great Britain knew that there would be no Indian peace until some strong authority could check the lawless activities of fur traders and backwoodsmen and the lawless purchasing of land by greedy land speculators.

The French and Indian War had been immediately followed in 1763 by a general uprising of the Indians west of the Alleghenies under the Ottawa chieftain, Pontiac, an uprising incited by the French. Furthermore, the British public debt had doubled during the war and rested heavily upon the taxpayers. This debt had been incurred, the government

said, in a large measure for the benefit of the American colonists, and the latter should pay a greater share.

From the point of view of British imperialists there was no question that the Empire should be more closely knit together, and their position was perfectly logical. The English ruling classes never questioned the justice or legality of the various acts which they passed to accomplish this purpose, for these laws were in line with the whole policy of mercantilism which England and all other European colonial powers had followed for over a century.

Although at the time there was much talk in America of justice and liberty and "no taxation without representation," the Revolution was not fought primarily because of any violation of the technical legal powers of the British government. It came because an ignorant and stupid administration with slight knowledge of the American problem and no understanding whatsoever of the American mind passed law after law which goaded the colonists into action, and fanned to a flame the long-smoldering resentment against the whole British colonial system.

PROCLAMATION OF 1763. The change in policy came definitely in October of 1763, when the British government issued the Proclamation of 1763 which forbade colonial governors to authorize surveys or grant patents "for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or north west." (See Fig. 12.) The purpose of the Proclamation was chiefly to regulate the westward movement in a more orderly manner and thus avoid Indian trouble. The colonists, however, felt that England was hampering the normal development of colonial expansion in order to keep the settlements east of the mountains firmly under her control. The irritation of the frontiersmen, just ready to break through the mountain passes, was extreme, but they met the issue, as their descendants have so often done in later years, by ignoring the law.

5. British Acts under Grenville, 1763-65. In 1763 George Grenville, Prime Minister of England, backed by George III and his cabinet, presented his new imperial policy to Parliament. He proposed (1) to enforce more strictly the Navigation Acts, (2) to obtain more revenue from the colonies by new taxes, and (3) to send a standing army of 10,000 to America, one-third of the cost to be met by revenue from the colonies. Specifically there was passed the Sugar Act of 1764 which cut in half the duties of the Molasses Act of 1733. This was done in the hope that the removal of the high rates might induce merchants to become more honest and that some revenue might be raised. In addition duties were laid on indigo, coffee, wines, silks, and calicoes, while at the same time the number of "enumerated articles" was increased. Realizing that

these duties would not nearly meet the need for revenue, Grenville proposed a stamp tax on newspapers, pamphlets and legal papers, but postponed action for another year.

Whatever might have been the wisdom of adding more duties, the British position seemed to be legally correct. Nevertheless, the proposed stamp tax was found to arouse opposition in America because the theory was now thoroughly established in Great Britain that a tax was a free gift from the representatives of the people to the Crown. In America there was bitter opposition to the proposed stamp tax on the ground of "no taxation without representation." But the colonists offered no substitute and the act was passed with little opposition in 1765, by a combination of landowners and business men, both of whom were anxious to shift some of the heavy burden of taxation on to American shoulders. "Nothing of note in Parliament, but one slight day on the American taxes" was the contemporary comment of Horace Walpole on one of the most significant days in British imperial history.

PROTEST IN AMERICA. Against the acts of the Grenville ministry there was in America an immediate and bitter outcry. The sending of regulars to America in times of peace was looked upon as a method of frightening the colonists at a time when distasteful laws were being passed. The stamp tax was considered something new in the policy of Great Britain which might lead to other and worse forms of taxation. But above all else was the economic injury resulting from the Sugar Act and the new tariffs. An economic depression following the French and Indian War was emphasized by the new laws which affected the prosperity of sailors, shipbuilders, farmers, lumbermen, and merchants. Further cause for bitterness was furnished by the methods of British officials who enforced the acts. The Writs of Assistance, which were general warrants permitting customs officials to enter private premises in search of smuggled goods, were especially disliked. Against these writs James Otis in 1761 had protested so eloquently that John Adams called his speech the "opening gun of the Revolution."

The excitement in the colonies was unparalleled. In the Virginia House of Burgesses Patrick Henry led an attack upon the English laws which resulted in resolutions declaring that such use of power by the British Parliament was illegal, unconstitutional, and unjust. In Massachusetts the "Sons of Liberty," as the active opponents of the laws were called, sacked the mansion of Lieutenant Governor Hutchinson, and there were riots in other towns. In October of 1765 delegates from nine colonies met in New York in the famous Stamp Act Congress and drew up "declarations of the rights and grievances of the colonists in America." These

statements said that the late acts of Parliament were a serious burden to the colonists and tended to undermine their rights and liberties.

Petitions and protests failing, merchants started a boycott by binding themselves to import no more English goods. Amazed at the opposition in the colonies and disturbed by the complaints of English merchants and manufacturers whose business was being injured, Parliament in 1766 repealed the Stamp Act and revised the Sugar Act downward. Refusing, however, to budge one inch from their original stand, they accompanied repeal by a Declaratory Act asserting that Parliament "had, hath, and of right ought to have full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of *America*, subjects of the crown of Great Britain, in all cases whatsoever." To this sweeping assertion some of the British liberals led by the elder Pitt objected, but their opposition was lightly brushed aside.

POSTER AGAINST THE STAMP ACT

A New York poster warning against the use of stamps which appeared on the doors of public buildings.

6. British Acts under Townshend. With the repeal of the stamp Act the first act of the revolutionary drama closed. The colonists in their joy over repeal ignored the Declaratory Act and settled back to enjoy their victory. This situation was not to last long, for the major problem of imperial control and imperial revenue had not yet been settled.

In 1767 an aggressive and brilliant politician, Charles Townshend, was the dominant person in the British cabinet. With a cocksureness born of ignorance of *America*, he at once proposed to increase the revenue obtained from *America* by new taxes. Keeping in mind, however, the distinction made by the colonists between duties and direct taxation, he limited himself to import duties. The Townshend Acts imposed duties on paper, glass, lead, painters' colors, and tea. In order that these taxes might be collected efficiently, the acts empowered the use of writs of assistance and provided that persons accused of violating the tariff acts should be tried by courts without juries. The revenue obtained was to pay the salaries of governors, judges and other English officials in *America*, thus freeing them from dependence upon American legislatures.

OPPOSITION TO THE TOWNSHEND ACTS. The passage of the Townshend Acts made it quickly evident that the colonists objected to being

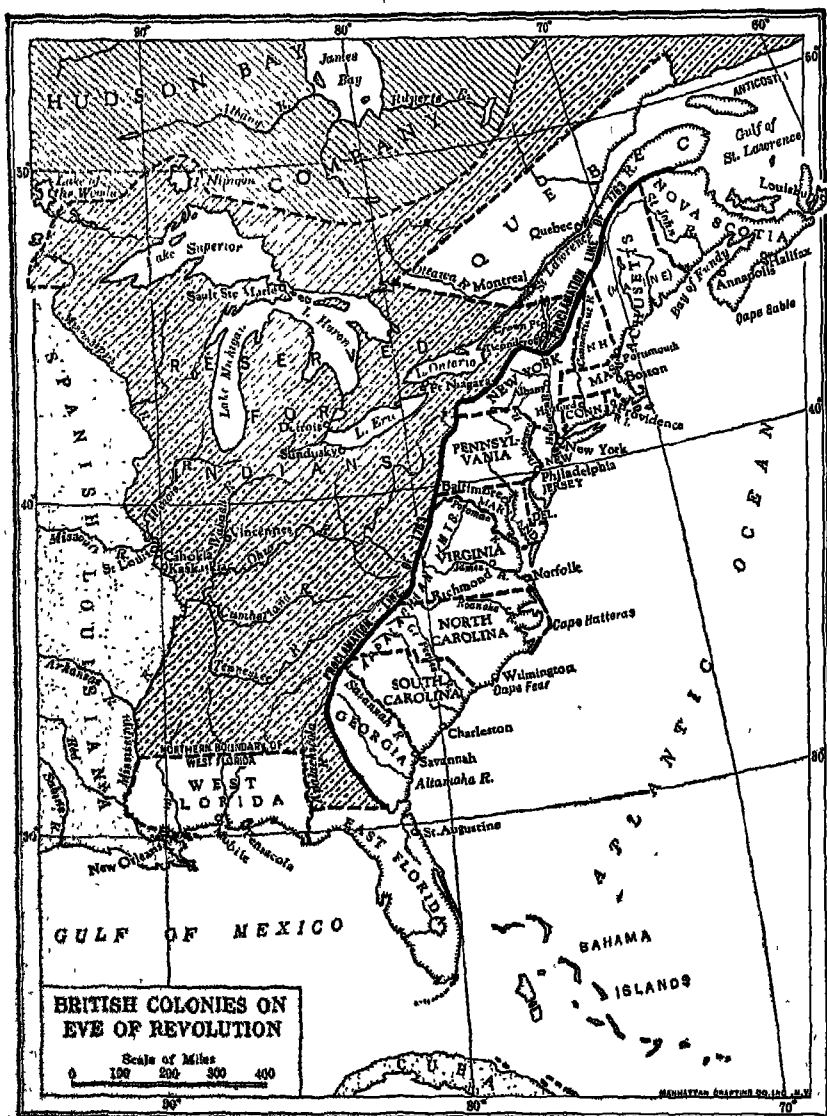


FIG. 12

taxed at any time, in any way, or by anybody. To many Americans the benefits of government seemed to be slight, and they rarely saw any of the currency with which the taxes were to be paid. If they objected to being taxed by their own colonial governments, it was natural that they would resent taxes levied by an authority beyond the sea. The Massachusetts legislature, under the leadership of Samuel Adams, replied to the Townshend Acts by sending a circular letter to the other colonies urging coöperation in resisting the British government. The non-importation agreements were revived and this time encouraged by the legislatures.

The spirit of mob violence reappeared, particularly in Boston, and upon the request of customs officials two regiments of British regulars were sent there in 1768. Imported for the purpose of bringing pressure to bear upon the inhabitants, their presence was bitterly resented by the citizens. In spite of increasing tension, serious conflict was avoided for 18 months. Finally, as a climax to a long period of friction, a British guard fired upon an attacking mob (March 5, 1770), killing four and wounding several. Intense excitement followed; and the next day, under the leadership of Samuel Adams and John Hancock, a town meeting demanded the withdrawal of the troops from the town, a demand which Lieutenant Governor Hutchinson finally met.

On the same day as the "Boston Massacre" the new British Prime Minister, Lord North, attempted a strategic retreat in the manner of his predecessor, Grenville, several years before. He proposed the repeal of all of the Townshend duties with the exception of a three penny tax on tea, which was to be retained as a matter of principle to uphold the right of Great Britain to tax her colonists.

THE COLONISTS MOVE TOWARD REVOLUTION

7. Last Phases of Opposition. Just as after the repeal of the stamp tax, joy again reigned in the colonies. The more conservative importers and merchants were willing to overlook the tea tax because of the repeal of the other duties, and in the single year following, imports from England more than doubled. The more radical of the political leaders, on the other hand, were far from satisfied, for by maintaining her tax on tea England upheld her right of taxation without colonial consent, and until that was given up there could be no safety.

Deserted now by many of the well-to-do and respectable elements of society who formerly had supported them, the radical leaders redoubled their efforts. Throughout the colonies a boycott was established against tea upon which duty had been paid. Under the leadership of such men as Samuel Adams, Patrick Henry and Thomas Jefferson, Committees of

Correspondence were established in six of the colonies to keep alive the spirit of revolt and to encourage a united opposition. No opportunity was allowed to pass which might serve this purpose.

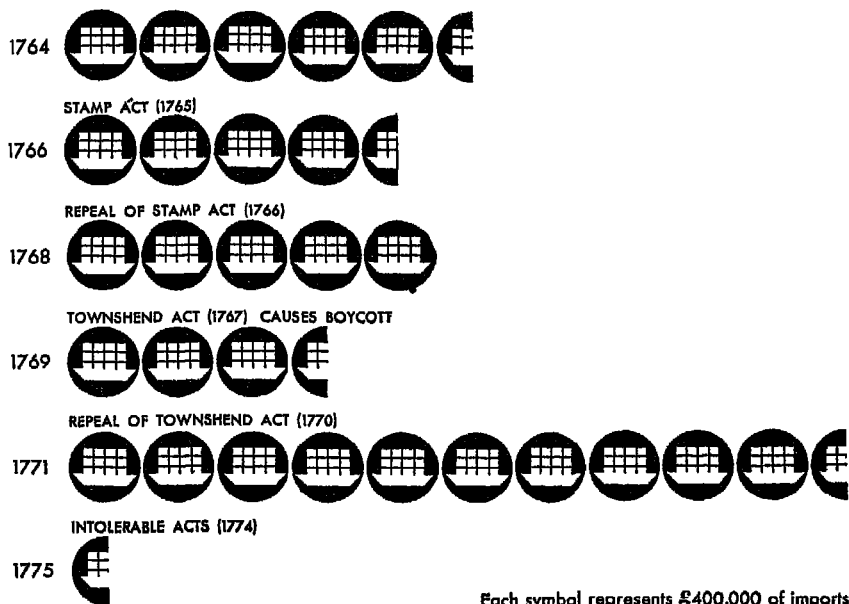
BOSTON TEA PARTY. The efforts of these radical leaders, nevertheless, might have been of no avail if the British government had not blundered again. The British East India Company, which imported tea into England, was in financial difficulties, and petitioned the government that it be allowed to send an accumulation of tea to America without paying the English duty of a shilling a pound. This would help the company, provide some revenue for the English government, and perhaps undermine American opposition to the tea tax, for without the English tax it could now be sold in America cheaper than it could be smuggled in.

The petition having been granted, shiploads of tea began to arrive in America. Everywhere the flames of opposition burst forth. The ships sailed back from Philadelphia and New York without landing; at Charleston the tea was placed in storage and later sold at auction for the Revolutionary cause. The citizens of Boston would not allow the tea to be brought ashore, and Governor Hutchinson would not let the ships depart. He seemed intent upon forcing the issue, and Boston met it squarely. Inspired by Adams himself, about 50 men disguised as Indians boarded the ships at the wharf and emptied into the water 342 chests of tea valued at £15,000.

INTOLERABLE ACTS. This act of violence was widely condemned in the colonies. It can be excused only on the ground that a break was certain and the sooner it could be precipitated the better. Without waiting for Boston to make amends, the British Parliament passed the five "Intolerable Acts" (1774) to punish the disobedient colony. Under these acts, (1) the port of Boston was closed until the town should pay for the tea; (2) the charter of Massachusetts was revised to make the Council thenceforth appointed by the Crown and to prohibit town meetings without special permission; (3) colonial agents and soldiers accused of violence in the execution of their duty were to be tried in Great Britain; (4) the Quartering Act of 1765 was revised for the purpose of stationing soldiers in Massachusetts, and (5) the territory between the Ohio and the Great Lakes was annexed to Quebec. The last act (Quebec Act) was probably not intended as a measure of punishment but was in line with a policy long determined upon. It was resented, nevertheless, because it set aside the claims of Virginia, New York, Connecticut, and Massachusetts to this region, because it set up an autocratic civil government in Canada of the type which was opposed in the thirteen colonies, and because it recognized the Roman Catholic

religion. In short, it aroused the economic, political, and religious feelings of the colonists. "The die is cast," commented George III after signing the bills. "The colonies must either triumph or submit."

AMERICAN IMPORTS REACT TO BRITISH IMPERIALISM



PICTORIAL STATISTICS INC.

Note the effect of the repeal of the Townshend Acts and the imposition of the Intolerable Acts.

8. The First Continental Congress. That the colonies would never submit without a struggle was quickly evident. The harshness of the acts of the British government in punishing Boston made it clear that Great Britain was ready to crush all opposition. The colonists felt, in the words of Samuel Adams, that "this is the time when *all* should be united in this opposition to the violation of the liberties of all." Money and supplies poured in from all parts of the country to aid the starving people of Boston. But more than that, the acts of Parliament threw the balance of power into the hands of the more radical element who pressed for action.

The result was the First Continental Congress, with representatives from all the colonies except Georgia, which met in Philadelphia in September, 1774, to consider means for protecting the rights and liberties

of the colonies. In its councils sat John and Samuel Adams of Massachusetts, Roger Sherman of Connecticut, Philip Livingston of New York, John Dickinson and Joseph Galloway from Pennsylvania, George Washington and Patrick Henry from Virginia, and the Rutledges from South Carolina. In this Congress were moderates as well as radicals, and their deliberations were far from unanimous.



FATHER OF THE REVOLUTION

Samuel Adams (1722-1803), one of the earliest advocates of independence, was foremost among political leaders in keeping alive the spirit of resistance to British measures. A born political leader, he suggested the Stamp Act Congress and proposed the first Committee of Correspondence in Massachusetts. From a painting by J. S. Copley in the Boston Museum of Fine Arts.

A proposal of Galloway for an imperial organization much like that suggested by Franklin at the Albany Congress of 1754 was lost by one vote, and the colonists were about equally divided on the legality of Parliament's right to regulate external commerce. The achievements of the Congress were a declaration of grievances, a petition to the king, and addresses to the people of England, Canada and the 13 colonies. A boycott against British trade was recommended and the people of the colonies were urged to enforce it. Congress adjourned in October to meet in the following May if their grievances were not remedied. Before they could meet again the decision had passed from the hall of congress to the field of battle.

9. Underlying Causes of Friction.

Even the most hurried examination of the factors in the controversy ending in the Revolution leads one quickly to discard the old theory that the Revolution occurred because an English despot was seeking to regain his lost powers. Likewise the other explanation that it was

fought in protest to taxation without representation must be rejected. For a century and a half there had been a conflict between the interests of Great Britain and the colonies, and an effort on the part of the former to subordinate the economic life of the colonies to her interests.

This is apparent throughout the whole mercantile system. It can be seen in the tariff walls erected against certain colonial products, in the forcing of the colonies to send the "enumerated articles" only to England, and in the laws forbidding the setting up of certain types of manufacturing establishments in the colonies. It is evident in the prohibition of the

issuing of paper money by the colonies, and in the recall of many laws which the colonial legislatures passed to protect their own interests, as, for example, a law in Virginia forbidding the importation of slaves. It can be seen in such acts as the Proclamation of 1763 and the Quebec Act of 1774 where imperial needs came in conflict with colonial sentiment or ambitions. By 1775 the American colonies had reached the stage where they would no longer subordinate their own interests to those of Great Britain or the Empire as a whole. British imperialists thought they were selfish, but the colonists felt they must protect their own interests.

TAXATION. The opposition to taxation upon which that controversy rested was not so much opposition to taxation without representation as opposition to any kind of taxation by Great Britain. Taxation hitherto had always been in the form of duties, and the laws were but laxly enforced. The only new step in taxation under George III was in the stamp tax, and that was quickly abolished with the king's approval. There was very little currency in the colonies with which to pay taxes, and there is little doubt that the colonists would have strongly opposed stamp taxes even if they had been levied by the colonial governments. To have them levied by a government across the sea seemed intolerable. The colonists had managed their own affairs so long that they were not willing to give up the privilege. Many years after the event, a student of history asked an aged veteran of the Revolution.

"Captain Preston, why did you go to the Concord fight, the 19th of April, 1775?" The old man, bowed beneath the weight of years, raised himself upright, and turning to me said: "Why did I go?" "Yes," I replied; "my histories tell me that you men of the Revolution took up arms against 'intolerable oppressions.'" "What were they? Oppressions? I didn't feel them." "What, were you not oppressed by the Stamp Act?" "I never saw one of those stamps, and always understood that Governor Bernard put them all in Castle William. I am certain I never paid a penny for one of them." "Well, what then about the tea-tax?" "Tea-tax! I never drank a drop of the stuff; the boys threw it all overboard." "Then I suppose you had been reading Harrington or Sidney and Locke about the eternal principles of liberty." "Never heard of 'em. We read only the Bible, the Catechism, Watt's Psalms and Hymns and the Almanack." "Well, then, what was the matter? and what did you mean in going to the fight?" "Young man, what we meant in going for those red-coats was this: we always had governed ourselves, and we always meant to. They didn't mean we should."

In this connection it should also be pointed out, as Professor Becker has done, that the "Revolution was not merely a question of 'home rule'; it was also a question of who should rule at home." It was an uprising on the part of the frontier against the East, those without the ballot

against the ruling aristocracies, the liberals against the conservatives.

10. Influences toward Separation. The causes for a revolution are infinite in number, and the American Revolution is no exception. It is sometimes possible to point to a single historical event like the Boston Tea Party which originates a train of events leading directly to rebellion, but behind them are to be found many causes of friction. We have developed in some detail the imperial economic system of Great Britain and the resentment it inspired, and we have noted the long-drawn-out friction between the political units in the colonies and the British government.

But there were other aspects of the situation tending surely toward separation. A hundred and fifty years had passed since the first Englishman had settled in America, a continent separated from the homeland by 3000 miles of ocean and weeks of weary sailing. Under such conditions continuing loyalty after the first generation could hardly be expected if the strain became great. Perhaps one-fourth of the white population came not from England, but from Holland, Germany, Sweden, and Ireland—many of the latter with an inherited hostility toward Great Britain. Even in New England where the majority were of English descent, the bulk of the people, comments a contemporary historian, "knew little of the mother country, having only heard of her as a distant kingdom, the rulers of which had, in the preceding century, persecuted and banished their ancestors to the woods of America." The development of a state of mind which made independence desirable arose from a great variety of causes stretching back over a long period of time. "The Revolution," as John Adams asserted many years later, "was effected before the war commenced." It was "in the minds and hearts of the people."

Do You Understand These Terms or Expressions?

1. UnderSCORE the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. A nation is said to have a favorable balance of trade when the value of: (a) imports and exports is equal; (b) imports exceeds that of exports; (c) exports is greater than that of imports.
2. To obtain a favorable balance of trade the British government: (a) followed the practice of Salutary Neglect; (b) urged Americans to produce their own manufactured goods; (c) developed a program whereby the colonies shipped raw materials to England and received finished goods in return.
3. The "Old Colonial System" was a form of: (a) economic imperialism; (b) mercantilism; (c) Salutary Neglect.

4. In an attempt to develop mercantilism the British government: (a) passed laws to regulate colonial commerce; (b) encouraged the colonists to manufacture goods in America; (c) taxed the colonies.
5. "Enumerated" products or commodities were colonial products that: (a) could be sent only to England; (b) colonists could send to any country; (c) the colonists could manufacture themselves.
6. The Writs of Assistance were: (a) laws passed by colonial legislatures to get around British regulation of American trade; (b) warrants enabling British agents to search private premises; (c) a means to check smuggling of goods in violation of the trade and navigation laws.
7. Many colonial merchants showed their resentment for the British program of trade regulation by: (a) smuggling, (b) establishing boycotts; (c) issuing Writs of Assistance.

Do You Know the Facts?

B. Match the following items in the right-hand column with the proper choice in the left-hand column. To do this insert the number or numbers of choices in the parentheses in front of the proper item or items. There may be items that cannot be matched. There may be others that can be matched with more than one choice.

CHOICES	ITEMS
1. James Otis	a. () Designed to punish Massachusetts for the Boston Tea Party
2. Charles Townshend	b. () Fought the British laws in the Virginia House of Burgesses
3. Stamp Act Congress	c. () Met in 1774 with twelve colonies represented
4. Committees of Correspondence	d. () Declared settlers should not cross Appalachians
5. Boston Massacre	e. () Spoke strongly against the Writs of Assistance
6. Patrick Henry	f. () Raised import taxes above the Grenville program levels
7. First Continental Congress	g. () Anti-British propaganda agency established by Samuel Adams and others
8. George Grenville	h. () An indirect outcome of the Townshend Acts
9. Intolerable Acts	i. () Met in 1765 with nine colonies represented
10. Proclamation of 1763	j. () Instituted the hated stamp tax

C. Indicate the chronological order of the events mentioned within each of the following groups by placing the letters a, b, c in the appropriate parentheses.

- | | |
|---|----------------------------------|
| 1. () Salutory Neglect abandoned | 2. () The Townshend Duties |
| () Triangular Trade Routes established | () The Stamp Act |
| () The French and Indian War | () Salutory Neglect abandoned |
| 3. () Boston Massacre | 4. () Intolerable Acts |
| () The Townshend Duties | () Boston Tea Party |
| () Boston Tea Party | () First Continental Congress |

Can You Use What You Have Learned?

1. *Some of the following statements are facts, others may be opinions. If the statement is a fact, circle the letter F; circle the letter O if it is an opinion.*

1. F O In attempting to establish a favorable balance of trade, nations have resorted to economic imperialism.
2. F O Economic imperialism was a cause of both World Wars.
3. F O Generally speaking, economic imperialism tends to raise living standards in exploited areas.
4. F O The United States has practiced economic imperialism
5. F O The British Parliament had a legal right to tax the American colonies in the days before the Revolutionary War.
6. F O The Boston Tea Party was a justifiable act.
7. F O The British government felt it was justified in passing the Intolerable Acts to punish Massachusetts.
8. F O The American Revolution would never have come about if a radical element had not fanned the fire of discontent.
9. F O Revolt against established rule or practice is usually inspired by radical groups.
10. F O A high protective tariff tends to establish a favorable balance of trade

Summarizing Exercise

1. *Place the events in the right-hand column in proper time order in the left-hand column. There may be some events listed in the right-hand column but have no proper placement.*

- | | |
|---------------------------------|-------------------------------|
| 1. Practice of Salutory Neglect | a. Boston Massacre. |
| 2. | b. French and Indian War |
| 3. Salutory Neglect abandoned | c. First Continental Congress |
| 4. Stamp Act passed | d. Boston Tea Party |
| 5. | e. Stamp Act Congress |

6. Townshend program applied
- 7.
- 8.
9. Intolerable Acts
- 10.
- 11.

Correspondence or Class Assignments

F. See general instructions under this heading, p. vi.

1. Describe the fundamental elements that set the stage for the American Revolution touching upon: (a) economic imperialism; (b) ideas of "home rule" held by the colonists; (c) mixed population in the colonies.
2. State briefly how each of the following took part in fomenting the American Revolution: Samuel Adams; George Townshend; Patrick Henry; Thomas Paine.

Suggested Readings

Textbooks:

C. A. Beard, *Rise of American Civilization*, chap. v. J. S. Bassett, a *Short History of the United States*, chap. viii, H. W. Elson, *History of the United States of America*, pp. 196-218, and H. U. Faulkner, *American Political and Social History*, chap. vi, have good general accounts of the events leading up to the Revolution. C. Becker, *The Eve of the Revolution*, provides fuller treatment.

Biographies:

Consult Franklin's famous *Autobiography*, chap. xix. A good account of Franklin may be found in C. Becker, *The Eve of the Revolution*, chap. i.

Historical Novels:

Among many colorful narratives dealing with the days before and during the Revolution are: J. Boyd, *Drums*; R. W. Chambers, *Cardigan*; W. Churchill, *Richard Carvel*; W. S. Davis, *Gilman of Redford*; K. L. Roberts, *Arundel*; R. Sabatini, *The Carolinian*; W. M. Thackeray, *The Virginians*; E. M. Page, *The Tree of Liberty*.

CHAPTER V

Great Britain Loses Her Thirteen Colonies

THE COLONISTS RESORT TO ARMS

1. **The Embattled Farmers.** In May of 1774 Lieutenant General Gage arrived in Boston with 5000 men. He carried with him an appointment as military governor, orders to enforce the acts of Parliament, and instructions to send the rebels, Samuel Adams and John Hancock, to England for trial. Gage's efforts to break colonial resistance by making an example of Boston failed from the start.

LEXINGTON AND CONCORD. After idling away the winter to little purpose, Gage finally on April 18, 1775, dispatched 1000 British troops for the apparent purpose of destroying some munitions collected at Concord. In reality it was a demonstration to weaken the growing revolutionary movement. The expedition started in the evening, but before it reached Lexington at dawn of the nineteenth, William Dawes and Paul Revere had aroused the countryside, and about 50 militia were drawn up on the Lexington green. There ensued a brief skirmish which left eight of the militia dead and ten wounded.

The British pushed on to Concord, destroyed some stores which had not been removed, and after a fight at Concord bridge commenced their long march back to Boston. By now the countryside was thoroughly aroused and the militia swarmed around the retreating Redcoats, peppering them from behind house, tree, and fence. With the help of reinforcements, the British finally reached Boston, but with a loss of 273 men, about three times that of the colonists. The colonial militia quickly closed in around Boston to the number of 16,000 and commenced a siege which was to end in the permanent evacuation of the British.

Lexington and Concord provided the match which fired the rebellion soon to consume all of the colonies. Moderate men might reject the thought of independence and still cling to the hope of reconciliation, but it was now too late. The liberty of action which the colonists craved was impossible under the imperial system set up by the British Parliament. Neither side was in a mood to recede. The opposing forces had already

met on the field of battle and the fight had to go on until a decision was reached.

Everywhere the Patriots sprang into action, taking over colonial legislatures and ousting the royal governors. On May 10 Ethan Allen and a band of Green Mountain Boys from Vermont captured Fort Ticonderoga on Lake Champlain, and two days later Crown Point. On May 31 some Patriots gathered in Mecklenburg County, North Carolina, passed resolutions declaring the commissions of the existing civil and military officers null and void, and established a local government "until laws shall be provided for us by the Congress." These Mecklenburg Resolutions amounted practically to a declaration of independence.

BUNKER HILL. In the meantime the siege of Boston was pressed closely. Realizing that the British could be driven out only if the colonists occupied the heights commanding the city, Colonel William Prescott on the night of June 16 seized Breed's Hill in Charlestown.¹ (See map, Fig. 13.) This occupation could not go unchallenged, and the following afternoon Gage sent Sir William Howe to capture the redoubts. Twice the British regulars advanced only to be driven back by the deadly fire of the colonials. On the third charge the colonists, with their ammunition exhausted, retreated. The British army held Breed's Hill, thus enabling them to remain in Boston, but their loss was over 1000 killed and wounded, three in seven of the troops engaged. The battle proved that the Americans, properly led, might be a match for British regulars. It heartened the colonists at the same time that it inspired in Howe a healthy respect for intrenched American troops.

2. The Second Continental Congress. A few weeks after Concord and a month before Bunker Hill the Second Continental Congress met at Philadelphia on May 10. Although it was composed of representatives of all of the colonies, its powers, if any existed, were extremely vague. Nevertheless, at the request of Massachusetts, it assumed responsibility for the militia around Boston. It unanimously elected George Washington as Commander-in-Chief of the Continental Army (June 14), and prepared vigorously to carry on the struggle. A long declaration on the causes and necessity of taking up arms was issued, in which it was truly asserted that the colonists had no thought of separating from Great Britain. Congress addressed a final appeal, the "Olive Branch Petition," to the king, but no reply was ever received.

It is clear that the colonists had no intention of breaking away from England at this time. Jefferson went so far as to say in 1782, "It is

¹ Prescott's objective was Bunker Hill, which has given its name to the battle; but in the night he occupied by mistake a lesser eminence, Breed's Hill, and it was here, and not Bunker Hill, that the battle took place.

well known that in July, 1775, a separation from Great Britain and the establishment of a Republican Government had not yet entered into any person's mind." As late as January, 1776, Pennsylvania, New York, New Jersey, and Maryland instructed their representatives to vote against independence.

Whatever may have been the feeling regarding independence in the summer of 1775, the current of events changed the attitude of many during the following year. In August of 1775 the king issued a proclamation declaring the Americans rebels and warning all against giving them aid and comfort. In the following month the British government hired 20,000 German soldiers to put down the rebellion. In October the navy burned Falmouth Harbor (Portland, Maine), and in January burned Norfolk, Virginia. In December the king declared a blockade of all colonial ports.

The Americans in the meantime had continued military operations. A colonial expedition against Canada under Montgomery and Benedict Arnold reached Quebec in December, 1775, but an assault in a blinding snowstorm on the last day of the year failed to capture the stronghold. During the fall and winter Washington tightened his grip around Boston and whipped his army into readiness for the spring offensive. This began in March, 1776, when he seized Dorchester Heights and forced the British to evacuate Boston.

All during the spring the colonists were reading the convincing arguments for independence presented by a radical English immigrant, Thomas Paine, in his remarkable pamphlet, *Common Sense*. With convincing logic he showed the inconsistency of claiming to be loyal while carrying on war against the king. "I challenge," cried Paine, "the warmest advocate for reconciliation to show a single advantage that this continent can reap by being connected with Great Britain. . . . Every thing that is right or reasonable pleads for separation. The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART.' Every thing short of independence, he insisted, was "mere patchwork."

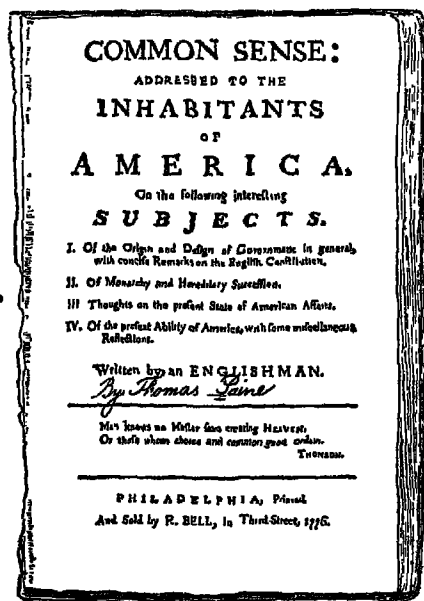
3. The Declaration of Independence. This train of events led inevitably to the Declaration of Independence. On June 7, 1776, Richard Henry Lee of Virginia offered in Congress three resolutions, the first of which was that "these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved." A committee was appointed to draw up the Declaration, but the immortal document was almost entirely the work of Thomas Jefferson (see Appendix I). The Declaration of Independence is one of the great landmarks

in history not merely because it announced the birth of an independent American nation, but also because its ringing words were to be a never-ending challenge to despotism and divine-right rule, and a perpetual reminder that "governments derive their just powers from the consent of the governed."

The Declaration can be divided into three parts. (1) The first is a statement of the current revolutionary beliefs: (a) That men are created equal. (b) That they are endowed with certain inalienable rights such as life, liberty and the pursuit of happiness. (c) That to secure these rights governments are established among men. (d) That governments derive their just powers from the consent of the governed. (e) That when any form of government becomes destructive of these rights it should be altered or abolished.

(2) The second part is a list of 27 arbitrary and oppressive acts charged against the English king. (3) Finally comes the formal declaration of independence. In America the Declaration meant that the final step had been taken, thus separating more sharply the Tory and the Patriot. In Europe it made a profound appeal to liberal thought. To the world it proclaimed that a new nation had been born.

4. **The Problem for Great Britain and the Colonists.** With the Declaration of Independence the issue became a clear-cut struggle between the British Empire and those Americans who desired separation. The latter were in all probability not even a majority at the opening of the conflict, but as the rebellion continued they outnumbered the Tories at least two to one. One historian has stated that only in New England and Virginia did the masses of the people support the Revolu-



TITLE PAGE OF PAINE'S "COMMON SENSE"

"Sound logic and unanswerable reasoning," said Washington of *Common Sense*. Adams, who had no love for Paine, wrote in a letter to Jefferson, "History is to ascribe to Paine the Revolution." Lafayette repeatedly said, "To me America without Thomas Paine is unthinkable."

tion, and that the region of New York, Pennsylvania and New Jersey, until after the coming of the Hessians, was almost hostile territory to Washington's troops. The Tories contributed almost as many men to the British army as there were troops in the American army.

Not only was there no agreement as regards separation from England, but there was no unity among the colonies. Thirteen states jealous of one another and with separate interests made it impossible to secure close political or military cooperation. When danger was immediate, a state might vote supplies and her militia swarm to the colors. At other times support of the Continental Army was irregular and often lukewarm.

The number of soldiers, militia and regulars, in the American army was always small in comparison to the possible man-power strength of the colonies. The regulars in Washington's army sometimes sank to the number of two or three thousand. There were, of course, many reasons why so few Americans enlisted in the Continental Army. There was the fact that privateering held greater lures, there was the inability of Congress to provide during long periods even the most essential supplies of food and clothing. There was also the harsh discipline of Washington's army so distasteful to the easy-going, freedom-loving colonial of the time.

Nor did Washington always obtain from his army its maximum value. The typical American volunteer was a farmer and usually a crack shot who excelled in individual fighting, guerilla warfare and quick action. Yet Washington with the help of his foreign officers attempted to whip his troops into a military machine after the fashion of an European army. His victories were those where surprise and quickness of action were the major factors. His defeats were those where, in a stand-up battle, he threw his troops against the British regulars.

FACTORS IN SUCCESS. Why did the Colonists finally win in the face of these discouraging circumstances? Four factors help to explain the result: (1) the geographical nature of the problem, (2) the stupidity of the English war office, (3) aid from France, and (4) the unfailing courage and dogged persistency of Washington and his soldiers who kept up the struggle for over six long and dreary years. Great Britain had control of the sea, and might have blockaded the American coast with great effect and perhaps brought the colonists to terms. Instead of this, she sought to trade on the strength of the Tory element, and tried to conquer the colonies piecemeal. Her objective was first to separate New England from the rest of the colonies, and later to conquer the South.

Ordinarily the British troops could easily hold any place where they landed; but as long as there was real opposition on the part of the colonists, the size of the country made their efforts futile. British forces might hold the land upon which their garrisons stood, but without more reserves than the British government was ever likely to send, conquest of the whole country was impossible. To hold even the strategic points occupied by their troops it was necessary to maintain control of the sea, for they were in a hostile territory 3000 miles from their base. When they lost this control for but a few weeks, the surrender at Yorktown was the result. In general the Americans waged a defensive war, with nature as their invaluable ally.

5. The Campaign of 1776. The British had not the resources to attack the colonists at the same time along the whole front. As a consequence the American Revolution was in reality a succession of wars, first in New England, then in the Middle Colonies and finally in the South. The campaigns most significant in the final victory of the Americans were: (1) the campaign of 1776 culminating in the victories at Trenton and Princeton, (2) the New York campaign of 1777 resulting in the surrender of Burgoyne, and (3) the movements of 1781 ending in the victory at Yorktown. (These campaigns may be followed on the map, Fig. 13.)

DEFENSE OF NEW YORK. After the evacuation of Boston (March 17, 1776) the British turned their attention from New England to the Middle Colonies in an effort to secure the Hudson-Champlain route to Canada. Benedict Arnold, who had been blockading Quebec with his colonial troops, during the winter of 1775-76 was forced to retire. Pursued by General Carleton, Arnold contested every foot of the way, finally halting Carleton at Ticonderoga in the fall of 1776.

In the meantime a British army under General William Howe with a fleet under his brother, Lord Howe, had sailed from Halifax and appeared off New York toward the end of June. Against his better judgment Washington decided to defend the city. He moved his troops from Boston to New York, and distributed them at key points in Brooklyn and on Manhattan Island. Howe's campaign was well planned and energetically executed. He first attacked General Putnam on August 27 at Brooklyn, and forced Washington to withdraw his army under the cover of a thick fog. With Brooklyn in his hands, Howe proceeded to flank Washington from the East River, and the American commander had no choice but to retreat from Manhattan, fighting a rear-guard action at Harlem and a major battle at White Plains on October 22. After White Plains, Washington moved his main army across the Hudson for the defense of New Jersey.

TRENTON AND PRINCETON. Flushed with success, Howe believed the war all but over, and detailed Cornwallis to clear the Continentals out of New Jersey. With his army reduced by December to a bare 3000 men Washington could only retreat, but he finally got the little remnant on the Pennsylvania side of the Delaware. Howe, who had come to America with instructions from the king to offer pardon in return for allegiance, issued a proclamation to this effect, and 2700 accepted. The war never looked more hopeless for the colonists, nor the cause more desperate.

Suddenly Washington turned, and by a brilliant stroke saved both his army from destruction and the cause of independence from defeat. With part of his army he recrossed the Delaware on Christmas night. Marching eight miles through a blinding sleet storm, he fell upon 1400 of the enemy, mostly Hessians, at Trenton, and captured 1000 of them. Aroused by this, Cornwallis hastily collected his forces at Trenton to destroy the Americans. Washington, leaving his camp fires burning brightly to deceive the enemy, slipped away in the night, and in the early morning of January 3, 1777, defeated at Princeton three British regiments out of supporting distance from their main army.

This sent Cornwallis scurrying back to New Brunswick to protect his stores, while Washington retired to winter quarters at Morristown, New Jersey. Here he could harass the British communications so effectively that they soon retired from New Jersey. Within a few days the prospect had entirely changed. "All our hopes," said Germain, the British colonial secretary, "were blasted by that unhappy affair at Trenton."

6. The Critical Year—1777. The British plans of 1777 had the same objective as those of 1776, namely the occupation of the Hudson-Champlain Valley to cut in two the area of resistance. Burgoyne with 8000 men was to proceed south from Canada along the Richelieu-Champlain route and effect a juncture with Howe at Albany. At the same time Colonel St. Leger was to set out from Oswego and descend the Mohawk Valley to join Burgoyne on the Hudson. This was a beautiful plan, but it was foiled by the over-confidence of the British war office and the valor of the American militia. Howe, certain that Burgoyne could reach Albany without his aid, turned south to reoccupy New Jersey and take possession of Philadelphia.

SARATOGA CAMPAIGN. The expedition from the north got under way according to schedule but that under St. Leger encountered difficulties. With his Indian allies he was held up at Fort Stanwix on the upper Mohawk (Rome, N. Y.). To the relief of the fort came General

Herkinmer with a band of frontier Germans who inflicted defeat upon the British at Oriskany. The approach of a second relief army under Benedict Arnold sent St. Leger in headlong flight back to Canada, with his Indian allies deserting in a body.

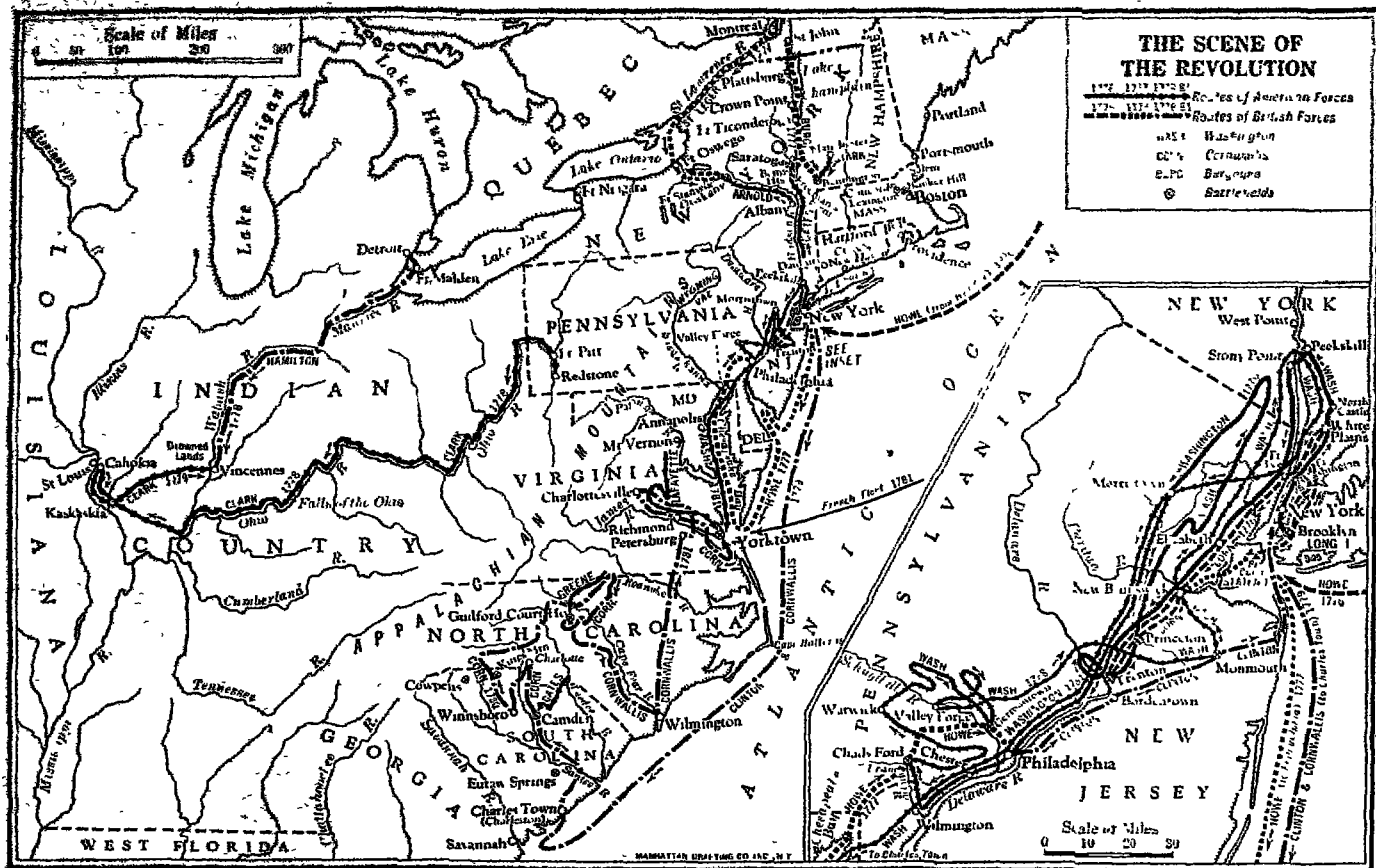
Burgoyne, a former member of Parliament, a playwright, and a man who had won some distinction in European warfare, was unfamiliar with conditions in America. Nevertheless, he got as far as Ticonderoga on July 1 without great trouble, only to find that fort abandoned by the Americans. From then on, however, his path was beset with difficulties. His communications with Canada were difficult to maintain, his provisions were getting low, and the militia of New England and New York gave him no rest. To replenish his supplies he detached 500 German troops for a raid into Vermont. But John Stark and the Vermont militia surrounded and destroyed them near Bennington on August 16, and then defeated a relief detachment which had been sent to reinforce them.

The victories at Oriskany and Bennington heartened the Americans, and the militia gathered to the number of 20,000. General Philip Schuyler, who had skillfully impeded the advance of Burgoyne, but who was unpopular with the New England militia, was removed from command to secure harmony. His place was taken by General Horatio Gates, an incompetent professional soldier, but a favorite of Congress. The resulting victory was due chiefly to his subordinates, Schuyler of New York, Lincoln of Massachusetts, Morgan of Virginia, and Benedict Arnold. Burgoyne got as far south as Bemis Heights¹ on the upper Hudson where he was stopped in two battles and later forced to surrender his 5000 troops at Saratoga on October 17.

PHILADELPHIA CAMPAIGN. Two weeks before Burgoyne surrendered, the British in New York had started northward to his aid, but it was too late. Howe with the main body of the British army had wasted the summer in his campaign to occupy Philadelphia. Washington had tried to prevent the occupation at the severe battle of the Brandywine (September 11, 1777), but had failed. A surprise attack upon the main British army at Germantown (October 4) was also unsuccessful. Nevertheless, Washington went into winter quarters at Valley Forge with the satisfaction of having kept Howe's army occupied while Burgoyne was floundering hopelessly to defeat in the forests of New York.

What encouragement could be obtained from the victory at Saratoga

¹ About 15 miles north of Troy.



was sorely needed, for the winter at Valley Forge was perhaps the bitterest experience the American army had faced. In the midst of a rich and fertile farming country Washington's troops, poorly clad and half starved, suffered through the winter of 1777-78. In Philadelphia not far away British troops and Tory sympathizers, forgetful of Saratoga, enjoyed a winter of gaiety.

AID FROM FRANCE. The capture of Burgoyne was in many respects the most important event in the Revolution. Not only did it result in the destruction of a British army, but it ruined the cherished project of the British war office to sever New England from the Middle Colonies. This was a project which it had kept to the front since the opening of hostilities. Over and above all else, the victory of Saratoga made France an active ally of the Colonies. Since the summer of 1776 indirect aid had been secured from France. Our first diplomatic representative, Silas Deane, under the name of Timothy Jones had shipped to America through a dummy company large supplies of ammunition purchased with money advanced by private individuals and by the kings of France and Spain. But even the beloved Franklin, who came to aid Deane, could not win over the French king to active and open aid until Saratoga demonstrated that the Americans had a fair chance to win. In February, 1778, political and commercial treaties were signed by which France recognized the independence of the United States and agreed to make war upon England until American independence was achieved. Each nation agreed not to lay down its arms without the consent of the other.

The purpose of the French was to weaken England and obtain revenge for earlier defeats, but Americans may well be grateful for the generous terms upon which that nation came to our aid. It was to Deane and Franklin that a number of Europeans came to offer their swords for the American cause. These included the young Lafayette who typified the glowing enthusiasm of many a French noble for American independence; the German-born officer in the French service, Johann de Kalb; and the Pole, Casimir Pulaski, the last two of whom gave their lives for American independence. Also high in this rôle of honor of foreigners who came to aid the patriot cause was the Prussian officer, Baron von Steuben, who did so much in organizing and drilling Washington's army, and the Polish patriot, Thaddeus Kosciusko, who planned the defenses at West Point and Bemis Heights.

7. The Western and Southern War. In the spring of 1778 the British withdrew from Philadelphia. Washington attempted to intercept them at Monmouth, June 28, 1778, but after an all-day battle the

British managed to slip away to the north. Monmouth was the last major battle in the North; the scene now shifts to the West and South.¹

FRONTIER WAR In 1778 George Rogers Clark, with a commission from Patrick Henry, Governor of Virginia, raised a band of 170 militia, descended the Ohio, and set out for the region of the present Illinois. There he captured the old French posts, now held by the British, at Kaskaskia and Cahokia on the Mississippi, and Vincennes on the Wabash. Lieutenant Governor Hamilton of Canada, known as the "Hair Buyer" from his activities in stirring up Indian raids on frontier settlements, drove Clark out of Vincennes in December. Clark, however, returned two months later after a 230-mile march to surprise and capture Hamilton and his garrison (February, 1779). Clark's brilliant expedition gave us military occupation of the Northwest at the end of the war, although there is nothing to show that it had any influence in the award of this territory to the United States. It was in this year (1779) that the British with their Indian allies let loose the horrors of war upon the Cherry Valley of New York and the Wyoming Valley of northeastern Pennsylvania. In these raids they spared neither women nor children in their fiendish work of murder and destruction.

WAR IN THE SOUTH. Having failed to conquer the North and believing that the South was full of Tories who would rally to the Crown, the British late in 1778 transferred their operations to that section. After capturing Savannah (December, 1778) and Charleston (May, 1780), the British began their efforts to conquer the southern states. During the next year and a half they marched back and forth across South Carolina, North Carolina and Virginia, devastating the country in an effort to strike terror into the hearts of the Patriots. To impede these operations the local militia under Generals Sumter, Marion, and Pickens kept up a guerilla warfare in South Carolina. Congress sent Gates with a small army of regulars to aid the militia in the South in an effort to end the raids of the British generals, Cornwallis and Tarleton.

Before Gates arrived, American frontiersmen under John Sevier had administered the first check to the British by defeating and capturing a band of Tories at King's Mountain (October 7, 1780). Gates was defeated at Camden (August, 1780) and replaced by Nathanael

¹ Washington spent the next three years in watching and harassing the British under Clinton in New York. One of the most regrettable incidents of the Revolution occurred during this period when Benedict Arnold, a brave soldier and capable officer who had been shamefully treated by Congress, attempted in 1780 to betray the fortress at West Point to the British army.

Greene, next to Washington the ablest of the American generals. With the aid of the hard-fighting Morgan, Greene opposed the enemy at every opportunity. Although he lost all of the four important battles he fought, the fruits of victory were his, since he gradually forced the enemy back to the sea-coast towns.

YORKTOWN. Cornwallis now transferred his operations to Virginia, where he was opposed by Lafayette. Sir Henry Clinton, who had succeeded General William Howe as commander-in-chief of the British forces in North America, ordered Cornwallis to establish himself on the coast and send reinforcements to New York. It was at this moment that Washington seized his great opportunity. Pretending that he was preparing to attack New York, he quickly moved his troops south into Virginia. There he was quickly joined by the southern militia and laid siege to Cornwallis on the Yorktown peninsula.

This brilliant move was made possible by the fact that for a brief period of a few weeks a French fleet under Admiral de Grasse was in control of the American coast. De Grasse transported 6000 French troops under Rochambeau from Newport, Rhode Island, to the aid of Washington and then stood guard at the entrance of the Chesapeake to prevent aid or escape. For almost the first time during the war there was perfect coördination between land and naval forces and between French and American troops. A relieving squadron made a half-hearted attempt to break the blockade and then sailed away. This sealed the doom of Cornwallis, and he surrendered on October 19, 1781.

8. Treaty of Peace. Although peace was not signed until 1783, fighting ended with the surrender of Cornwallis. The treaty as agreed to by the American commissioners, Benjamin Franklin, John Jay, John Adams, and Henry Laurens, was all that could be desired. The independence of the United States was recognized and the western boundary was placed at the Mississippi. The Mississippi was to be open to the commerce of both nations, and the Americans were to share in the Newfoundland fishing. England demanded the payment of debts owed by Americans to English subjects at the opening of the war and the restoration of confiscated Tory properties, but the American commissioners refused. A meaningless phrase was inserted to the effect that Congress would recommend restoration and would not hinder the British from collecting debts through the courts.

During the negotiations the American commissioners learned that Spain was exerting every effort to prevent the United States from obtaining the region between the Appalachians and the Mississippi, and that France, under obligations to Spain, had agreed. Thereupon the American commissioners, in violation of their instructions to proceed in

open coöperation with France in making the treaty, arranged a separate treaty with Great Britain. It would be better for England, asserted the Americans, for this region to be attached to the new and comparatively weak republic of the New World than to one of the European powers. The British government saw the point.

THE REVOLUTION HAS PROFOUND SOCIAL AND ECONOMIC EFFECTS

9. Economic Aspects of the War. The everyday life of the great majority of the American people was but slightly affected by the Revolution. The number of able-bodied men in the American army was always relatively small, and agriculture went on as in time of peace. In New England, for example, military operations almost ceased after the first year. Where British quartermasters were willing to pay gold for supplies, agriculture was undoubtedly stimulated. There were plenty of "sunshine patriots" who were quite willing to supply the British army while Washington's tattered regiments were on the verge of starvation. On the other hand, agriculture suffered, particularly in the South, where the British adopted the policy of injuring and destroying American property.

Upon industry the Revolution had more effect, for the boycotts preceding the conflict and the British blockade during the war forced Americans more than ever before to supply their own needs. In particular, little establishments for the production of munitions and metal goods sprang up in many parts of the country. In spite of the war and blockade the important shipping industry survived. Many ships were occupied in running the blockade and carrying American exports, such as tobacco, to neutral ports, from which they often found their way to Great Britain.

WORK OF THE PRIVATEERS. Quite as important to the American cause as the blockade runners was the work of the privateers. A privateer was an armed vessel privately owned but commissioned by a government to make war upon the commerce and navy of the enemy. Over 500 such vessels were commissioned by the various states, of which the great majority came from Massachusetts. Salem, little more than a fishing village before the war, had 50 privateers carrying 4000 men in the year 1781, and more than 445 prizes were brought in by that Salem fleet. "Probably as many as ninety thousand Americans," says one historian, "were, first and last, engaged in these voyages, a number of men almost as great as served in the army, and greater than that of the army in any single year save one." This constant harassing on the sea,

with the continued losses incurred by the English merchants, undoubtedly increased the unpopularity of the war in England.

Of much less importance was the tiny American navy commanded by such men as John Barry and John Paul Jones. The victory of Jones in the *Bon Homme Richard* over the English ship *Serapis*, however, is famous as the first major exploit of the American navy.

FINANCING THE WAR. One of the most difficult problems of the war was that of financing it. Although the cost to the Continental Congress and the states was not much over \$100,000,000 measured in gold, even this small amount was difficult to obtain. Congress had no power of taxation and the states made use of it very reluctantly. The people, it was discovered, were hardly more favorable to taxation by their own states than they had been to British taxation. As a result, both the states and Congress resorted to the issuing of paper money, a practice which had been forbidden in earlier years by Parliament. Congress issued over \$241,000,000, and 11 states over \$209,000,000. This paper money, with no adequate backing, speedily depreciated, until "not worth a Continental" became a synonym for worthlessness. Nevertheless it passed at first and was the most important single item in paying for the war.

Supplies for the war were obtained by forced loans, by sale of bonds, by contributions from the states, and by gifts and loans from abroad. But the problem taxed to the utmost the ingenuity of Congress and its financial committees headed by the "financier of the Revolution," Robert Morris. Patriotic private citizens, notably Haym Salomon, the Philadelphia merchant, contributed largely.

10. An Economic and Social as Well as a Political Revolution. There is nothing more misleading than to think of the American Revolution as merely a political revolution which won political independence. It had far-reaching economic and social effects. In the first place, the former governing class was brushed aside and a new group took control of affairs. The Tories of the pre-Revolutionary days represented in many instances the more prosperous and conservative elements in the community. During the war their property was confiscated and tens of thousands fled from the country, the great majority going to Canada where they laid the foundation of an English civilization to the north. In New York State, for example the 50,000-acre manor of Sir John Johnson, the Philipse Manor of 300 square miles, the Morris estate, and many other large holdings, were broken up and sold in small parcels. Everywhere the Patriots confiscated the property of the King and the proprietors.

DEMOCRATIC REFORMS. Not only were large estates broken up, but the Revolution dealt a death blow to many ancient land customs. Quitrents (land rents paid to Crown or proprietor) were the first to disappear.

Entail, the power to fix property forever upon a person or a line of descendants, was abolished. The same was true of the laws of primogeniture which made it compulsory to will property to the oldest son.

Laws assuring religious freedom were passed. Likewise the movement to put an end to state churches supported by taxation made rapid progress in those states where the system still existed. The Episcopal and Methodist churches ceased to be branches of the parent bodies in England and became independent organizations. Bills of right appeared in the new state constitutions guaranteeing certain fundamental rights to citizens. In some of the constitutions the right to vote was extended to a greater number of citizens and the western communities given a larger representation in the state legislatures. The anti-slavery movement grew rapidly during the war, and by the end of the century a majority of the states



Culver Service

PERSCUCTION OF A LOYALIST

A contemporary English engraving showing the British idea of the treatment given to Tories. This sort of persecution occasionally took place, but it was by no means common. The title on the picture is: "The Bostonians Paying the Exciseman, or Tarring and Feathering."

had forbidden the importation of slaves, while all of the New England states and New York and Pennsylvania had provided for abolition or gradual emancipation.

THE COLONIAL PERIOD ENDS

II. The Past. Almost two centuries passed between Raleigh's first unsuccessful attempts to plant English settlements on the coast of Vir-

ginia and the winning of American independence, by the Treaty of Paris. During those two centuries the tiny settlements on the seacoast had expanded as far as the Alleghenies, as succeeding generations of frontiersmen pushed westward along the river valleys to carve out new homes in the American wilderness. Recruited from many nations in western Europe, these immigrants had faced the hardships and dangers of a new land, had pushed back the Indian inhabitants and, with the help of British soldiers, had conquered the rival French colonists to the north and west. With a sure instinct they had developed political institutions and legal codes modeled on those of England. Before many years had passed they had adjusted themselves to their new environment, discovered the products which could most profitably be produced, and created a prosperous economic life.

As nations go, these 13 colonies were but infants, but in experience gained through the constant facing of difficult problems they had wisdom far beyond their years. It was this experience, coupled with a growing strength and confidence, that made possible a revolution. Conflicting economic interests, lack of understanding between Great Britain and the colonies, and an intention on the part of the colonies to control their own destinies made inevitable the break which finally came on that spring morning of 1775 on the village green at Lexington.

12. The Future. During the years of rebellion important economic and social changes took place, changes which were to continue during years of peace. The war might be over, but, in a sense, the American Revolution had just begun.

There is nothing more common [said the great Philadelphia physician, Benjamin Rush], than to confound the terms of *the American Revolution* with those of *the late American war*. The American war is over: but this is far from being the case with the American revolution. On the contrary, nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government; and to prepare the principles, morals, and manners of our citizens, for these forms of government, after they are established and brought to perfection.

How these 13 independent states adjusted themselves to their new freedom, eventually established a more perfect union, and attempted to solve their economic, social and political problems in the years to come, will be discussed in the chapters which follow.

Do You Understand These Terms or Expressions?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. The British crown, in an attempt to dispatch more soldiers to crush the revolt in America, hired German troops called: (a) militia; (b) Hessians; (c) Prussians.
2. The old aristocratic practice of willing all of one's property to the eldest son that was abolished by the Revolution was called: (a) quit-rents; (b) primogeniture; (c) entail.
3. Privateers were: (a) guerilla troops; (b) privately owned vessels that preyed on enemy merchant ships; (c) soldiers in Washington's army enlisted for the duration.
4. A vessel runs the blockade when it: (a) patrols the sea near enemy coast lines to prevent enemy ships from entering or leaving port; (b) breaks through the area patrolled by enemy warships; (c) attacks enemy merchant ships.
5. Guerilla troops in Revolutionary days were: (a) picked men used as "shock" troops; (b) small, poorly equipped bands of irregulars; (c) selected from the biggest and strongest regular troops to lead the rest into action.
6. A provincial legislature is: (a) a law-making body for an outlying area or province; (b) an incompetent legislature; (c) a central body that makes laws for all outlying provinces.

Do You Know the Facts?

B. In each of the following incomplete sentences write the appropriate item or items in the blank space or spaces.

1. The opening battles or skirmishes of the Revolution were the battles of _____ and _____, both fought on April 19, 1775.
2. The Mecklenburg Resolutions announcing independence were issued by a group of North Carolinians more than a year before Thomas Jefferson wrote the _____ in 1776.
3. As a result of the battles of Lexington and Concord the Patriots were able to besiege the British in the city of _____.
4. The Americans were defeated at the battle of _____ near Boston in June, 1775, but proved they could equal British troops if properly led and equipped.
5. George Washington was appointed Commander-in-Chief of the Continental Army in June, 1775, by the _____, the central governing body created by the colonies.
6. On July 4, 1776, the thirteen United States of America officially declared their _____.
7. British plans for the conquest of New Jersey were defeated by the crushing blow Washington's small, ragged army gave the Hessians at _____, New Jersey, on Christmas night, 1776.

8. A British plan to cut off New England from the other colonies in 1777 was foiled when British forces coming down the Mohawk Valley were defeated at _____ and by the surrender of Burgoyne's army at _____, north of Albany New York.
9. Washington's army spent the hard, disheartening winter of 1777-78 at _____, near Philadelphia, Pennsylvania.
10. As a result of the American victory over Burgoyne in the upper Hudson valley at Saratoga in 1777, a military and commercial alliance was made with _____ in 1778.
11. Close cooperation of American land forces and French naval forces brought, about the surrender of Cornwallis and his army at _____ in 1781.
12. Some foreigners who came to America to help us fight the British were _____.

C. Match the following items in the right-hand column with the proper choice in the left-hand column. To do this insert the number or numbers of choices in the parentheses in front of the proper item or items.

CHOICES	ITEMS
1. Ethan Allen	a. () Headed finance committee of Congress
2. Haym Salomon	b. () Brilliant American general who turned traitor
3. John Hancock	c. () Author of <i>Common Sense</i>
4. William Prescott	d. () With William Dawes, he gave warning of approaching British forces
5. Benedict Arnold	e. () Drove British out of key fort north of the Ohio River
6. John Stark	f. () Most able American general next to Washington
7. George Rogers Clark	g. () Able colleague of Samuel Adams
8. Robert Morris	h. () Won America's first major naval victory
9. Paul Revere	i. () Captured Fort Ticonderoga, the key to Lake Champlain
10. Nathanael Greene	j. () Jewish American who gave large sums to finance the war
11. Thomas Paine	k. () Victorious leader in battle of Bennington
12. John Paul Jones	l. () Commanded Americans at Bunker Hill

Can You Use What You Have Learned?

D. Some of the following statements are true, some are false, others may be opinions. If the statement is true, circle the letter T, if it is false, circle the letter F. Circle the letter O if it is an opinion.

1. T F O People who believe in democracy think that governments derive "their just powers from the consent of the governed."
2. T F O In a democracy the majority of the people may do away with a government that denies them their rights.
3. T F O The Japanese and Germans should overthrow their governments.
4. T F O The Tories in Revolutionary days were given their rights as citizens.
5. T F O The Tories deserved the treatment they received.
6. T F O Practically all Americans favored independence long before the Declaration of Independence was issued.
7. T F O In view of the small size and poor equipment of Washington's army, it is remarkable that he was able to lead his troops to final victory.
8. T F O With the close of the Revolution political, economic and social democracy for all Americans was an accomplished fact.
9. T F O The British were doomed right from the start of the Revolution because Americans are the world's best soldiers.
10. T F O British and American forces in the Revolution faced difficult logistics problems.

Summarizing Exercise

E. Place the events in the right-hand column in proper time order in the left-hand column. There may be events listed in the right-hand column that have no proper placement.

- | | |
|---|----------------------------|
| 1. Battles of Lexington and Concord | a. French Alliance |
| 2. Second Continental Congress convened | b. Battle of Trenton |
| 3. | c. Battle of Bunker Hill |
| 4. Washington occupied Dorchester Heights | d. Boston Tea Party |
| 5. | e. Battle of Yorktown |
| 6. Declaration of Independence | f. Paul Revere's ride |
| 7. Battle of Long Island | g. British evacuate Boston |
| 8. | |
| 9. Burgoyne's surrender at Saratoga | |

- 10.
- 11.
12. Treaty of Paris, 1783

Correspondence or Class Assignments

F. See general instructions under this heading, p. vi.

1. Give a brief account of the major campaigns and battles of the Revolution including: (a) nature of warfare; (b) Washington's leadership; (c) manpower and supply deficiencies of American forces
2. Account for the final victory of the Americans in the Revolution touching upon: (a) geographical problems; (b) Washington's leadership; (c) French aid.
3. The American Revolution was much more than a military victory and a political revolution. It had far-reaching social and economic effects. Discuss two or more immediate social and economic outcomes of the Revolution.

Suggested Readings

Textbooks:

J. S. Bassett, *A Short History of the United States*, chap. ix, C. A. Beard, *Rise of American Civilization*, chap. vi, H. W. Elson, *History of the United States of America*, pp. 218-26, chaps. x-xi, and H. U. Faulkner, *American Political and Social History*, chap. vii, have good general accounts of the Revolution. Fuller account is G. M. Wrong, *Washington and His Comrades in Arms*. Interesting accounts of George Rogers Clark's western campaigns are F. A. Ogg, *The Old Northwest*, chaps. iii-iv, T. Roosevelt, *Winning of the West*, II, chaps. ii, iii.

Biographies:

Some good biographies of George Washington are: P. L. Ford, *The True George Washington*; H. E. Scudder, *George Washington*, and P. L. Haworth, *George Washington, Country Gentleman*.

Historical Novels:

There is a wealth of fiction dealing with the Revolutionary Period. In addition to the novels mentioned for Chapter IV the following are suggested: W. D. Edmonds, *Drums Along the Mohawk*; L. Cannon, *Look to the Mountain*; K. L. Roberts, *Rabble in Arms* and *Oliver Wiswell*; J. F. Cooper, *The Spy* and *The Pilot*.

CHAPTER VI

A New Experiment in Democracy

AMERICAN POLITICAL IDEALS ARE LARGELY ENGLISH IN ORIGIN

1. **The Rights of Englishmen.** When the slow sailing vessels of the 1600's brought their precious cargo of brave and determined souls from Old England, fewer goods were carried for a life-time in the wilderness than the vacationist now annually transports to his summer cottage. However, the colonists came with certain ideas and convictions which required no ship space, but which before long made the transplanted Englishman different from his brother at home.

This changed individual we call an American. His new environment made him act boldly and bravely if he was to survive. Moreover, it was natural that he should soon begin to *think* boldly. It was not long, therefore, before this thinker became a "rebel" in his thought, and later, as we know, one in action. This tendency first to complain about the Mother Country's attitude and then flatly to object to practices he did not like, cannot be overemphasized. As we know, he expected all the privileges of Englishmen at home and more. He took it for granted that the past centuries' hard-fought victories for liberty over arbitrary rule were inherited by the colonist equally with the dweller in "merrie England."

These liberties came to be called the "Rights of Englishmen." We shall note three of the most important ones, which are known as the "Bible of the English Constitution." At the same time we shall observe that the colonial "rebels" insisted upon placing an American interpretation upon each. In 1215 the great barons and other privileged Englishmen exacted certain promises from King John when he signed *Magna Charta*. Although John had little intention of keeping his word, the importance of the Great Charter lies in a signed and sealed agreement by the king to limit arbitrary government. Thus limited monarchy began, and future kings found John's promises binding upon them. Prominent among the promises given the barons was judicial trial by one's peers or equals. This, the colonists insisted, meant trial by jury, and it must be a jury of colonists.

Four centuries later (in 1628) came the *Petition of Right* which the

House of Commons forced upon the arbitrary Charles I. Again, a number of promises were exacted from a new line of kings. Chief among these was the agreement that henceforth taxes could be levied only by Parliament. As we have seen, the colonists in America held stoutly in their "little parliaments" that there could be no taxation without consent of colonial assemblies.

Finally, out of the English Revolution came the celebrated *Bill of Rights* (1689), which struck a deathblow at the king's power. These numerous and very definite restrictions were accepted by another new ruler, William III, as the price of his throne. In a word, the Bill of Rights established, first, the supremacy of Parliament over the king and, second, the ideal that government is founded upon the consent of the governed. Thus the power of the king to rule by divine right as the representative of God was ended. At the same time the small seed of democratic government was planted. In America, however, the supremacy of Parliament was by no means fully accepted, and in England government by the consent of the governed was not taken very seriously.

2. Natural Rights. These gaps between English and colonial interpretations naturally led to misunderstandings. The misunderstandings in turn led the colonists to protest that their rights as Englishmen were being violated. The struggle between the colonial assemblies and royal governors will be recalled, as will Bacon's Rebellion, and the struggle against Andros and the Dominion of New England. The demands for "home rule" mounted as the "rebels" drifted farther away from England in political thought. When the government of George III used more legal zeal than common-sense tact in enforcing the new laws on trade and commerce, protests and petitions multiplied, but without avail. Suddenly the colonists changed their course. They talked less about their rights as Englishmen and more about their "natural rights."

Here was something new in practical politics. "Man is by nature free," they were beginning to say. Where did this doctrine originate? Colonial leaders had been reading a book published by John Locke, an English philosopher of the late 1600's. In this book they read: "All men, being free by nature, have a right to choose what society they will join themselves to, and what commonwealth they will put themselves under." By natural rights they meant: (1) the right to life, liberty and the property acquired by one's hard labor; (2) governments exist to protect these rights; and (3) should governments fail to live up to their high duties, they may be destroyed by the people who established them.

Not so many years later the youthful Alexander Hamilton was to challenge mere constitutional or written guarantees of rights by proclaiming, "The Sacred Rights of Mankind are not to be rummaged for among old

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Not so many years later the youthful Alexander Hamilton was to challenge mere constitutional or written guarantees of rights by proclaiming, "The Sacred Rights of Mankind are not to be rummaged for among old

parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature. . . ." It was Thomas Jefferson, however, who really summarized the doctrine of natural rights as it took hold of men's minds in the onward march of time in colonial America. In the Declaration of Independence his never-dying phrase, "Life, Liberty and the pursuit of Happiness," put briefly those ideals for which men battled in the Revolution and for which they have fought since in field and forum here and throughout the world. Whether one dwells upon the rights of Englishmen or natural rights, surely the history of American political ideas lies deep in England's past.

DEMOCRACY GROWS SLOWLY IN COLONIAL TIMES

3. Colonial Governments—The Basis of State Governments. When the colonial "rebels" decided to support the Declaration of Independence and war upon England, the states asked the Continental Congress what they should do about state governments. Since royal officials or proprietary officers had withdrawn or been forced out, the states in general were without regular government. The Congress advised that new constitutions be drawn up, and, in the words of John Adams, the states turned to the serious business of the "manufacture of governments."

Contrary to what might have been expected in this revolutionary era, the states did not take up all sorts of radical schemes. Two states—Connecticut and Rhode Island—made a few minor changes in their charters, such as eliminating the king's name, and their governments went serenely on with constitutions already over a century old. The other states adopted constitutions (1776-80) which bore close resemblance to their earlier colonial governments. "The people," wrote Jefferson, "seem to have laid aside the monarchical and taken up the republican [representative democracy] government with as much ease as would have attended their throwing off an old garment and putting on a new suit of clothes." Changes slightly favorable to greater democracy were written into many of the instruments. Some of the constitutions were intended to be temporary only. Others lasted many years, while that of Massachusetts, with occasional amendments, is still in use—more than 160 years after its careful preparation.

Taking the new constitutions as a group, certain general characteristics may be noted. Past experience taught that the legislatures, not the governors, were the "best security of liberty." The real power of government was placed in the assemblies, although the principle of three departments—legislative, executive and judicial—was followed. Hered-

itary officeholding was banned, and offices in general were subjected to frequent elections. Not forgetting natural rights, the states followed Virginia's lead and put into each constitution a "Bill of Rights" to protect the people against their own leaders.

Finally, these constitutions were not democratic as that word is understood today. To begin with, they were not generally submitted to the people for ratification. Although the new instruments were considered to give due thought to the "consent of the governed," the fact was that the "people" meant those who owned property or paid taxes, and no others. The common man (which does not include the common woman) was not to come into his own politically until more than a half-century later. In other words, the privileges of voting and holding office were carefully limited to a small minority.

4. Limited Suffrage. Any outline of democratic beginnings in America must point with pride to the first colonial representative assembly in Virginia in 1619, and to the spread later of the institution in the other colonies. Likewise the origin of pure democracy, or the rule of the many through the celebrated town meeting in the Plymouth colony, with its background of the Mayflower Compact, demands special recording. It is true that the Pilgrims' politically democratic and religiously tolerant colony was soon swallowed by the less liberal Puritan neighbors of Massachusetts Bay Colony (1691). But it is also true that liberty-loving men with long memories would not forget the noble experiment which should always be the meaning of Plymouth Rock.

In the powerful Massachusetts Bay Colony or "Bible Commonwealth" we have noted the sway of theocracy or the rule of the church. At first only freemen holding membership in the Puritan church participated in the government, but soon the privilege was extended to all male church members. People who did not belong to the Puritan Church had no political privileges, regardless of intelligence or social or economic status. Governor John Winthrop once referred to democracy as "the meanest and worst of all forms of government," holding that "the best part [of the people] is always the least, and of that best part the wiser part is always the lesser." To this the rebellious Hooker of Connecticut replied that "the foundation of authority is laid, firstly, in the free consent of the people." Thus before the Bay Colony was ten years old a spokesman for the common man dared to raise his voice on America's western borderland. But by 1700 Puritan theocracy was forced to give way, and political privileges were extended to property holders.

In the colonies where the church was not all-powerful, property was the test for voting. It has been estimated that at the time of the Revolution not more than six per cent of the white people were entitled to vote,

as compared with more than 50 per cent of the total population today. But if conditions were undemocratic in colonial America, they were worse in England where during the same period 15,000 voters elected a majority of the members of the House of Commons. In America a bold attack was made upon the landed-property requirement for voting. But the snail-like speed of democracy is well illustrated by the success of the campaign. As late as the Revolution seven of the 13 states required that property must be in the form of land. In the new constitutions adopted during the war the number was reduced to five, and the amount of land or other property required was reduced in eight states.

In the years ahead the struggle was to be between two theories respecting the suffrage. The Hooker-Jeffersonian group, taking the liberal slant, held that man should vote because it is a right. The Winthrop-Hamiltonian conservatives upheld the theory that for the good of the state only the most substantial citizens should be intrusted with the ballot. However limited the colonial governments were, these eighteenth-century republics were in fact the freest and most liberal governments known to that world.

5. Democracy in Education and Religion. It is fortunate that the colonists placed high value upon publicly supported and compulsory education. The Massachusetts Bay Colony led by passing the famous General School Act of 1647 which required the establishment of public common or grade schools in each town of 50 families, and a grammar or Latin college-preparatory school in towns of 100 families. In the later colonial years the other New England colonies, except Rhode Island, followed Massachusetts in establishing some form of public education. Nevertheless, democracy in education developed slowly.

In the Middle and Southern Colonies, where population was not concentrated as in the New England towns, democracy in education did not root deeply. Education was not entirely neglected, however, for in both the Southern and Middle Colonies there were some educational facilities, but usually these were private schools. Except for the New England common schools, a few private "finishing schools" and "dame schools," education was not for the girls. The slow growth of political democracy was in large measure due to the absence of a widespread public school system. None the less, the Massachusetts law firmly wedded American educational ideals to a democratic public school system. Two centuries later Horace Mann, a great Massachusetts schoolmaster, could write that "the common school is the greatest discovery ever made by man."

The early interest of the Massachusetts Puritans in education was not to encourage democracy but rather to further religion in a theocratic state. But against the theocracy of Massachusetts and the compulsory

Church of England in Virginia, toleration, if not freedom, in religion courageously fought for existence. The small colony of Pilgrims at Plymouth, sadly remembering their religious experiences in England, were generously tolerant of other religions. They showed their *tolerance* by allowing other religions to exist alongside theirs.

But it remained for the great Roger Williams, sickened by the "ulcerated and gangrened" Puritan church of Massachusetts, to set America on her true course. We recall how in 1636, driven out by Puritans, he established at Providence, Rhode Island, a settlement in which government applied "only in civil things." For the first time in Christian countries church and state were thus separated, and complete religious *freedom* was established. A few years later (1649), as we know, the Catholic colony of Maryland established *toleration* in religion by recognizing the rights of both Catholics and Protestants. And out of Penn's "Holy Experiment" in government came, in 1682, *toleration* for believers in God. Although many years were to pass before Williams's ideal of complete separation of church and state was achieved, the important fact is that in early colonial America the seed of democracy in religion was wisely sown.

THE ARTICLES OF CONFEDERATION (1781-1789) ARE PROPOSED FOR A UNION

6. A League of Friendship. On the very day that a committee was appointed to draw up the Declaration of Independence, a motion was made to direct a second committee to report on articles of union. When this committee reported in July, 1776, it presented a plan—the Articles of Confederation—which was strongly influenced by Franklin's plan of 1775, the old Albany Plan of Union revised to meet the new conditions. Shortly after Burgoyne's surrender at Saratoga in 1777, the Continental Congress adopted the Articles of Confederation and submitted them to the states for ratification.

The confederacy, styled "The United States of America," provided in the first place for a so-called "league of friendship." It was little more than a "council of States," for each state "retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States." In the second place, the central government consisted of a Congress and nothing more, but it was a sort of three-in-one Congress. To the extent of its powers, this Congress was to exercise not only legislative but also executive and judicial functions. It was the last court of appeal in disputes between the states. There was no President, although an



executive committee of Congressmen was provided to supervise certain activities, and one member acted as presiding officer of the Congress.

Thirdly, representation was by states, each state having from two to seven representatives elected and paid by the state. But no state had more than one vote. Little Rhode Island had as much voting strength as the larger and wealthier state of Virginia. Fourthly, in the exercise of all important powers nine votes were required for action, and amendments could be made only by action of Congress and the consent of 13 state legislatures. Finally, certain powers were granted Congress and certain ones denied the states. Among those granted to Congress were: questions relating to peace and war; the army and navy; treaties and alliances; coinage and the postal system, and the power to borrow money.

7. Western Lands and Ratification. Whatever merits the Articles might have in practice, they represented on paper the strongest central government of a democratic nature, then known to history. But, first and last, the Articles set up a *confederation*: a loose union of states in which the state held the major power and in which the central government could act only through the states. The new form of government was not accepted by all the states for nearly three and one-half years. Maryland, the last to ratify, held out until the war was almost over.

The chief reason for this delay was the troublesome western land question. Some states possessed western lands; others did not. When it seemed probable that Great Britain would give up all land as far west as the Mississippi River, the question became a real issue. Seven states—Massachusetts, Connecticut, New York, Virginia, the Carolinas and Georgia—based their claims to the West on their colonial “sea-to-sea” charters. (See map, Fig. 14.) These titles in several instances were none too clear and in the case of Virginia overlapped the rights of Massachusetts and Connecticut. New York’s far-fetched claim was based upon property rights of the Iroquois tribes. Virginia, claiming by far the largest territory, also pointed to the winning of the West by the Virginia-commissioned George Rogers Clark as additional title on her part. In the future this western land would have an incalculable value to the states holding it, whether in terms of money or power. In the meantime, it would afford a tidy sum from furs and from land sales as the land-hungry population pushed westward, and it would serve immediately as promised bonuses to the Revolutionary veterans.

The six states which had no western claims argued that the Proclamation Line of 1763 converted the claims into “Crown lands,” and that the peace treaty would make these lands the property of the United States. Whatever the arguments, Maryland had made up her mind that unless the seven states turned their claims over to the central government, she

would withhold her ratification of the Articles. Here was a crisis in the life of the new-born republic, for without Maryland's acceptance there could be no confederation. After New York and Virginia agreed to surrender their claims, Maryland ratified in 1781, and the new government was established. By 1790 New York, Virginia, Massachusetts, Connecticut, South Carolina and North Carolina surrendered their claims in the order named, and in 1802 Georgia fell into line.

Thus, through the wise insistence of Maryland and the generosity of the land-claiming states, Virginia especially, the United States fell heir to a huge public domain of almost a quarter-million square miles with a sale value more than sufficient to clear the war debts. And that was not all. This great area—larger than any present European country excepting the Soviet Union—was a common bond of union for all the states. They could point on the map to that "rising Empire" as a common possession, as "our" Northwest.

THE GOVERNMENT BARELY SURVIVES "THE CRITICAL PERIOD,"
1783-1789

8. A British Prediction. Would the Articles of Confederation work in practice? How would 13 lusty children, who a few years earlier had with a defiant whoop cut themselves free of old Mother England's apron strings, coöperate after the fear of war had been removed? These were serious questions after the peace treaty. The Dean of Gloucester in England, not unfriendly to the American experiment or to Americans, cast a gloomy prediction across the ocean.

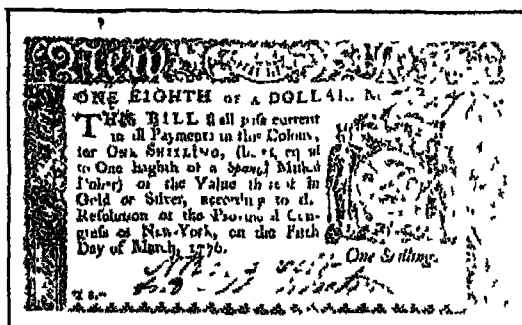
As to the future grandeur of America [he said], and its being a rising empire under one head, whether republican or monarchical, it is one of the idlest and most visionary notions that ever was conceived even by writers of romance. The mutual antipathies and clashing interests of the Americans, their difference of governments, habitudes, and manners, indicate that they will have no center of union and no common interest. They never can be united into one compact empire under any species of government whatever; a disunited people till the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little commonwealths or principalities, according to natural boundaries, by great bays of the sea, and by vast rivers, lakes, and ridges of mountains.

A hopelessly poor prediction, you say in your wisdom after the event. But it seemed inspired foresight at the time, and there were brave patriots in America who harbored in their hearts the same fear. We must not forget that under British loyalty the 13 states were independent of one another and were held together by one principal, common tie—their

allegiance to the King. This common tie had been severed, but the spirit of independence remained to flare up menacingly. It is true that the ardent Patrick Henry spoke of a fond hope of some when he dramatically declared in the First Continental Congress, "I am not a Virginian, but an American." But that was under the emotion of pending war. With the war over, something like moral exhaustion gripped America as men's minds, no longer geared up to the great struggle, suddenly relaxed. Added to this mental let-down was the unpleasant discovery that the machinery of the new government was running neither smoothly nor efficiently. It was pounding loudly, so loudly that it could be heard in the remotest parts of the union.

9. **Weaknesses of the Articles of Confederation.** Convincing evidence soon accumulated to indicate that certain fundamental weaknesses characterized the Articles in operation. In four specific ways the Confederation was lacking in necessary power.

LACK OF FINANCIAL POWER. The foremost defect was its lack of financial power. It could not tax the people directly; it could only ask the states to raise their quotas in proportion to the value of the land within the states. It could ask for moneys to pay the interest on the war debt and other necessary expenses, but it could not compel the states to raise



NEW YORK PAPER MONEY, 1776

Although designated a shilling (25 cents), this currency on its face value was equal to only one-eighth of a Spanish milled dollar—a foreign coin of standard value.

the levies. In effect, here was a government that could pass the hat around among the states for the necessary revenues of a government. If the states cared to toss something into the hat, well and good; if not, the Congress was helpless. And that is exactly what happened, for less than one-fourth of the requests of Congress were ever raised by the states—not enough to pay the interest on the foreign debt.

Several amendments were proposed to give Congress power to levy import duties, but each time one or more states objected and thus blocked the grant of power. Further borrowing from foreign countries was out of question. To print more paper money was equally impracticable for by 1781 \$1000 in paper was worth about one dollar in hard coin. The cen-

tral government was on the brink of bankruptcy. On top of this there was much confusion in the currency systems. Many states had different systems, counterfeiting was widely practised, and what gold was in circulation was clipped and sheared. To make the situation worse, an epidemic of the printing of paper money by seven state governments broke out in 1785-86. Business was distressed; even church collections fell off heavily.

LACK OF COMMERCIAL POWER. Independent and jealous of one another, the states had been taxing imports from both neighboring states and foreign countries. Competing state tariff systems dealt a cruel blow to a commerce still staggering from the effects of the war. In 1787, for example, New York levied import duties on the farm products of Connecticut and New Jersey so necessary for the New York City market. New Jersey promptly taxed New York \$1800 a year upon a lighthouse at Sandy Hook recently acquired by New York. Connecticut business men in New London agreed, upon a penalty of \$250, not to send goods to New York for a full year. Maryland and Virginia quarreled over the navigation of the Potomac.

In the face of these weaknesses it is not surprising that Europe should regard the Confederation as a weakling. After the war, Britain closed the profitable West Indian trade to us and refused to make a commercial treaty with the United States. France, our recent ally, discriminated against us commercially, and Spain closed many ports to our trade. Even the Barbary pirates safely seized American merchant ships in the Mediterranean for tribute. The inability of Congress to levy uniform import duties designed to bring foreign governments to terms was the chief cause of the commercial disorder from abroad. At home, on the other hand, a centrally controlled tariff system was a dire need to prevent the economic suicide of the jealous states. But when Congress sought authority to pass a commerce act to protect all the states, only two states consented to it. And we have seen that the levying of import duties by Congress had previously been rejected.

LACK OF POWER TO ENFORCE TREATIES. One reason given by the British for refusing a commercial treaty was the power of "any one of the states to render totally useless and inefficient" any treaty made by Congress. This was true, for Congress unfortunately lacked power to enforce its own treaties. Claiming that the weak Congress was not enforcing certain clauses of the 1783 treaty, the British refused to withdraw from the western trading posts which they had promised to surrender. Unfortunately there was much basis to the British contention that the Loyalists were being badly mistreated and that British debt collections were being hindered. Congress could not, of course, hold the states to responsible action, and John Jay admitted that not a single day

passed on which the treaty had "not been violated . . . by one or other of the States "

In the Southwest the Spanish were plotting to seize a large slice of our territory. At the same time their crafty diplomatic agent at Philadelphia was dodging a frank settlement of the questions involving the navigation of the Mississippi which Spain had closed to our western trade. Spain claimed that the British had no authority to grant free use of the Mississippi in the peace treaty. The West became restless and indignant as both Britain and Spain occupied large parts of our territory in complete disregard of the Treaty of 1783.

LACK OF MILITARY POWER. Upon the struggling Congress in Philadelphia was piled further disgrace. A few months after the peace treaty was signed, a band of unpaid soldiers stormed Congress and drove it from the capital to the safety of the college buildings at Princeton. Any city that lacked a police force today would soon be at the mercy of hoodlums; likewise any central government that lacked an adequate armed

force would be powerless in an emergency. Such was the situation under the Articles. The states seemed to quarrel incessantly. When the disputes were not about tariffs or currency, troubles arose over boundaries and land. Pennsylvanians warred upon Connecticut settlers in the Wyoming Valley of Pennsylvania as if the latter were a tribe of treacherous Indians. New York and New Hampshire fought for control of the region of Vermont, while Massachusetts cast a greedy glance toward



SHAYS'S MOB CAPTURES A COURT HOUSE

"Debt-ridden farmers . . . willingly followed the radical leadership of Captain Daniel Shays . . . captured the court houses." This painting by Howard Pyle is too generous in supplying the rebellious farmers with uniforms and arms.

the same Green Mountains. No less than eight states quarreled over boundaries.

The threat of anarchy, however, loomed most menacingly in the fall of 1786 when Shays's Rebellion broke out in central and western Massachusetts. The debt-ridden farmers, enraged by excessive taxes and the opposition of the aristocrats of Boston to paper money legislation, willingly followed the radical leadership of Captain Daniel Shays, a Revolutionary veteran. When they saw their properties seized for unpaid debts by order of the courts, 1000 to 2000 farmers, armed chiefly with pitchforks, captured the court houses at Northampton and Worcester and moved upon the United States arsenal at Springfield to seize arms. Supported by voluntary loans from Boston merchants, the governor of the state dispatched more than 4000 militiamen to the scene of the disorders, and the revolt collapsed.

While this insurrection and similar uprisings were under way in several of the states, Congress was unable to maintain law and order or protect its own property. It was sadly lacking in military power. "I feel," wrote Washington in 1786, ". . . infinitely more than I can express to you, for the disorders which have arisen in these States. Good God! Who, besides a Tory, could have foreseen, or a Briton predicted them? . . . There are combustibles in every State, which a spark might set fire to." The weaknesses of the Confederation caused it to be despised abroad and disobeyed at home. Its crowning weakness was clearly its inability to compel the states to obey its rightful decrees. It could recommend but it could not command. The years between 1783 and 1789 were undoubtedly critical, but perhaps not as serious as sometimes painted.

10. **The Northwest Ordinance of 1787.** The marvel of the Congress under the Articles was its accomplishment in the face of every handicap. Under it the war was happily concluded, and an advantageous treaty made. Despite its apparent failure, it rendered pioneer service in national self-government. But its greatest contribution was the Northwest Ordinance. When the states gave up their western lands north of the Ohio, the United States gained its first public domain. How should this territory—this first colony—be governed? Should Congress adopt a colonial policy similar to British imperialism for the Northwest Territory? Congress rejected the despised British system, and turned to the more enlightened policy of self-government.

First, Congress passed the Land Ordinance of 1785 which provided for survey and land sales in the Northwest. Next, Congress enacted the Ordinance of 1787 providing for the *government* of the territory. This famous Northwest Ordinance, based upon a plan made by Jefferson a few years earlier, laid the foundation for progressive self-government

in three stages. To begin with, the temporary colonial government should consist of a governor and three judges appointed by Congress with full power to govern the territory. But as soon as there were 5000 "free male inhabitants, of full age" in the district, the second stage should be entered, that of partial self-government. That is, a legislature was to be elected with power to make the laws for the territory. Out of the entire territory not less than three and not more than five states were to be formed.

Finally, when the population of a state reached 60,000 "free inhabitants," it might be admitted to the Union on an "equal footing with the original states, in all respects whatever." Further, the Ordinance contained "Articles of Compact," similar to a Bill of Rights, which provided for religious freedom, protection of life and property, the development of education and the prohibition of slavery. This last provision was the first national limitation on slavery.

Some 40 years later Daniel Webster was to give high praise to the Ordinance as model legislation. "I doubt whether one single law of any lawgiver, ancient or modern," he said, "has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787." Because of its generous colonial policy, an eminent Swiss authority on world history has written that "from the point of view of world history it is perhaps the most important" United States law.

The importance of this great act lies, therefore, in its democratic generosity toward the first colony. American colonies, it proclaimed, do not exist for the benefit of the mother country. On the contrary, they exist to grow in democratic self-government on a plane of equality with the original 13 states. In the century and a half since its enactment more than 30 continental territories have come under its provisions or spirit, for it was speedily to be reenacted by the Congress under the Constitution. The Northwest Ordinance of 1787 extended the principles of the Declaration of Independence to our territories, as Americans, ever following the course of the sun, sought the pot of gold at the rainbow's western end. Democracy in the West became a possibility.

II. Dangers of Disunion. The long, hard winter of 1786-87—the months of Shays's Rebellion—was a time of despair. The best and sanest of leaders were distracted; the Briton's prophecy quoted earlier in this chapter seemed all too true. Social revolt was a reality in the East. In the Southwest states were threatening to leave the union. States were jealous of one another, and childishly quarrelsome; rivalry went beyond all bounds of common sense, and the masses hated the classes. "It is yet to be decided," solemnly warned Washington as early as 1783, "whether the revolution must ultimately be considered as a blessing or a curse." Great

Britain refused to send a minister to America, and was not to do so until 1791.

Congress almost ceased to exist. For months in 1786-87 there were not the required number of representatives present to carry on legislative business. When the Ordinance of 1787 was passed, only 18 delegates out of a possible 91 were present. Congress had fallen into such insignificance that the most capable leaders generally refused membership in the body. With the notable exception of the Northwest Ordinance, this assembly of men was hopelessly unable to deal with the problems of this critical time. Not even resolutions could be passed! In national affairs the blind seemed to be leading the blind. Well might the question be asked, "Is this one nation or 13?"

We may . . . be said to have reached almost the last stage of national humiliation [was Hamilton's summary of conditions in 1787]. There is scarcely any thing that can wound the pride, or degrade the character, of an independent people, which we do not experience. . . . The delinquencies of the states have . . . at length arrested all the wheels of the national government, and brought them to an awful stand. . . . The frail and tottering edifice seems ready to fall upon our heads, and to crush us beneath its ruins.

In the fall of 1788 the feeble light of Congress went out altogether. Thereafter a quorum—the number necessary to pass laws—could not be mustered. In the spring of 1789 the Congress officially passed out of existence with two members at its funeral. For the previous six months there had been no United States government; 13 states ruled supreme but not supremely.

12. Bonds of Union. The forces of disunion seemed ready to reign over the dead body of the Confederation. Their plans, however, were soon halted by the lovers of organized liberty. Beneath the surface there were stronger forces for union and harmony, awaiting only intelligent leadership. After all, the states had more in common than was fully realized at the moment. They had a common political heritage of law and custom, the same political machinery, and in general similar political aspirations. Like one large family, they had their common fears. The long western line of settlement had its Indian problems. The British, it was claimed, were urging the red men to attack the settlers. The Southwest had its Spanish troubles. Every section was concerned with the Northwest as a common territory. All sections faced constant British threats, whether by Tories or trade laws. Every state had much to lose by the continued low standing of the United States in the world's mind. And finally, real or imagined political, economic and social differences between states were of less importance than orderly government. But where were the

leaders to guide the phantom nation out of the darkness of the critical period? They were, fortunately, up and stirring at last.

13. Movement for Reform. Throughout the entire period of the Articles men had been thinking about probable solutions. But every proposed remedy bumped up against the stone wall of state sovereignty, the insistence of the states upon their rights. Reform hinged upon the willingness of the states to yield some of their authority to a central government armed with power for the direct enforcement of its decrees upon the individual. A few leaders had drawn up definite plans for a new central government. The first step toward reform had been taken: men were thinking.

When business is poor or in any way interfered with, the interests concerned look to the government to do something about the situation. The first active step toward governmental reform came as a result of the commercial warfare between the states. The rival state tariffs had played havoc with commerce. The controversy between Maryland and Virginia over the use of the Potomac and the Chesapeake came to a head in 1785 when representatives of the two states met at Washington's home at Mount Vernon to iron out their differences. When it developed that Pennsylvania and Delaware were also directly concerned in a complete settlement of the issue, Virginia called a Trade Convention of all the states to meet at Annapolis in 1786. To the disappointment of its promoters, delegates from only five states took the trouble to attend. But Alexander Hamilton of New York saved the day by putting the meeting on record in favor of another convention to meet in Philadelphia in May, 1787.

This Philadelphia convention, according to Hamilton's report, was "to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the federal [confederate] government adequate to the exigencies [critical needs] of the Union." Such a grant of power to a convention would give great latitude for reform. When the Congress reluctantly issued the call to the states, it took care, however, to restrict wholesale changes by calling the Philadelphia convention for "the sole and express purpose of revising the Articles of Confederation." Furthermore, it was provided that the convention's finished work was to be reported to Congress and be accepted by the legislatures of all the states before it would be effective.

Can You Use These Terms or Expressions?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. The so-called "Bible of the English Constitution" consists of the: (a) Magna Charta; (b) Petition of Right; (c) Bill of Rights.
2. The Magna Charta, signed by King John in 1215, is important because it: (a) limited the power of kings; (b) gave Parliament the right to levy taxes; (c) promised the barons a trial by their peers or equals.
3. The Petition of Right is significant because it: (a) limited royal power; (b) gave the right to levy taxes to Parliament instead of to the king; (c) guaranteed religious freedom.
4. The Bill of Rights of 1689 is important because: (a) it ended divine-right rule; (b) established the principle that government rests upon consent of the governed; (c) firmly established Parliament, the British legislature, as supreme.
5. The doctrine that "man is by nature free" is set forth in the: (a) Declaration of Independence; (b) writings of John Locke, English political philosopher; (c) Magna Charta, Petition of Right, Bill of Rights.
6. A confederation is a form of central government in which: (a) the member states reserve most of the power to themselves; (b) broad powers are granted to the central government; (c) limited powers are granted to the central government.
7. The term state sovereignty can be defined as: (a) the power of the king; (b) right of a state to govern itself; (c) home rule.

Do You Know the Facts?

B. Some of the following statements are true, some are false. Circle the letter T if the statement is true, or the letter F if it is false.

1. T F Benjamin Franklin's Albany Plan, rejected in 1754, was a basis for the Articles of Confederation.
2. T F The Articles of Confederation provided a powerful central government for the United States.
3. T F The Articles established a central government in which the states had equal power regardless of their population or size.
4. T F A fundamental weakness of the central government provided by the Articles was a lack of executive or law-enforcing power.
5. T F The member states of the Confederation had to pay the taxes levied by Congress.
6. T F Unanimous consent of the member states was necessary to amend the Articles of Confederation.
7. T F The various states lived up to the treaty agreement made by Congress with England.

8. T F The only thing that held the country together under the Articles of Confederation was the strong army maintained by Congress.
9. T F A reason why Congress was unable to enforce its authority was because it was unable to raise money to pay for law-enforcement agencies.
10. T F The Northwest Ordinance of 1787 extended the principles of self-government to the vast area which now includes Ohio, Indiana, Illinois, Michigan and Wisconsin.

C. Place the events in the right-hand column in proper time order in the left-hand column. There may be some events listed in the right-hand column that have no proper placement.

- | | |
|---|--|
| 1. Declaration of Independence issued, 1776 | a. Articles of Confederation ratified |
| 2. | b. Annapolis Trade Convention |
| 3. Treaty ending Revolutionary War signed, 1783 | c. Potomac River controversy |
| 4. | d. Washington elected President of the United States |
| 5. Mt. Vernon Conference, 1785 | |
| 6. | |
| 7. Constitutional Convention, 1787 | |

Can You Use What You Have Learned?

D. Some of the following statements are true, some are false, others may be opinions. If the statement is true, circle the letter T; if it is false, circle the letter F. Circle the letter O if it is an opinion.

1. T F O In Revolutionary days only a very small proportion of the people had the right to vote.
2. T F O In Revolutionary times, and for many years thereafter, some people clung to the theory that only citizens with property should vote.
3. T F O Poll taxes should be levied on all voters today.
4. T F O During colonial and Revolutionary times the struggle for democracy was concerned solely with political freedom.
5. T F O The Articles of Confederation provided the strongest democratic central government known at the time.
6. T F O The Articles of Confederation were ratified by all of the states as soon as the Revolution began.
7. T F O Captain Daniel Shays and his followers were justified in taking up arms when their farms were seized for non-payment of debts.

8. T F O The period during which the Articles of Confederation provided such central government as the United States had is sometimes called "The Critical Period."
9. T F O During the latter years of the Critical Period George Washington felt that we had a sufficiently strong central government.
10. T F O Unity achieved by a people waging a war is sometimes followed by sectional jealousy and partisanship in the post-war period.
11. T F O A government lacking in financial power is virtually helpless.

Summarizing Exercise

E. Underscore the phrases or expressions that are not directly associated with other items within each group.

1. Specific examples of lack of financial power of the government established under the Articles of Confederation were: (a) one fourth of states paid taxes Congress levied; (b) \$1000 in paper money was worth \$1.00 in hard coin; (c) Congress had no way to make the states pay taxes; (d) seven states printed paper money.
2. Lack of commercial power of the government under the Articles of Confederation is shown by: (a) the tariff walls erected by the states; (b) refusal of foreign nations to negotiate trade treaties with Congress; (c) failure of states to recompense Tories for seized property; (d) Wyoming Valley massacre.
3. Examples of Congress's inability to enforce treaties were: (a) New Jersey taxed a lighthouse built by New York; (b) Britain retained trading posts in our west because Tories had not been compensated for properties seized; (c) unpaid soldiers stormed Congress; (d) foreign nations refused to negotiate trade treaties with Congress.
4. Lack of military power of the government created by the Articles of Confederation was illustrated by: (a) Shays's Rebellion; (b) unpaid soldiers who stormed Congress; (c) Spain's closing the Mississippi River to our western trade; (d) Wyoming Valley massacre.

Correspondence or Class Assignments

F. See general instructions under this heading, p. vi.

1. Give an account of the Articles of Confederation touching upon: (a) accomplishments of the government under the Articles; (b) reasons why a demand arose for a revision of the Articles.
2. Said Daniel Webster, the great American statesman, "I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of a more distinct, marked, and lasting character than the Ordinance of 1787." State three reasons in support of Webster's views.

3. Trace the rise of American political democracy including: (a) its roots in English tradition and law; (b) the development of colonial self-government; (c) the fundamental philosophy expressed in the Declaration of Independence.

See "How To Use This Book," p. vi, concerning your Course Essay.

Suggested Readings

Textbooks:

J. S. Bassett, *A Short History of the United States*, chap. x, C. A. Beard, *The Rise of American Civilization*, pp. 297-310, H. W. Elson, *History of the United States of America*, chap. xii, and H. U. Faulkner, *American Political and Social History*, pp. 113-18, are good general treatments of the Articles of Confederation and the Critical Period. M. Farrand, *The Fathers of the Constitution*, chap. ii, holds that the Critical Period was not as bad as usually presented. E. E. Sparks, *The Expansion of the American People*, chap. vii, discusses the application of the Northwest Ordinance.

Historical Novels:

E. Page, *The Tree of Liberty*, is an excellent story of the period extending from the French and Indian War through about 1820. The film version of this book was the *Howards of Virginia*.

Half-Course Review and Self-Check (Chapters I-VI)

Are You Familiar with Names and Events?

A. Match the following items in the right-hand column with the proper choices in the left-hand column. To do this insert the number or numbers of the choices in the parentheses in front of the proper item or items. There may be items that cannot be matched. There may be others that can be matched with more than one choice.

CHOICES	ITEMS
1. His ship first to sail around the world	a. () Nathaniel Bacon
2. Author of <i>Common Sense</i>	b. () Roger Williams
3. Defeated British at Bennington	c. () Battle of Quebec
4. Represented United States in France	d. () Patrick Henry
5. A turning point in the Revolution	e. () Critical Period
6. Referred to as the "Father of the Revolution"	f. () Ferdinand Magellan
7. Took place between close of Revolution and ratification of Constitution	g. () Benjamin Franklin
8. British victory in French and Indian War	h. () Thomas Paine
9. Founder of religious freedom in America	i. () Battle of Saratoga
10. Virginian opposed to British taxation	j. () Samuel Adams
11. Noted chiefly for denouncing Writs of Assistance	k. () Ethan Allen
12. Revolted against conservative rule in colonial Virginia	l. () James Otis

Do You Understand the Sequence of Events?

B. Place the events in the right-hand column in their proper time order in the left-hand column. There may be some events listed in the right-hand column that have no proper placement.

- | | |
|--|---|
| 1. French occupy Ohio region | |
| 2. | a. French Alliance |
| 3. Salutary Neglect abandoned | b. French and Indian War |
| 4. | |
| 5. Tea tax retained | c. Northwest Ordinance of 1787 |
| 6. | d. First Continental Congress |
| 7. "Intolerable Acts" passed | e. Critical Period begins |
| 8. | f. Boston Tea Party |
| 9. Battles of Lexington, Concord,
Bunker Hill | g. British taxation program
launched |
| 10. Second Continental Congress | h. Declaration of Independence |
| 11. | |
| 12. Battle of Saratoga | |
| 13. | |
| 14. Articles of Confederation ratified | |
| 15. | |
| 16. | |
| 17. Constitutional Convention met | |

Do You Know These Principal Facts?

C. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

- Discovery and exploration were motivated strongly by the: (a) Middle Ages; (b) Crusades; (c) Commercial Revolution.
- In general, most of the New England settlers in the 1600's were: (a) Protestants; (b) Puritans; (c) Catholics.
- The first pure democracy in America was created by the: (a) House of Burgesses; (b) Mayflower Compact; (c) Fundamental Orders of Connecticut.
- The most important single factor in promoting colonization was: (a) religious persecution; (b) political oppression; (c) economic opportunity.
- Religious freedom in America was established by about: (a) 1650; (b) 1700; (c) the time of the Revolution.
- Theocracy, a form of government closely allied with the established religious belief, was most marked in the colony of: (a) New York; (b) Pennsylvania; (c) Massachusetts Bay.
- Complete religious freedom was established first in the colony of: (a) Virginia; (b) Rhode Island; (c) Maryland.
- The first attempt toward union of colonies was the: (a) New England Confederation; (b) Albany Plan of Union; (c) First Continental Congress.

9. As a result of the "Glorious Revolution" in England in 1688 the: (a) Magna Charta was signed; (b) British Bill of Rights was drawn up; (c) Parliament became supreme.
10. Next to the English, the largest group of settlers in British-American colonies were the: (a) Dutch; (b) Irish and Scotch-Irish; (c) Germans.
11. The final struggle between England and France for colonial supremacy in North America was: (a) Queen Anne's War; (b) King George's War; (c) the French and Indian War.
12. As a result of the French and Indian War England: (a) abandoned the policy of Salutary Neglect; (b) decided to make the colonies help to pay the war costs; (c) decided to give up her imperialistic policies.
13. Washington defeated the Hessians at: (a) Valley Forge; (b) Trenton; (c) Saratoga.
14. The British army under Cornwallis was trapped and defeated by Washington's land forces and French naval forces at: (a) Monmouth; (b) Long Island; (c) Yorktown.
15. During the Critical Period the United States was governed by the: (a) Constitution; (b) Articles of Confederation; (c) Albany Congress.

What Ideas Have You About the Development of American Democracy?

D. Some of the following statements are true, some are false. If the statement is true, circle the letter T. Circle the letter F if it is false.

1. T F Even in colonial days the American people were a composite of various nationalities.
2. T F Until well into the 1800's the American people were exclusively of English descent.
3. T F Colonial legislatures exercised a considerable amount of home rule.
4. T F A strong factor in promoting religious toleration in the colonies was the diversity of national and religious groups.
5. T F Even as early as 1770 the movement for independence was supported by the great majority of the colonists.
6. T F The Articles of Confederation provided the strongest form of centralized democratic government known up to that time.
7. T F The Northwest Ordinance of 1787 provided for the development of self-government in the western territory.
8. T F In Revolutionary days most of the male, adult, white population had the right to vote.
9. T F During the years immediately after the Revolution the states continued to work together as a unit.

- 10. T F State constitutions drawn up during the Revolutionary period abolished many practices that tended to favor privileged groups.
- 11. T F The rugged conditions of frontier life contributed to the growth of political, economic and social democracy.
- 12. T F The fundamental weakness of the Articles of Confederation was the lack of centralized power.

See "How To Use This Book," p. vi, concerning your Course Essay.

CHAPTER VII

A Summer's Work and a Federal Constitution

THE CONSTITUTIONAL CONVENTION MEETS TO FRAME A NEW GOVERNMENT, MAY-SEPTEMBER, 1787

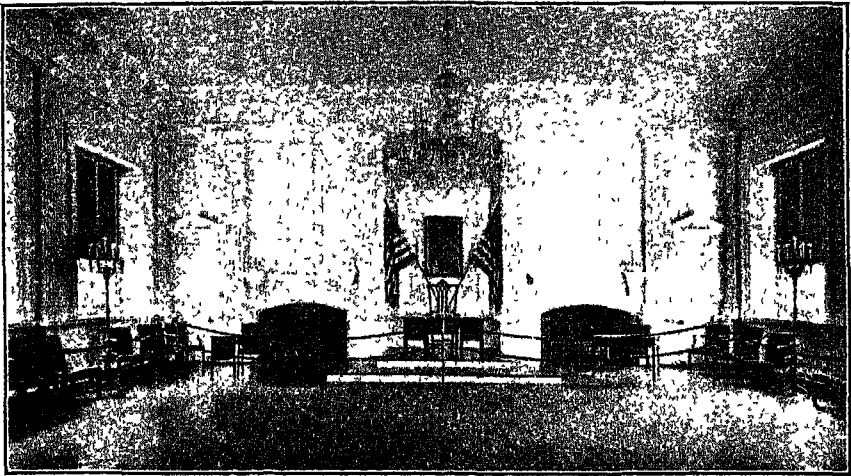
1. The Fathers of the Constitution. The Constitutional Convention met in Independence Hall, Philadelphia, in May, 1787, where previously the Second Continental Congress had met. Fifty-five delegates, chosen by the state legislatures, reported to the convention from all the states except Rhode Island. The delegates, representative largely of the conservative property-holding class, consisted of merchants, financiers, planters and soldiers, with more than one-half lawyers or government officials trained in the law. More than two-thirds of the convention's membership had served as members of the Continental Congresses, at least eight had assisted in framing state constitutions, and some had served as governors and judges in their states.

These delegates, however, were more than practical politicians. They were men of education as well, and several of them might well be called scholars. About one-half were college graduates—an unusually high proportion for that time. Age and youth met together in this assembly, with the balance in favor of comparative youth, the average age being little above 40. Dayton, the youngest, was 26; Franklin, the oldest, was in his eighty-second year. Prominent among the younger members were Hamilton, 30, Randolph, 34, and Madison, 36 years of age.

PRINCIPAL DELEGATES. Unanimously chosen to preside over the convention was the "best-loved American," Washington. His dignified presence not only was helpful in the heated contests of the convention, but his association with its work was a most important factor in securing the acceptance of the new Constitution later by the states. Another distinguished member from Virginia was James Madison, called the "Father of the Constitution" by reason of his great knowledge of governments, ancient and modern. Among other delegates, Massachusetts sent Rufus King and Elbridge Gerry; from Connecticut came Roger Sherman and Oliver Ellsworth; and from New York, Alexander Hamilton. Delaware and New Jersey were represented by John Dickinson and

William Paterson, respectively; and from South Carolina came the two Pinckneys and John Rutledge.

Pennsylvania sent the ablest delegation including the many-sided Franklin, the most widely known American; the learned jurist, James Wilson; and the merchant and the financier, Robert and Gouverneur Morris. Notably missing were Thomas Jefferson, Thomas Paine, Samuel Adams and Patrick Henry—all men of radical leanings. Jefferson and Paine were absent from the country. Adams and Henry had made known their hostility to the purpose of the convention.



THE DECLARATION CHAMBER IN INDEPENDENCE HALL

Here the Declaration of Independence was adopted and signed in 1776; here 11 years later the Constitution was framed; here, if in any one place, was the nation born. Here each year 500,000 visitors now tread reverently in memory of the "Fathers." In the same building within the visitors' reach is the famous Liberty Bell.

It is highly probable that upon no occasion in history has so able a body of men assembled for the purpose of solving a given problem. Madison wrote that "there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them." That these men had the confidence of their countrymen is shown by the fact that no less than 32 of them were to occupy high offices in the new government, including two Presidents and two chief justices, and six were to become governors of their states.

2. The Convention at Work. Meeting behind closed doors, the convention was pledged to secrecy. What is now known of its debates

has come to us largely through notes made by Madison, which he laboriously wrote out each evening, and which were published after his death. The *first problem* facing the convention was the limitation placed upon its powers by the resolution calling the delegates together. They were meeting, ran the resolution, "for the sole and express purpose of revising the Articles of Confederation" to the end that such alteration should "render the federal constitution adequate to the exigencies [needs] of the government, and the preservation of the Union." After some debate, it was decided that the framework of government provided by the Articles of Confederation, with its resulting weaknesses in operation, was basically inadequate, and that necessity called for building upon a new foundation. Upon this decision to abandon the Articles, several members who disagreed withdrew from the convention.

As other problems arose, debates grew more heated. But great as were the differences expressed, and at times fiercely insisted upon, the marvel of the convention was the spirit of agreement and compromise characteristic of the closing months. The wisdom of the Fathers of the Constitution was nowhere better shown than in their willingness to set aside sectional and other differences in the interests of constructive statesmanship and high patriotism. The survival of the nation, in all probability, depended upon the measure of national unity that came from this gathering.

3. The Great Compromise. Having discarded the Articles, the *second problem* before the convention was to determine whether the new government should be *national* or *federal* in principle; that is, whether it should be based upon the people or upon the states. Very early in the convention Governor Randolph, in behalf of the large states, presented what became known as the Virginia Plan. This plan provided for a legislature of two houses, the lower house to be elected by the people and the upper branch to be elected by the lower house. Thus the central government would be based, directly or indirectly, upon *population* rather than upon the states. In addition, a single executive was provided for, as well as a judiciary; the executive and the judges to be chosen by the legislature. A central government based upon this *national* principle received the immediate support of the large states and the outspoken hostility of the small states.

Debates grew warmer as the discussion of the Virginia Plan proceeded. Paterson boldly stated that "New Jersey will never confederate [join a union] on the plan [Virginia] before the Committee. She would be swallowed up. He had rather submit to a monarch, to a despot, than to such a fate." In reply, Wilson of Pennsylvania inquired: "Are not the

citizens of Pennsylvania equal to those of New Jersey? Does it require one hundred and fifty of the former to balance fifty of the latter? . . . If the small States will not confederate on this plan, Pennsylvania, and he presumed some other States, would not confederate on any other."

It was at this point that William Paterson, in the interests of the small states, presented another proposal known as the New Jersey Plan. This plan provided for a legislature of one house, with powers in addition to those granted under the Articles, to be based upon the *states* regardless of population. There was also to be a plural executive elected by Congress and a judiciary appointed by the executive. This, then, was the *federal* principle. Wilson briefly compared the two plans in the following manner:

The only difference between the plan from Virginia and the plan from New Jersey is, in a word, this: Virginia proposes two branches to the Legislature, Jersey one. Virginia would have the legislative power derived from the people, Jersey from the States. Virginia would have a single executive, Jersey more than one. By the Virginia plan the national Legislature can act on all national concerns. By the New Jersey plan, only to a limited extent.

For a month more the debate continued on the relative merits of the two major principles involved, but after a brief period of apparent deadlock the discussions became milder and more harmonious, and to the lasting glory of the convention agreement was arrived at between the two conflicting plans. By a five-to-four vote of the states, the "great compromise," yielding in part to each plan, provided for a Congress of two houses—the Senate and the House of Representatives [2].¹ Representation in the Senate was based upon the *federal* principle—two Senators for each state; representation in the House of Representatives recognized the *national* principle and was to be according to population [5, 8, note]. That the small states should not in the future lose their equal representation in the Senate, a provision was inserted which, in effect, stated that this is the one provision of the Constitution not subject to amendment [81].

4. Two Further Compromises. Encouraged by the spirit of compromise and with faith in itself, the convention turned to its *third problem*, the solution of several important economic differences growing out of the conflicting interests of the commercial North and the farming South. Slavery, for example, became an unavoidable issue.

¹ Numerals in brackets in heavy-faced type refer to the authors' paragraph headings in the Constitution in the Appendix, which the reader should consult.

THREE-FIFTHS COMPROMISE. The convention had granted Congress power to levy direct taxes and had provided that representation in the lower house of Congress be based on population. The North felt that slaves, being neither citizens nor voters, should not be counted for purposes of representation, but, being property, should be counted for purposes of direct taxation. Southern opposition was immediately aroused, for the strength of their representation in the lower house and their liability for increased taxation were at stake. Following a spirited debate, the convention adopted its second compromise, the "three-fifths compromise," providing that three-fifths of the slaves should be counted for purposes of both representation and direct taxation [5]. Applied to a state with a population of 100,000 white inhabitants and 100,000 slaves, the state would be considered to have a population of 160,000.

COMMERCE—SLAVE

TRADE COMPROMISE. The extreme southern states were alarmed at the expressed desire of the convention to prohibit any further importation of slaves. All the planting

states were much concerned over the demand of the commercial states that Congress be given power over commerce, including the right to levy export taxes. Economic self-preservation was the issue as seen by the

WE the People of the States
of New-Hampshire, Massachusetts,
Rhode-Island and Providence Plan-
tations, Connecticut, New-York, New-Jersey, Penn-
sylvania, Delaware, Maryland, Virginia, North-Caro-
lina, South-Carolina, and Georgia, do ordain, declare
and establish the following Constitution for the Govern-
ment of Ourselves and our Posterity.

ARTICLE I.

The style of this Government shall be 'The United States of America.'

II.

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

III.

The legislative power shall be vested in a Congress, to consist of two separate and distinct bodies of men, a House of Representatives, and a Senate, each of which shall, in all cases, have a negative on the other. The Legislature shall meet on the first Monday in December in every year. *off by 11.00*
aff by 10.00

IV.

Sec. 1. The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures.

Sec. 2. Every Member of the House of Representatives shall be of the age of twenty-five years at least, shall have been a citizen of the United States for at least seven years before his election; and shall be, at the time of his election, ~~inhabitant~~ *resident* of the State ~~from which he~~ *in which he* shall be chosen.

Sec. 3. The House of Representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner herein after described, consist of sixty-five members, of whom three shall be chosen in New-Hampshire, eight in Massachusetts, one in Rhode-Island and Providence Plantations, five in Connecticut, six in New-York, four in New Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North-Carolina, five in South-Carolina, and three in Georgia.

FIRST DRAFT OF THE FEDERAL CONSTITUTION

This draft was secretly printed during the eleventh week of the convention for the convenience of the members in making accepted changes. By referring to Appendix II, compare the first paragraph here with the one finally adopted. What significant change was made, and for what probable reason?

South. An unrestricted supply of Africans was necessary if southern farming was to expand. The thought that Congress should levy export duties on the chief products—tobacco, rice and indigo—was highly distasteful to the planters. Then, too, the South had little or no interest in New England's desire to develop a strong shipping trade under the protection of congressional laws protecting commerce.

Such conflicting economic views set the stage for a lengthy debate in which the economics and morality of slavery came under close examination. To all attacks made upon it, the South answered that slavery was a matter for state regulation and demanded that "their right to import slaves be untouched." Rutledge of South Carolina reminded the convention that "religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. . . . If the Northern States consult their interest, they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers." The benefits to the nation to be derived from slavery became the theme in every defense of slavery henceforth uttered.

It was suggested that, with little progress in debate, the time had arrived for bargaining between the conflicting interests. The result was agreement upon a third compromise providing: (1) Congress was not to interfere with slave *importation* for a period of 20 years, and no import tax should be levied in excess of ten dollars per slave [44]; (2) Congress was granted power to regulate foreign and interstate commerce [28]; but ratification of all treaties required a two-thirds vote of the Senate [64]; (3) Congress was forbidden to levy export taxes [48]. Additional protection was extended to the slave interests in a provision for the return of fugitive slaves [77]. Any northern desire to restrict the power of new western states by refusing them equality in the House of Representatives was set at rest by provisions for a census and reapportionment every ten years [5].

5. **Limited Democracy in the Constitution.** The *fourth problem* was to determine what share the common man should have in the election of officials. Should officials be elected directly or indirectly, and who should vote? In other words, how much democracy was there to be under the Constitution?

ARISTOCRACY VERSUS DEMOCRACY. With the most radical democrats absent from the convention, the prevailing sentiment was aristocratic. Hamilton, an admirer of the British monarchy, and out of sympathy with republican government, favored an extremely aristocratic form of government. Gerry of Massachusetts, mindful of the enraged farmers under Shays, scornfully declared in debate that the people of the eastern states "have at this time the wildest ideas of government in the world." Another

time he blurted out that "the evils we experience flow from the excess of democracy," and democracy was "the worst, he thought, of all political evils."

A delegate from Maryland was convinced that if the common people were to share in electing officials, "the worst possible choice will be made," and Sherman agreed that the people "should have as little to do as may be about the government." Back of this fear of democratic control was the conservative colonial tradition that ownership of property made for stability and that lack of property resulted in radical thinking and irresponsibility. Gouverneur Morris foresaw the time when the country would abound with mechanics and manufacturers in the pay of employers, and asked, "Will such men be the secure and faithful guardians of liberty?" Indirect election of officials, therefore, was favored by a large part of the convention, which could heartily agree with Gerry that the "commercial and monied interest would be more secure in the hands of the state legislatures, than of the people at large." And would not the people, in some states at least, elect the legislatures!

But the common people were not without pleaders for their cause. Franklin, man of the world, good-naturedly observed that "some of the greatest rogues he was ever acquainted with were the richest rogues." A small group believed that the people were entitled to some share in a republican government regardless of the amount of land or money possessed. Mason asked a nice question: "Eight or nine States," he said, "have extended the right of suffrage beyond the freeholders [property owners]. What will the people there say, if they should be disfranchised [have the voting privilege taken away]?" Another member cautioned that "there is no right of which the people are more jealous than that of suffrage." And still another wondered how disfranchised persons, who had been denied the right to vote, could be won over to the acceptance and support of the new Constitution. The need for compromise was apparent, and slowly sentiment began to shift. Some who had demanded indirect election of officials began to favor election of the lower house by freeholders.

Finally, and reluctantly on the part of some, it was agreed that members of the House of Representatives should be elected directly by the people, and Senators should be elected indirectly through the state legislatures [3, 8]. The President was to be elected indirectly by presidential electors chosen as the state legislatures should determine [56, 57, 97]. The judiciary, to be especially far removed from public passions, was to be appointed by the President subject to senatorial approval [64]. Of all federal officials, only members of the lower house of Congress were to be elected by popular vote.

THE VOTER. But who should be a voter? What qualifications should be required? On these questions the convention found itself confronted by as many sets of qualifications for voting as there were states. Was suffrage to be based on the ownership of land and other kinds of property or upon citizenship only? The answer, after a brief debate, was the acceptance of the requirements established for voting for a member of the lower house of the state legislature, whatever such requirements might be in the various states [3]. In practice this meant, therefore, that a citizen having certain qualifications in one state would be entitled to vote for a Representative in Congress, while in another state a citizen with the same qualifications might find himself denied the privilege.

In a final effort to balk the will of the democratic majority, the Fathers devised the system of "checks and balances," which enables the three departments of government to check up on one another. When the convention adopted the proposal to create a government of three departments, executive, legislative and judicial, they not only cast aside the three-in-one Congress under the Articles, but they so distributed the power of government as to reduce further the democratic sway of the majority.¹

6. Adoption of the Constitution. By the middle of September, 1787, after a long hot summer's work, the convention was called upon to give approval to its work by signing the document. Did the members realize the magnitude of their achievement? History has proved the greatness of their accomplishments, but the question of the moment was whether the people would approve the Constitution. To many it was unthinkable that a Bill of Rights, the written acknowledgment of individual rights secure from governmental interference, should be omitted. Some members believed that too much power had been granted the central government. Several prominent delegates felt that the Constitution contained enough glaring deficiencies to justify calling a second convention, *and another trusted such a gathering would be more representative of the people.* On the last day of the convention Franklin arose and, appealing to the delegates to sign the document unanimously in the name of their states, persuasively pleaded:

I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment, of others. . . . Thus I consent,

¹ The separation of powers, "checks and balances," and other theories of the Constitution will be treated in the next chapter.

sir, to this Constitution, because I expect no better, and because I am not sure, that it is not the best. . . . On the whole, sir, I cannot help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion, doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument.

The appeal made converts, but unanimity did not result. Of the 55 delegates in attendance, 39 signed. Although only three-fourths of the members had signed, every state delegation was represented. Out of more than 400 hours of debate and compromise had come a document of about 4000 words—a model of brevity, definite in principle but elastic in details.

7. The Struggle for Ratification. But before signing, the convention had arrived at a solution for an embarrassing *fifth problem*, namely, how should the Constitution be ratified? The resolution creating the convention had clearly instructed, it will be recalled, that the Articles of Confederation were to be revised and the results were to be reported to the Congress and the state legislatures. Agreement of Congress and all the state legislatures was necessary, therefore, before the new Constitution could go into effect. The convention well knew that such unanimous action was impossible, for Rhode Island was outside the convention and some other states were thought to be hostile. It therefore took the revolutionary step of providing that the Constitution would become effective when ratified by as many as nine states [85]. Instructions to the convention were thus broken in the decision that nine rather than 13 states would suffice for ratification. Furthermore, special state conventions rather than the legislatures should act on ratification, in the belief that such conventions would be more friendly to the Constitution; and that Congress should take no action on the Constitution except to submit it to the states.

FEDERALISTS AND ANTI-FEDERALISTS. Congress accordingly submitted the Constitution to the states with instructions to have ratifying conventions chosen by the voters. Public interest was great in what had taken place in secrecy and was cleverly played upon by every means of strategy known to the two groups that rapidly formed. Those in favor of the Constitution took the name "Federalists" and the opponents were called "Anti-Federalists." The Federalists, with the most prominent members of the convention in their ranks, were first in the field and appealed earnestly for support. The Anti-Federalists, with such leaders as Richard Henry Lee, Mason, Patrick Henry, Gerry and Samuel Adams, entered the fray with zest and conviction. In general, the Federalists represented the conservative business interests of the country and believed that a strong central government would best protect property and trade, while the Anti-Federalists were representative of the more individualistic

rural group—lovers of liberty and doubtful of the value of too much government.

The two parties existed in every state, but generally the Federalists were found in greatest numbers along the eastern coast, while their opponents lived more in the back country. As the campaign grew in intensity, it was evident that the opposition was based upon the conviction that (1) centralization of power would ultimately bring an end to the states and state sovereignty; (2) an aristocracy of governing power would develop with little sympathy for the "low-born," and, finally, (3) individual



NEW YORK CELEBRATES RATIFICATION OF THE CONSTITUTION

The "federal ship," *Hamilton*, appearing in a great parade in New York City, fittingly acknowledged Hamilton's leadership in securing ratification. The full-rigged man-of-war carried "thirty-two guns, with a crew of thirty men, complete in all its appointments, and drawn by twelve horses, attracted a continuous gaze of admiration from the throngs."

liberties were not properly safeguarded. For nine months a constant discussion was carried on in and out of the ratifying conventions. Delaware, the first state to ratify the Constitution, did so unanimously in December, 1787, as did New Jersey and Georgia a short time later. Within a month Pennsylvania, after a struggle, and Connecticut had ratified. Victory pointed in the direction of the Federalists. After a bitter struggle Massachusetts fell in line by a narrow margin. Maryland and South Carolina followed, with New Hampshire, the ninth state, ratifying in June, 1788.

THE FEDERALIST. The Constitution had been favorably acted upon by the required number of states, but four states, including the powerful states of Virginia and New York, were still undecided. Virginia, led by Washington, Madison and John Marshall, had beaten down the opposition in that state. What would New York do? After a battle royal, New York entered the Union late in July, 1788, by the extremely narrow margin of 3 votes in 57. Great credit was due Alexander Hamilton for this victory, for it was principally his untiring efforts that brought the result. Hamilton, with the aid of Madison and Jay, appealed to the thinking citizens of his state through a series of 85 essays published in New York papers over the name of "Publius." Later published in book form as *The Federalist*, these essays remain today the best authority on the nature of the Constitution. Hamilton and others urged ratification not because the Constitution was what they desired, but because they believed it was the best that could be obtained at the time.

THE BILL OF RIGHTS. The Union was now assured. North Carolina (in 1789) and Rhode Island (in 1790) were forced into ratification when the first Congress under the new government levied taxes on foreign imports, including those from the two "foreign" states. But seven states had attached conditions to their acceptance of the Constitution in the form of numerous amendments. In the first session of the new Congress 12 amendments were submitted to the states, ten of which were duly ratified [86-95]. These ten amendments, called the Bill of Rights, guaranteed to the people such fundamental rights as freedom of religion, speech and press; protection against unreasonable searches and seizures, against excessive bail and cruel punishment; the right to jury trial; and the protection of the states against unjustified taking of power by the central government. It should be noted that the first ten amendments are binding upon Congress only—an indication of the distrust in which the central government was held.

Had the Constitution been submitted to the people directly, the majority opinion is that it would have been defeated. Professor Beard estimates that not more than one-fourth of the adult males voted for delegates to the ratifying conventions and probably not more than one-sixth of the adult males ratified it. "We the people of the United States" meant, then, not all the people but a very small part of them; not the people of the United States but the people of the states acting separately [1, 85].

THE CONSTITUTION IS LARGELY AMERICAN IN ORIGIN

8. Out of American Experience. The oft-quoted remark of Gladstone, the famous British statesman, that the "American Constitution is,

so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man," is misleading. To the contrary, it was not "struck off at a given time." It was developed out of about 200 years of colonial experience, a part of which, in turn, was based upon the English constitution and practice. The common law [92] and principles of *Magna Charta*, the Petition of Right, and the Bill of Rights—all parts of the English constitution—are clearly reflected in the federal Constitution, particularly in those parts concerned with restrictions upon the United States [44-51] and with guarantees to individuals [86-95]. Credit must also be given to the teachings of certain English political writers for whatever influence they may have exerted upon the minds of certain members in the constitutional convention.

But to the extent that any or all of these influences affected the making of the Constitution, they acted wholly indirectly. There is not a significant part of the Constitution for which a counterpart cannot be found in some earlier American experience such as the colonial charters, early state constitutions, actual governmental practices under these forms of government, the Declaration of Independence, or early attempts at federal union ending with the Articles of Confederation. The doctrine of separation of powers, for example, was first clearly stated in the Virginia constitution. The Bill of Rights bears a strong resemblance to a similar grant in the constitution of Maryland and even the awkward method of electing the President was apparently adapted from the procedure for senatorial elections in Maryland. The federal Constitution, American to the core, has served an ever-growing nation, with very few amendments, for a century and a half and stands today a fitting monument alike to the master builders who designed it and to the colonial customs and practices in government out of which they moulded it.

9. **Two Views on the Constitution.** Two distinct views exist today respecting the Constitution. One group of Americans, patriotically impressed with the age of the document and proud of the success of the nation under it, have built up a reverence for it so strong that to them any considerable changing of the Constitution would be a violation of a sacred inheritance. James Bryce, a sympathetic English critic, caught the spirit of this conservative influence. He pointed out that Americans may well take pride in a constitution that could survive a prolonged civil war, that could care for a greatly expanded population and a much enlarged territory, and that could surpass every country in the development of the political knowledge of the masses. Consequently, he wrote of the federal Constitution :

Nor is it the least of its merits to have made itself beloved. Objections may be taken to particular features, and these objections point, as most

American thinkers are agreed, to practical improvements which would preserve the excellences and remove some of the inconveniences. But reverence for the Constitution has become so potent a conservative influence, that no proposal of fundamental change seems likely to be entertained. And this reverence is itself one of the most wholesome and hopeful elements in the character of the American people.

Another group, equally patriotic, but less conservative in outlook, would take a different view of the Constitution. According to them, it must change with the changes in the mode of life of the nation, and such bending or amending of the Constitution must take place with respect to the needs of the time rather than with a nice regard for the intentions of the makers of the Constitution. Such a progressive view was held by one who knew the makers, for Jefferson has written :

Some men look at Constitutions with sanctimonious [sacred] reverence, and deem them . . . too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well ; I belonged to and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present ; and forty years of experience in Government is worth a century of book-reading ; and this they would say themselves, were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and Constitutions. I think moderate imperfections had better be borne with ; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know, also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

Can You Use These Terms?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. A Federalist in 1787 was a person who : (a) was a staunch supporter of state's rights ; (b) believed in a strong central government ; (c) urged ratification of the Constitution.
2. Advocates for a Constitution that would be national in principle believed that the government should be based : (a) upon the states ; (b) upon the population rather than the states ; (c) upon the New Jersey plan.
3. The President of the United States is chosen by indirect election because : (a) he is elected by an electoral college selected as the state

- legislatures determine; (b) he is the candidate of a political party; (c) the voters do not vote directly for him.
4. A disfranchised citizen is one who: (a) cannot vote; (b) has not the right of suffrage; (c) has no franchise.
 5. Every ten years a census is taken: (a) to provide for reapportionment; (b) to determine the number of Representatives each state may have in the House of Representatives; (c) to determine how many Senators each state may have in the Senate.
 6. The collection of essays written by Alexander Hamilton and others urging ratification of the Constitution: (a) was *The Federalist*; (b) is today an excellent authority on the nature of the Constitution; (c) was a form of propaganda.

Do You Know the Facts?

B. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. As a result of the Annapolis Trade Convention Congress called the states to a general convention: (a) to draw up a new Constitution; (b) “. . . for the sole and express purpose of revising the Articles of Confederation”; (c) to draw up trade agreements between the states.
2. The greatest single problem facing the delegates at the Constitutional Convention was to: (a) revise the Articles of Confederation; (b) establish a form of government with sufficient centralized power without depriving the states of all their rights; (c) draw up the Bill of Rights.
3. Delegates from large states at the Constitutional Convention offered a plan of government that was: (a) based upon population; (b) national in principle; (c) to give equal representation to all states.
4. Delegates from small states at the Constitutional Convention offered a plan of government that was: (a) based upon population; (b) based upon equal representation of all states; (c) federal in principle.
5. The conflicting viewpoints of large and small states were met by means of: (a) the provisions of the Great Compromise; (b) a legislature consisting of a Senate in which all states have equal representation regardless of size, and a House of Representatives in which representation is determined by size of state population; (c) by providing for direct election of Senators.
6. A power granted to the Congress by the Constitution which the Articles of Confederation lacked was: (a) control of public lands in the Northwest; (b) the right to levy direct taxes; (c) the right to borrow money.
7. Because representation in the House of Representatives was to be based on population, Southern delegates felt that: (a) only voters should be counted as population; (b) only citizens should be counted as population; (c) slaves should be counted as population.

8. Delegates from Northern states at the Convention held that: (a) slaves should be counted as population for purposes of representation; (b) slaves should be counted only for direct taxation purposes because they were property; (c) slavery was unconstitutional.
9. The differences of opinion concerning counting population for purposes of direct taxation and representation were met by: (a) the Commerce Compromise; (b) the Three-Fifths Compromise; (c) the Great Compromise.
10. As a result of conflicting views between the agricultural states of the South and the commercial states of the North, a third compromise provided that Congress could: (a) make no laws interfering with slave importation for 20 years; (b) not tax exports from the United States; (c) regulate foreign and interstate commerce.
11. Conservative influences in the Constitutional Convention established checks against "an excess of democracy" by: (a) extending the right to vote to all adult male citizens; (b) providing for indirect election of the President and Senators; (c) requiring property qualifications for all voters.
12. As a check against centralized power the first ten Amendments or Bill of Rights were added to our Constitution: (a) by the delegates at the Convention; (b) during the struggle to obtain ratification; (c) as a condition of ratification and after the new government was started.

C. Underscore the names of the following prominent Americans who were delegates to the Constitutional Convention.

1. George Washington; 2. Thomas Jefferson; 3. Benjamin Franklin; 4. James Madison; 5. Edmund Randolph; 6. Thomas Paine; 7. William Paterson; 8. Patrick Henry; 9. Alexander Hamilton; 10. Samuel Adams.

Can You Use What You Have Learned?

D. Some of the following statements are facts, others may be opinions. If the statement is a fact, circle the letter F; circle the letter O if it is an opinion.

1. F O Delegates to the Constitutional Convention for the most part came from the conservative, property-holding class.
2. F O Delegates to the Convention purposely wrote clauses into the Constitution to prevent the masses from gaining control of the new government.
3. F O There is such a thing as an "excess of democracy."
4. F O Voting qualifications should be standard and controlled solely by our central government.
5. F O Voting qualifications today are a combination of state and federal requirements.
6. F O At the time the Constitution was ratified voting qualifications were determined by individual states

7. F O Over the years since 1789 the federal government has become more and more powerful.
8. F O In this day and age the matter of where state authority ends and federal authority begins deserves no consideration.
9. F O Our Constitution is definite in the principles it sets forth but is flexible in the details of their application.

Summarizing Exercise

E. Below are listed the four major weaknesses of the Articles of Confederation. Consulting the copy of the Constitution, Appendix II, "The Enumerated Powers of Congress," and "The Powers and Duties of the President," list the numbers of the paragraphs in the Constitution that gave the new government power to overcome these weaknesses of the Articles of Confederation.

WEAKNESSES OF ARTICLES	SPECIFIC POWERS IN THE CONSTITUTION
1. Lack of Financial Power	Paragraph Nos:
2. Lack of Commercial Power	Paragraph Nos:
3. Lack of Power to Enforce Treaties	Paragraph Nos:
4. Lack of Military Power	Paragraph Nos:

Suggested Readings

Textbooks:

C. A. Beard, *The Rise of American Civilization*, chap. vii, and *American Government and Politics*, chap. iv, J. M. Beck, *The Constitution of the United States*, J. S. Bassett, *A Short History of the United States*, chap. xi, H. U. Faulkner, *American Political and Social History*, chap. viii, and M. Farrand, *The Fathers of the Constitution*, offer good treatments of the Constitutional Convention.

Biographies:

Consult J. M. Beck, *The Constitution of the United States*, chaps. iii-iv, or H. Lyon, *The Constitution and the Men Who Made It*, chaps. i, iii, or H. Wallace, *Whose Constitution*, chap. xiii, for sketches of delegates to the Constitutional Convention.

Historical Novels:

Consult the list recommended for Chapter VI.

CHAPTER VIII

The New American Government

THE CONSTITUTION IS BASED UPON CERTAIN IMPORTANT THEORIES

1. **Constitutions.** It is frequently said that the American Constitution is *written* while that of Britain is *unwritten*. In a sense this is true. The American student can turn to the appendix¹ of his history textbook and find there a copy of the Constitution that he can read in about thirty minutes. The British student cannot do that. The British constitution cannot be put into the appendix of a book because of its length and widely separated parts. It consists of all laws (governing the practice and operation of government) and treaties that have been favorably acted upon by Parliament since its establishment. In addition, court decisions and political usages are a part of it. In the sense, then, that the British constitution is not written into one document and agreed upon at one time, it may be called unwritten. However, in a very restricted sense, the British constitution may mean the few primary epoch-making acts of British history recording fundamental reforms, such, for example, as *Magna Charta*. These, of course, are written and may be referred to in the law books.

But more important than kinds of constitutions is to understand the general purposes of a constitution. A constitution provides a framework of government, and may be defined as the fundamental or highest laws and practices under which a government ordinarily operates. A constitution may also be thought of as a contract between the government and the people governed. As in an ordinary contract, agreements are made on both sides respecting the duties and powers of each party. Conditions under which changes may be made in the original agreement are provided for in the amending process. Because governments may become tyrannical, written agreements or constitutions have been made to protect

¹ Before studying this chapter the student should read the Constitution in the Appendix. Little more than general impressions will come from this reading. As specific parts of the document are referred to in the chapter, careful study should be made for understanding. A rereading of the entire Constitution is desirable after the chapter is completed.

primarily the rights of the governed against any trespassing by the government.

2. Federation versus Confederation. In the last chapter we read that the Fathers of the Constitution had scrapped the Articles of Confederation for a new federal Constitution. The federation thus established was the first large-scale experiment with this form of government in the world's history. How did it differ basically from a confederation? As we have learned, a *confederation* is a loose union of states in which the state remains supreme and in which the central government acts only through the states. A *federation*, on the other hand, is a close union of states in which the central government may, within its field of activity, act directly upon the people; that is, certain powers flow from the center. In brief, a confederation establishes a *decentralized* government; a federation sets up some form of a centralized government.

To understand better some of the problems that face the American people and government today, it is necessary that we become better acquainted with the fundamental theories which were written into the Constitution a little over 150 years ago. More than that, we must first know why in 1787 its makers insisted upon certain constitutional ideas. Attention will here be directed to the most important principles or theories.

3. Separation of Powers and Checks and Balances. The most widely known theory is that of the separation of powers. Based upon the practices and constitutions of the several states, the federal Constitution provided for three separate departments. The first of these departments is the *legislative*, or the law-making body as provided for in the Congress of two houses [2].¹ The second is the *executive*, or the law-enforcing body as provided for in the President, Vice President, and heads of executive departments [55, 63, note]. The third is the *judicial*, or the law-interpreting body as provided for in the Supreme Court and such lower courts as Congress shall establish [68]. The Constitution clearly states that all laws shall be made by Congress, that the President "shall take Care that the Laws be faithfully executed" [66], and that the courts' power extends to "all Cases, in Law and Equity, arising under this Constitution" [69].

This separation of governmental powers is in sharp contrast to the British system of parliamentary government in which legislative and executive powers are united in a cabinet under the leadership of a Prime Minister, with responsibility for action definitely fixed. So long as the

¹ The student's attention is again directed to the numerals in brackets in heavy-face type. These numerals refer to the authors' paragraph headings in the Constitution in the Appendix, which the reader should consult.

Prime Minister commands a majority support in the lower house of Parliament, his right to govern (that is, direct his bills through Parliament and then enforce them) remains unquestioned, for the judiciary has no power to pass upon the constitutionality of the laws.

The heart of the parliamentary system is, therefore, responsibility of the government to the will of the majority. "A Prime Minister," wrote Woodrow Wilson, "must keep himself in favor with the majority, a President need only keep alive." Why did the makers of the Constitution propose a different system—one in which powers are so separated that it is sometimes difficult to place responsibility for action or lack of it? The answer is found in the fears of the times—two fears in particular.

The makers knew well the danger of tyranny, whether it be the tyranny of mercantilism and imperialism under a King George or the insolence of a royal governor. Too much power in one place was dangerous, or had proved so in the past. Washington regarded the separation of powers as one of the two most important points of the Constitution because under that principle the government "can never be in danger of degenerating into a monarchy, an oligarchy [government by a few], an aristocracy, or any other despotic or oppressive form, so long as there shall remain any virtue in the body of the people."

Next to the fear of the tyranny of the few was the fear of the domination of the many. Democracy must not exercise too much power. The separation of powers, it was thought, would so set one department against another that it would be difficult, if not impossible, for the common people to gain power in all departments.

"CHECKS AND BALANCES." Complete separation of the powers of government was not possible or desirable in practice. Therefore some overlapping of the powers of the departments was written into the Constitution, and "checks and balances" accompanied the theory of separation of powers. That government might not come to a standstill, the "balance" of powers between the departments would be served best if one department had certain "checks" upon another. Although, in general, each department held the balance or chief part of its particular power, each of the other departments held a little of that power also. Thus, in theory, Congress could not become too unreasonable in the laws it passed; the President could not become a dictator; and the courts could not forever oppose the other two branches of government.

4. Checks and Balances Applied. How do "checks and balances" work in practice? A few examples will answer this question. Although Congress has legislative power, it does not have complete legislative power. The President, as everybody knows, can and does veto or reject a bill occasionally after it has passed both houses. If the two houses do not

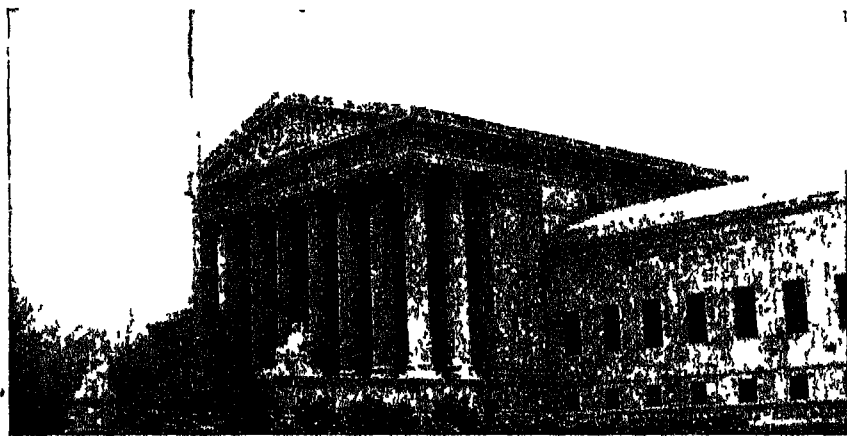
again pass the same bill over the President's veto by a two-thirds vote, the bill is dead [24]. Most vetoes are on the ground that the bill is in conflict with the Constitution, but some Presidents have vetoed bills because they thought the bills were not for the good of the people. Through the veto the President checks Congress. Should the President become too high-handed and commit certain "high crimes" in office, he may be impeached or accused of such crimes by the House [7]. He may then be tried by the Senate. If found guilty, he shall be removed from office, provided two-thirds of the Senators present vote him guilty [13, 67]. Thus a President who oversteps may be brought to his knees by Congress. Although President Johnson was impeached by the House, the Senate did not find him guilty of the charges.

The Constitution apparently gives the power of appointment of federal officials to the President, but the Senate must approve the naming of men to office. In practice, "senatorial courtesy" has developed. Under this custom the President, when naming a person to office, must first secure the approval of the Senators from the state in which the appointment is to be made. This is true, however, only if the Senators of that state are of the President's party. Failure of the President to pay this "courtesy" to the Senators will generally result in the Senate voting to reject the appointment. Thus what originally was a check of the Senate on the President's power of appointment, has grown into a power seized by the Senate [64].

The Senate also checks the power of the President to make treaties. Today, the President or his representatives make a treaty, but it does not become binding on the United States until two-thirds of the Senators present ratify it [64, note]. The power of the courts to wipe out of existence a law passed by Congress and signed by the President, is the best possible example of one branch checking the other two. Like the separation of powers, "checks and balances" were used in the states before the Constitution was made.

Three major results have come from the practical operation of the theory of separation of powers and the system of checks and balances. In the first place, they slow up the work of government because two and sometimes three departments must act on the same question. In the second place, occasionally they cause the government embarrassment as when the President and a representative of a foreign country sign a treaty only to have it rejected by the Senate. Finally, these theories turn the government into conservative channels, a course in keeping with the wishes of the Fathers of the Constitution. Conservative government, which many deem best, almost surely results because one department at least is apt to be conservative, thus checking the progress of the whole.

5. **Supremacy of the Federal Judiciary.** In the separation of powers the framers of the Constitution showed plainly their distrust of the domination of the legislative branch, which might one day be controlled by democratic or radical majorities. Would checks and balances be sufficient? Perhaps not. And so there was written into the Constitution the most original idea and the most distinctly American contribution to the science of government—the supremacy of the federal judiciary.



UNITED STATES SUPREME COURT BUILDING

Aene

When the Court moved into its spacious white marble accommodations in 1935, it left the historic old Senate Chamber where Webster, Clay, Calhoun, and Hayne debated, and which served the Supreme Court for 75 years.

At the top of the federal judiciary was the Supreme Court with two very significant powers: (1) the power to pass final interpretation upon the laws enacted by Congress, and (2) the power to pass final and supreme judgment upon the constitutionality of the acts of the other departments of government, state as well as federal, particularly in matters concerning the rights of persons and the rights of property [69, 70, 83].

The exercise of these powers is known as "judicial review" of legislation, and through this right to review legislative acts there is established the supremacy of the judiciary over the other two departments. In the exercise of the first power the court determines what a law means. Today, therefore, a congressional law may mean not what Congress thought it meant but what nine, or even five, justices of the Supreme Court say it means. In the interpretation of laws passed by Congress (or by state legislatures) the court was in the early 1800's to establish the principle of its right to declare laws null and void if in conflict with the federal Constitu-

tion. Although this power is not definitely stated in the Constitution, convention leaders—among them Madison and Wilson—believed the judiciary would use such power. Nevertheless, the point cannot be too much emphasized that this enormous power of the judiciary developed some years later under Chief Justice John Marshall, and was not expressly granted in the Constitution. Hamilton could truthfully write in *The Federalist* that “the judiciary is beyond comparison the weakest of the three departments.” Today, by common consent, the judiciary is the strongest—is indeed supreme.

It is as final judge of the rights of persons and property against the acts of legislative majorities that the court is much occupied. Legislatures sometimes enact laws which interfere with the personal or property rights of the minority, such as the paper money legislation of the states during the Critical Period. Under the British system the action of a legislative majority is final; under our Constitution the judiciary acts as a non-political umpire to determine whether constitutional rights have been violated. There can be no appeal from any decision of the Supreme Court.

6. A Dual Form of Government. **DUAL CITIZENSHIP.** A federal constitution implies the existence of two governments—a central and a state government. An American is subject to the laws of each government. More than that, he is a citizen of both a state and the United States, although this dual citizenship was not finally established until after the Civil War [100].

DIVISION OF POWERS. The dual nature of government goes far deeper than its citizenship. It involves also the very powers that each government may use. This is the principle of division of powers, as found in Amendment X [95]. “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.” This is an important addition to the Constitution. It means that a state (or the people) may exercise any power whatsoever, provided it is not a power granted exclusively to the federal government or specifically denied to the state. Put another way, it means that the federal government, if it would exercise a power, must be able to point definitely to such a grant in the Constitution. If a state wishes to exercise a power, it need only show that the Constitution does not prohibit it.

Amendment X states directly or indirectly that there are three great divisions of powers: the powers of the federal government, the powers of the states, and the powers reserved to the people.

7. Limitations of Power. The states were originally supreme and, under the Articles of Confederation, retained most of their powers. Regarding central government as something of a necessary evil, they

hesitated to yield their powers in 1787. But the convention as a whole had not forgotten the Critical Period, and agreed that the federal government should be granted certain *limited* powers.

POWERS OF THE FEDERAL GOVERNMENT. In granting powers the states proceeded cautiously. The powers were to be definitely listed and labeled as coming from the states. Most of these powers are found in Article I, section 8, paragraphs 1 to 18 [26-43]. A study of these powers reveals the fact that the most important ones were delegated because the needs of the government, and the preservation of the Union demanded that such powers be exercised by the central government.

The states granted Congress the power: to lay and collect taxes with certain restrictions; to borrow money; to regulate foreign and interstate commerce; to coin money; to provide for an army and navy, to call forth the militia, and to declare war. Other powers were granted, such as the regulation of naturalization and bankruptcies; regulation of weights and measures; the establishment of a postal service; and the protection of copyright and patent privileges [26-43].

Since these powers were not defined exactly, the question of reasonable meaning would necessarily arise. And so the famous "elastic clause" or the "necessary and proper clause" was added as a final power. Congress shall have power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof" [43].

From these powers Congress and the federal departments secured sole power over foreign affairs and war. Considerable economic control of the states, particularly in matters of commerce and currency, was also gained. Finally, the federal government got the means of enforcing its laws upon both the states and the individual. Had the states yielded more power than was necessary? Some leaders thought so. Washington thought not for he wrote "that the general government is not invested with more powers, than are indispensably necessary to perform the functions of a good government; and consequently that no objection ought to be made against the quantity of power delegated to it."

POWERS OF THE STATES. The federal government, then, was to exercise those powers that concerned the states *collectively*, and within the sphere of its delegated powers was to be supreme. But under the provisions of Amendment X the great bulk of powers would remain with the states—all those powers which concerned the states *individually*. It has been said that the state in exercising its "undelegated" powers touches the individual nine times to the one time federal legislation reaches him.

Education, control of crime, and regulation of marriage and divorce are

typical examples of powers remaining largely with the states. Although only 65 powers are granted to the federal government, a true measure of its strength is not gained by counting powers. Some of its powers, such as control over commerce, are expanding greatly in this machine age. In fact, some believe this increase of power in the federal government is fast endangering the powers of the states and the principle of division of powers.

CONCURRENT POWERS. A power that may be exercised by the two governments acting jointly or independently, is called a concurrent power. The number of such powers is small, with taxation as a common example. One much discussed recently had to do with the enforcement of national prohibition [112].

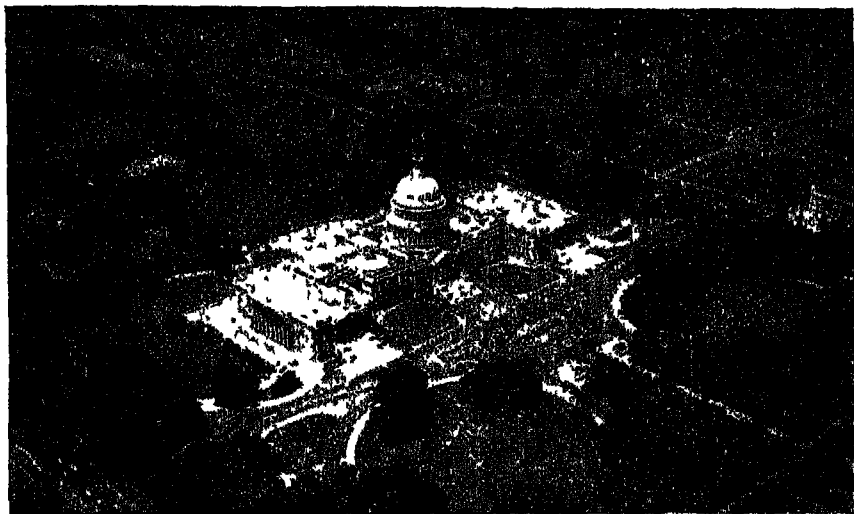
RESTRICTIONS ON THE FEDERAL GOVERNMENT. More powers are prohibited in the Constitution than are specifically granted. The most important restrictions on the federal government are those found in the Bill of Rights. Other federal restrictions are those relating to the suspension of the writ of *habeas corpus*, bills of attainder and *ex post facto* laws, restrictions on taxation, and the granting of titles of nobility [44-51]. Each of these restrictions was designed to curb a government bent on tyranny.

RESTRICTIONS ON THE STATES. Among the prohibitions placed upon the states are those relating to treaties, alliances or confederations; restricted warfare; bills of attainder and *ex post facto* laws; and title of nobility. Other restrictions forbade the states to coin money, issue paper money, make anything but gold or silver legal tender, or impair the obligations of contract [52-54]. The most notable aspect of these restrictions is that the conservative forces in the convention easily succeeded in placing prohibitions upon the states forbidding attacks upon property rights. This wide agreement on the sanctity of property rights bears eloquent testimony to the unity of the convention in defense of economic interests common to all. It was provided that states could not inflate money by simply legislating in favor of unsecured paper money, or by compelling a creditor to take any kind of money. Neither could a state legislative majority make it legal for one to dodge his obligations by the simple process of breaking a contract.

RESTRICTIONS ON BOTH GOVERNMENTS. In the above restrictions those relating to bills of attainder, *ex post facto* laws and titles of nobility are prohibitions placed upon both governments. Important restrictions on both governments appear in the amendments: no denial of the right to be free, in Amendment XIII [98]; no person shall be deprived of life, liberty or property, without due process of law, in Amendments V and XIV [90, note, 100]; no denial or restriction of the privilege of voting

on account of "race, color, or previous condition of servitude," in Amendment XV [105]; and finally, in Amendment XIX, the privilege of voting shall not be denied "on account of sex" [114].

In summary, Congress was made supreme within its powers, the states were supreme within their powers, and the Supreme Court, acting within the Constitution, was to act as arbiter in event of conflict between the two. And over all were the supreme rights of the people.



AERIAL VIEW OF FEDERAL CAPITOL

Press Association, Inc.

The original section of the Capitol, the cornerstone of which was laid by President Washington in 1793, was designed by Dr. William Thornton, "amateur architect." The present structure was completed during the War between the States. In the right wing (as here viewed) is the Senate Chamber; in the left wing, the House of Representatives.

8. Independence of States. We have seen how states jealous of their rights reached a state of governmental chaos by 1787. What special guarantees of these rights would the states require in the Constitution? What would be the legal relations of the 13 states (and states yet to be added, for Congress had power to admit new states [78])?

GUARANTEES FROM FEDERAL GOVERNMENT. The states have secured the following guarantees from the federal government: (1) Without its consent, a state shall not be deprived of its separate existence or of any of its territory [78]; (2) a republican form of government is pledged each state [80, note]; and (3) a state shall be protected against invasion and, when requested by the state, against internal riots of a violent nature [80].

INTERSTATE RELATIONS. In their relations one to another states were to be independent, thus continuing the relationships existing under the Articles. In practice this would mean that each state would have its own laws and that its laws would not operate, and its officials would exercise no power, in a neighboring state.

To the rule of independence, however, there were four notable exceptions. (1) The "full faith and credit clause" provided that a state must recognize the public acts and records of another state in civil matters [74]. An example will illustrate. A decree in a Rhode Island court ordering A to pay B \$2000 does not permit A to evade payment by removing his property to the neighboring state of Connecticut before it can be seized. If A does remove to Connecticut without payment, B can request the Connecticut court to issue another decree, with the Rhode Island judgment as sufficient evidence. This clause applies also to such legal matters as marriage, wills and contracts.

(2) Citizenship in one state implies "privileges and immunities" in another state [75]. In other words, interstate citizenship was established. This means that a citizen of one state going into another state is entitled to the same rights which citizens of that state enjoy under their laws. He is subject also to the same restrictions, but the important point is that he cannot be discriminated against because he comes from another state. Such rights as holding property, engaging in business, using the courts, and marriage are thus assured him in another state.

(3) Extradition, or the legal process by which the governor of one state may secure the return of a fugitive from justice (criminal) who has fled into another state, "shall" be honored [76]. Governors to whom extradition papers are addressed have not always honored them, and there is no power to compel them. Impossibility of a fair trial has been given as the reason by at least one governor.

(4) Fugitive slaves must be returned [77]. Although this clause was replaced by Amendment XIII, it became highly important to southern slaveholders, as we shall see, and represents part of the concession made to the planters in the convention.

9. Expansion of the Constitution. One may naturally wonder how the Fathers could make a constitution that would serve today for a continental union three and one-half times as extensive as in 1787 with more than 30 times as many people. To the extent that "they builded better than they knew," the whole world marvels at their work, but we also know that a "constitution that will not bend must break."

The Constitution contains two provisions for its "bending" or expansion to meet the needs of changing times. These are the process of amendment, and the enactment of congressional or state laws applying in detail

the general principles of the Constitution. Along with the Constitution has developed the "unwritten constitution," which expands the written Constitution (1) by the use of "implied powers," and (2) through the creation of certain customs or usages.

EXPANSION THROUGH AMENDMENT. That the Constitution should be hard to amend was evidently the intention of the Fathers, for an easier method was rejected. Although there are four methods of amending the Constitution, only two have been used. Each of the two provides that the amendment shall be *proposed* by a two-thirds vote of both houses of Congress. After proposal by Congress, three-fourths of the states (36 today) must *ratify* or approve the amendment before it becomes a part of the Constitution. It is the way of ratification that differs under the two methods. Under one, ratification is by the *legislatures* of three-fourths of the states; and under the second method, ratification is by *conventions* or specially elected bodies in three-fourths of the states [81]. Except for Amendment XXI, the method of ratification used has called for action by the state legislatures.

Since the first Congress, more than 3,500 amendments have been introduced in Congress but only 26 ever reached the states. Of these, 21 have been ratified; one—the child labor amendment—has been before the states since 1924. Whether a new amendment is held up in Congress or in the states, it takes years sometimes to change the Constitution by amendment. The demand for an income tax amendment was jumping hurdles for 20 years, and women waited exactly 50 years before they received the right to vote by constitutional amendment.

EXPANSION THROUGH LAWS. A second method of keeping the Constitution up to the times is through the passage of congressional and state laws. In this way considerable constitutional expansion has resulted. The Volstead Act and later congressional and state laws, for example, defined intoxicating liquors, and provided the machinery of enforcement and punishments for violations of the general prohibitions of Amendment XVIII [111-13] prior to its repeal. The Presidential Succession Act provides for succession to the Presidency in the event of the inability of both the President and Vice President [60]. The machinery of governing our territories and possessions rests upon the Northwest Ordinance and other legislation of Congress [79]. Modernization of the Constitution by such laws is much easier than use of the difficult amending process.

EXPANSION THROUGH "IMPLIED POWERS." Congress has found another method of making the Constitution meet changing conditions. It has discovered a way of reading between the lines of the Constitution. Because Congress has the right "to make all Laws which shall be necessary and proper" [43] for carrying into effect the congressional powers

clearly stated in the Constitution, it has found a way of expanding its control into new fields. These new powers of Congress are called "implied powers", that is, powers which might reasonably be understood as growing out of powers expressed or stated in the Constitution. In other words, every implied power must come indirectly from an expressed power. The Constitution, for example, does not give Congress the right to establish a bank, at least not in so many words. It does, however, give Congress the right to collect taxes and to borrow money. And so Congress claimed the power years ago to establish a federal bank, because a bank is a place where the government may deposit money raised from taxes and also a place where the government may borrow money when taxes do not cover expenses. The Supreme Court upheld Congress in this and many other implied powers. The "necessary and proper" clause, then, is like an elastic band in the hands of Congress, but the Supreme Court determines how far the expressed powers shall be stretched.

EXPANSION THROUGH USAGE. A fourth way of expanding the Constitution is through the development of certain customs or usages which in time become traditions. To change such usages, once established, is usually very difficult. Thus Washington's practice, raised to a precedent by Jefferson, of limiting his Presidency to two terms was unbroken until Roosevelt's third election in 1940. Likewise the cabinet is the outgrowth of Washington's practice of meeting with heads of departments [63, note]. Other examples of customs established by past practice are the conduct of congressional business largely through committees and the whole party system of government, since there is no constitutional provision for political parties.

PROTECTION OF FUNDAMENTAL RIGHTS. If we think of the Constitution with its various theories as a gorgeous mosaic, either simple or intricate in design, made up of various harmonious colors, we observe (from the discussions in this chapter) that a dominant figure at once catches the eye. That figure is representative of the sovereign citizen with his guarantees of "inalienable rights." So emphatic in various ways is the Constitution in this matter that one writer has called the document "nothing but a code of the people's liberties, civil and political, of many centuries growth." That the individual should be protected in his ancient rights from a king, an executive or even the entire governing authority is, as we have seen, the very essence of a constitution. Under the federal Constitution a republican or representative government places sovereignty in the hands of its citizens and clothes them with power to change their government or Constitution through the machinery provided for that purpose.

But more than this is guaranteed the American citizen. As has been

noted, the individual's liberties are especially protected against the encroachment of Congress in the Bill of Rights [86-95], against the encroachment of the state, particularly in property rights, with the "economic clause" of Amendment XIV standing out significantly [52-54, 100]. The sovereign citizen of a state is also protected against the encroachment of another state by virtue of his interstate citizenship. A Constitution that thus protects the individual and leaves sovereignty in his hands can properly be called "the living gospel of the liberties of the people," but, as always, eternal vigilance will remain the price of liberty.

THEORIES SUMMARIZED. To reduce the major theories of the federal Constitution to a few words, one would emphasize (1) the basic idea of the separation of powers among the legislative, executive, and judicial departments, with the accompanying numerous "checks and balances" of any one department upon the other two. Although not clearly stated in the document, there developed with the march of time (2) the supremacy of the judiciary over the other two departments and over the states, in its solemn and majestic efforts to say how and when the Constitution is "the supreme law of the land."

But a federal government implies (3) a dual government—a government in which powers are divided between the central government and the states, with the bulk of the powers remaining with the states. A federal government, however, implies also (4) that the several states are linked together through the central government in various ways rather than through direct connections with one another. In other words, the states are, in general, independent of one another but not wholly free of the central government. On the other hand, (5) both the federal and state governments find certain definite restrictions of power imposed upon them.

That a constitution can survive a rapidly changing civilization over a span of 150 years suggests (6) that there must be possibilities for its own expansion and modernization. Finally, (7) one must note the provisions for the individual rights—both human and property—of the citizen. As Mr. Citizen contemplates his handiwork in the late 1700's, does he appear self-satisfied or rather does he seem bewildered? In short, will he be able to use his creation for his own benefit over the years? The answers to these questions will form a significant part of the history that follows.

THE NATURE OF THE NEW AMERICAN GOVERNMENT IS OUTLINED IN THE CONSTITUTION

10. The Legislative Department: The Congress. Article I of the Constitution provides for a Congress consisting of a Senate and a House

of Representatives. To this joint legislative body was granted the power of making all federal laws within the powers stated in section 8 [26-43]. From the first Congress of less than 100 members [5], the body has grown to a Senate of 96 and a House of 435. The Reapportionment Act of 1929 provided that this House number shall remain unchanged indefinitely [5, note]. If the original ratio of one representative for every 30,000 people were used today, the membership of the House would be over 4000.

HOUSE OF REPRESENTATIVES. Direct election of the House every two years by citizens qualified to vote for members of the lower house of the state legislatures [3] has brought the Representatives relatively close to the people. In addition to its joint legislative powers with the Senate, the House has three sole or special powers. The power to originate revenue bills is reserved to the House composed of members fresh from the people [23, note], thus recording permanently in the Constitution the colonial victory of the people for control of the purse strings. The House alone has the power to impeach (accuse) the President or any other federal civil officers for "Treason, Bribery, or other high Crimes and Misdemeanors" [7, 67]. Finally, the House elects the President if the electoral colleges fail to do so, as happened in 1800, 1824 and indirectly in 1876 [57, 97, 119].

THE SENATE. The original method of indirect election of Senators through state legislatures, the higher age and residence qualification, the six-year term and the continuous nature of the body (with one-third chosen every two years) have tended to make the Senate a more permanent, conservative and dignified chamber than the House [8-10]. The small size of the body has permitted Senators unlimited debate,¹ and the rules have usually allowed "filibustering," a practice which in extreme situations may be a minority's only protection, as was the case with the slave interests prior to the War between the States.²

Lord Bryce points out that the Senate, as originally planned, was to serve as a check upon both the "democratic recklessness" of the House and the "monarchical ambition" of the President. In recent years, however, the historic differences between the two houses have become less

¹ The adoption of the closure rule in 1917, limiting debate, has changed this practice. Under this rule (seldom used), debate on a measure may be limited to one hour for each Senator. The closure rule can be applied only with the consent of two-thirds of the Senate.

² Filibustering is the opposition's determination to talk a bill to death or to delay action until concessions are made. A filibustering Senator may talk as long as endurance holds out. The record, established in 1908 by Senator La Follette, is 18 hours and 23 minutes. Filibustering is most effective when used in the closing days of the session. Prior to 1890, filibustering was possible in the House.

clear. Some observers believe that the change in the Senate's dominant characteristics may be due in part to the direct election of its members as provided for in Amendment XVII (1913) [108-09]. Three special powers of the Senate emphasize its constitutional checks upon the President. In the first place, its power over approval of presidential appointees through "senatorial courtesy" is tremendous. Secondly, the two-thirds vote of the Senate required for ratification of treaties has made that body a significant power in foreign relations [64]. Thirdly, the Senate has the power to sit as a court of trial in impeachment cases, and to convict the President and others subject to impeachment upon a two-thirds vote. The power to elect the Vice President when the electoral colleges fail to do so, is an additional special power which has been used in the single instance of the election of 1836 [97, 119].

SESSIONS AND LEGISLATION. The Congress is required to meet at least once in each year (the third day of January). As required by the Constitution, Congress today records and publishes its proceedings in the *Congressional Record*. These large volumes record faithfully every word uttered (including applause and laughter) in the halls of Congress [19]. As an important source of history, the *Record* reveals the constant give and take of politics and the usual compromising, as the federal legislative mill has ground out more than 60,000 laws since the first Congress.¹ As Congress grew in size, however, legislative power was largely delegated to committees where, in most cases, the important decisions are made, reserving to Congress, of course, the right of debate and final vote.

11. The Executive Department: The President. The lack of a president under the Articles of Confederation was a recognized defect, but in seeking a remedy in the convention it turned out that no other subject revealed greater differences of opinion. Should the Chief Executive be single or plural? How should he be elected, and for what term? What should be his qualifications, and what his powers? Article II of the Constitution provides for an executive department consisting of a President, a Vice President, and executive secretaries [55, 59, 60, 63]. The President finally agreed upon was the state governor grown big, and, as we have seen, his ambitions to grow too big were provided against by adequate checks.

ELECTION OF THE PRESIDENT. To be eligible for the Presidency or Vice Presidency, either by election or succession, one must be a native-born citizen, at least 35 years of age, and a resident of the United States

¹ It has been estimated that the federal, state and city governments have passed 2,400,000 laws during this period, and are continuing at the rate of 40,000 a year. In 1929 Senator James A. Reed declared, "We have enough laws now to govern us for the next 10,000 years."

for 14 years [59, note; 97, note]. A complicated and awkward indirect method of electing the President and Vice President was adopted [57-58]. (1) In November¹ every four years (in leap year) each state was to choose a group of presidential electors equal to its representation in both houses of Congress, in such ways as the state legislature should determine. These presidential electors would be political wise men, for to them, as political leaders of the state, was given the power to use their best judgment in electing a President. These trusted leaders, it was thought, would know the presidential candidates better than the ordinary voter. (2) These groups of electors in each state, known as "electoral colleges," would meet later in the state capitals and cast their ballots for President and Vice President by writing two names on a ballot. (3) The votes of the electoral colleges would then be sent to the president of the Senate who in the presence of both houses would open and count the votes. If a candidate received a majority (today 266) of all the votes cast (531), he was declared President-elect,² and the candidate with the next highest number was Vice President-elect.³

AMENDMENT XII. But modifications in the method soon set in. The power of the electors to use their own discretion lasted for ten years only. By 1800, two political parties, each with its own candidates, were in the field and electors were pledged to one or the other party. Henceforth, electors were mere "rubber stamps," recording the votes for the candidates of their party. Today each party has its slate of electors, and the party receiving a majority or a plurality of the votes cast in a state receives all the electoral votes. At present, then, voters continue to vote for "electors," whom in most cases they do not know, but with the assurance that in practice these electors will vote for the candidates whom the voters know and want. In fact, so certain is this conviction that many voters believe they are voting directly for the presidential candidate.

The beginning of parties revealed several defects in the electoral machinery. In the first place, there was the danger of having a President of one party and a Vice President of another, as happened, we shall see, in 1796. Secondly, a tie for first place might occur, as it did in 1800. To improve the machinery, Amendment XII (1804) was added, providing for the election of President and Vice President on separate ballots [97, note]. Strange to relate, the Fathers regarded the electoral machinery as the strongest part of the Constitution, and it was the only part to escape

¹ The Tuesday following the first Monday was the date set by Congress.

² Today the result of the election is known in November.

³ Failure of the electoral colleges to elect throws the election of the President into the House and that of the Vice President into the Senate [97, 119]. Under the provisions of Amendment XX [116], the President and Vice President take office on January 20 following election.

severe censure by its critics. Today, by general consent, the machinery of the electoral colleges is the weakest part. In practice it proved undemocratic, as we shall see, in the election of 1888. All efforts to change this piece of outworn constitutional machinery have, however, thus far failed.

POWERS OF THE PRESIDENT. The powers of the President may be grouped as executive, legislative, judicial and extra-constitutional. (1) It is as the chief executive official of the federal government that one would expect the President to function primarily [55]. But the single duty of enforcing the laws to which the President is pledged is so vast a power that it is a physical impossibility for him personally to attend to it. Only by delegation of this power can he supervise and direct millions of persons engaged in the civil and military duties of executive and administrative work.

To aid the President in this work, cabinet members serve as his chief lieutenants [63].¹ Additional assisting agencies are provided in the so-called independent offices such as the Civil Service Commission, the Interstate Commerce Commission, and Federal Communications Commission. Among the important executive functions for which the President is responsible are the conduct of foreign affairs, the general direction of the armed forces as Commander-in-Chief of the army and navy, and the appointment, with senatorial consent, of federal officers, and the right of removing them [64, 63].

(2) As has previously been emphasized, the President exercises some legislative functions such as the veto, which is, however, not usable for separate items of a bill; the presentation of messages to Congress; the convening of Congress in special sessions; and the extra-constitutional right of appeal to the country against a hostile Congress [66, 24, 25].

(3) Among the judicial powers of the President, in addition to his power of selecting the judiciary, are the granting of reprieves and pardons [64, 63, note]. Occasionally a President has refused to carry out court decrees, thereby leaving the court helpless.

(4) The chief extra-constitutional power that has fallen to the President since the creation of parties is that of national political leader for his party. To a lesser extent, he serves as spokesman for the nation, for, excepting the Vice President, he is the only official chosen by nationwide election. In summary of the President's powers, Woodrow Wilson has called the President "the most heavily burdened officer in the world,"

¹The ten executive secretaries are: State, Treasury, War, Attorney-General (all founded in 1789), Postmaster-General (1794; cabinet member, 1829), Navy (1798), Interior (1849), Agriculture (1889), Commerce and Labor (1903), separated into two departments (1913). Although the Attorney-General was a member of Washington's cabinet, the Department of Justice was not created by Congress until 1800.

while Calvin Coolidge has called the office the "most exacting position in the world."

VICE PRESIDENT. "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" [60]. Until the adoption of Amendment XII (1804), the Vice President was the second choice of the electors for President, and in the earliest years of our history the office was a stepping-stone to the Presidency. Today, however, the office is considered something of a political graveyard. When Theodore Roosevelt, for instance, accepted the vice-presidential nomination, he feared that he had been "put on the shelf." The Vice President's only constitutional duty is to serve as president of the Senate where he has no vote except in case of a tie [11].

12. **The Judicial Department: The Supreme and Inferior Courts.** "The want of a [federal] judiciary power," wrote Hamilton in *The Federalist*, "crowns the defects of the confederation." The Fathers provided in Article III of the Constitution that the federal judiciary should be vested in "one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish" [68]. From a system of one Supreme Court and 16 inferior courts the judiciary has expanded into the following organization: (1) *Regular Courts*: One Supreme Court, ten Circuit Courts of Appeals and 186 District Courts (in 94 districts); (2) *Special Courts*: one Court of Claims, one Customs Court, and one Court of Customs and Patent Appeals. Judges, as we have seen, are constitutionally independent in both term of office and salary, but are subject to impeachment.

SUPREME COURT. The federal courts, like the executive and legislative departments, are limited in the extent of their jurisdiction, that is, the kind of case or business that properly may come before them for decision. The federal courts have jurisdiction in those cases named in the Constitution, and only those. All other cases come within the jurisdiction of the state courts [69-70]. The jurisdiction of a federal court may be, broadly speaking, either *original* or *appellate*.¹ The Supreme Court has original jurisdiction in two cases only: (1) those affecting ambassadors, other public ministers and consuls, and (2) those involving a state [70]. In each case a sovereign country or state is involved, and because of probable consequences, the possibility of a lower court's misjudgment must be eliminated. In all other cases the Supreme Court has appellate jurisdiction which comprises the great bulk of its deliberations. In cases involving the interpretation of the federal Constitution, laws or treaties,

¹ For the distinction, see [70, note].

an appeal may be made to the highest federal court either from the highest state court or from a federal inferior court. But it should be noted that no other type of case can be appealed to the Supreme Court from the state courts. Congress determines the nature of the cases that may be appealed to the Supreme Court from the lower federal courts [70]. Other cases are brought to the Supreme Court from the lower courts only with its consent, and its consent to review such cases is sparingly granted and ordinarily only for unusual circumstances. The Supreme Court is made up of a Chief Justice and eight associate justices. The decisions of this court are final and are based upon the judgment of the majority. The court refuses to give advisory opinions.

The Circuit Courts of Appeals were established to relieve the highest court of the burden of a great many cases. These courts receive their cases from the lower federal courts, and in many cases their decisions are final, if no question of constitutionality is involved. Special types of cases are directed to the special courts, such as claims against the United States (when it permits itself to be sued) or cases involving appeals from customs or patent officials of the Board of Appeals of the Patent Office. The great majority of federal cases originate in the District Courts. In fact, all cases involving violation of federal laws originate in the District Courts except the two cases of original jurisdiction assigned the Supreme Court and cases pertaining to customs and to suits against the United States. With few exceptions, appeals from the District Courts go to the Circuit Courts of Appeals rather than directly to the Supreme Court.

Do You Understand These Terms or Expressions?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. A confederation provides a: (a) centralized government with broad powers; (b) loosely organized government with limited powers; (c) decentralized government that acts through the states.
2. A federation provides a: (a) centralized government with broad powers; (b) decentralized government; (c) central government that may, according to its powers, act directly upon the people of the states.
3. The United States today is a: (a) federation; (b) republic; (c) confederation.
4. The doctrine of separation of powers means there should be: (a) separated major units of government having separate duties; (b) one unit of the government for law-making, another for law-enforcement, another for interpreting the laws; (c) powers shared by both state and central governments.

5. Separation of powers provides a means: (a) of preventing any one branch of the government from becoming too strong; (b) of preventing tyranny and dictatorship; (c) for one department to acquire the most power.
6. To maintain a balance of power between the three main divisions of our government the makers of our Constitution provided: (a) a system of checks and balances; (b) placed most of the power in the executive branch; (c) for some overlapping of powers among departments.

Do You Know the Facts?

B. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. The three major departments of our federal government are: (a) executive department consisting of the President, Vice President and executive secretaries; (b) legislative department consisting of the Senate and House of Representatives; (c) judicial department consisting of the Supreme Court and inferior federal courts; (d) Constitution, the supreme law of the land.
2. The Senate has the power to: (a) ratify treaties by a two-thirds vote; (b) try impeachment cases; (c) elect members of the House of Representatives; (d) approve or reject appointments made by the President.
3. The House of Representatives has the power to: (a) ratify treaties by a two-thirds vote; (b) bring impeachment charges; (c) originate bills concerning taxation; (d) elect the President if the electoral college does not do so.
4. The President: (a) may influence the making of laws; (b) appoint executive officials and negotiate treaties subject to the Senate's approval; (c) is Commander-in-Chief of the armed forces; (d) has practically dictatorial power in wartime.
5. The great majority of Supreme Court cases are: (a) appealed from lower courts; (b) cases concerning interpretation of federal laws; (c) advisory opinions given at request of the Senate when new laws are being made; (d) those concerning ambassadors and like officials.
6. Members of the United States Senate: (a) are elected indirectly by the state legislatures; (b) are elected directly by the people; (c) serve for a six-year term; (d) may confirm by a two-thirds vote treaties negotiated by the executive department.
7. The theory of checks and balances is illustrated by: (a) the presidential powers of veto over congressional legislation; (b) the Senate's power to pass upon presidential appointments; (c) the power of "judicial review" held by the federal courts; (d) limitations of state power.
8. The enumerated powers of Congress are: (a) powers granted to Congress by the states to give the federal government necessary authority;

- (b) powers taken away from Congress by the states; (c) expanded by the "implied powers" or "elastic" clause of the Constitution; (d) powers that are not subject to checks and balances.
9. Concurrent powers are: (a) those held solely by the federal government; (b) those held solely by the states; (c) those held by both federal and state governments; (d) taxation and bankruptcy.
 10. Some important prohibitions placed upon federal power by the Constitution are those: (a) named in the first ten amendments or Bill of Rights; (b) regarding the making of treaties or alliances with other nations; (c) regulating commerce between the states; (d) pertaining to the writ of *habeas corpus* and bills of attainder.
 11. The Constitution may be expanded by: (a) amendments; (b) passage of new laws; (c) formation of customs and usages; (d) judicial interpretation of the "implied powers" or "elastic" clause.

Can You Use What You Have Learned?

C. Some of the following statements are true, some are false. Others may be opinions. If the statement is true, circle the letter T; if it is false, circle the letter F. Circle the letter O if it is an opinion.

1. T F O The British system of parliamentary government is a form of representative government.
2. T F O Legislative and executive powers are separated in the British parliamentary system.
3. T F O Britain's chief executive, the Prime Minister, is more subject to shifting legislative opinion than is the President of the United States.
4. T F O The British system of government is not democratic because there is a king.
5. T F O The Supreme Court checks on the constitutionality of all laws enacted by Congress before the executive department attempts to enforce these laws.
6. T F O In wartime the President of the United States may exercise practically dictatorial powers as Commander-in-Chief of the armed forces.
7. T F O The Supreme Court has acquired too much power over the legislative branch.
8. T F O Congress has the right to regulate railroads and civil aviation because the War Department asked Congress to do so.
9. T F O Congress has the right to regulate interstate transportation because control of interstate commerce is one of the enumerated powers of Congress implemented by the "implied powers" or "elastic" clause.

10. T F O No President should serve more than two terms.
11. T F O President F. D. Roosevelt's reelection for a third term is an example of the expansion of our "unwritten" Constitution by usage.
12. T F O It is particularly significant just now that the Senate has the power to ratify or reject treaties made by the executive department.

Summarizing Exercise

D. In each of the following incomplete sentences write the appropriate item or items in the blank space provided.

1. The enumerated powers of Congress are given flexibility by the _____ clause of the Constitution.
2. The Congress consists of two houses, the _____ which has 2 members from each state, and the _____ in which representation is based upon state population.
3. The doctrine of separation of powers is accompanied by the theory of _____
4. Powers held by both state and federal governments are called _____ powers.
5. The power to give final interpretation to acts of Congress whose constitutionality has been questioned rests with the _____
6. The people and the states have protected themselves against excess federal power by means of the first ten amendments which are often called the _____

Correspondence or Class Assignments

E. See general instructions under this heading, p. vi.

1. American Presidents have exercised great legislative influence upon occasion. Indicate means by which this may be done through: (a) Constitutional grant; (b) usage or custom; (c) party leadership by the President.
2. Describe the operation of the system of checks and balances within the framework of separation of powers touching on: (a) veto; (b) appointment and treaty approval; (c) judicial review.
3. Mention a provision of the Constitution concerning each of three of the following: (a) appointments of federal officials; (b) amendments to the Constitution; (c) treaties; (d) judicial review; (e) interstate commerce. If possible, give an example of an actual situation for each of the three selected.

Suggested Readings

Textbooks:

J. S. Bassett, *A Short History of the United States*, chap. xi, has a good general account. C. A. Beard, *American Government and Politics*, chaps. v-vi, J. Bryce, *The American Commonwealth*, J. M. Beck, *The Constitution of the United States*, F. E. Allen, *This Constitution of Ours*, F. A. Magruder, *American Government*, R. E. Keohane, M. P. Keohane and J. O. McGoldrick, *Government in Action*, all treat of the Constitution. Consult the tables of contents for special areas.

CHAPTER IX

The Supremacy of the Federalists

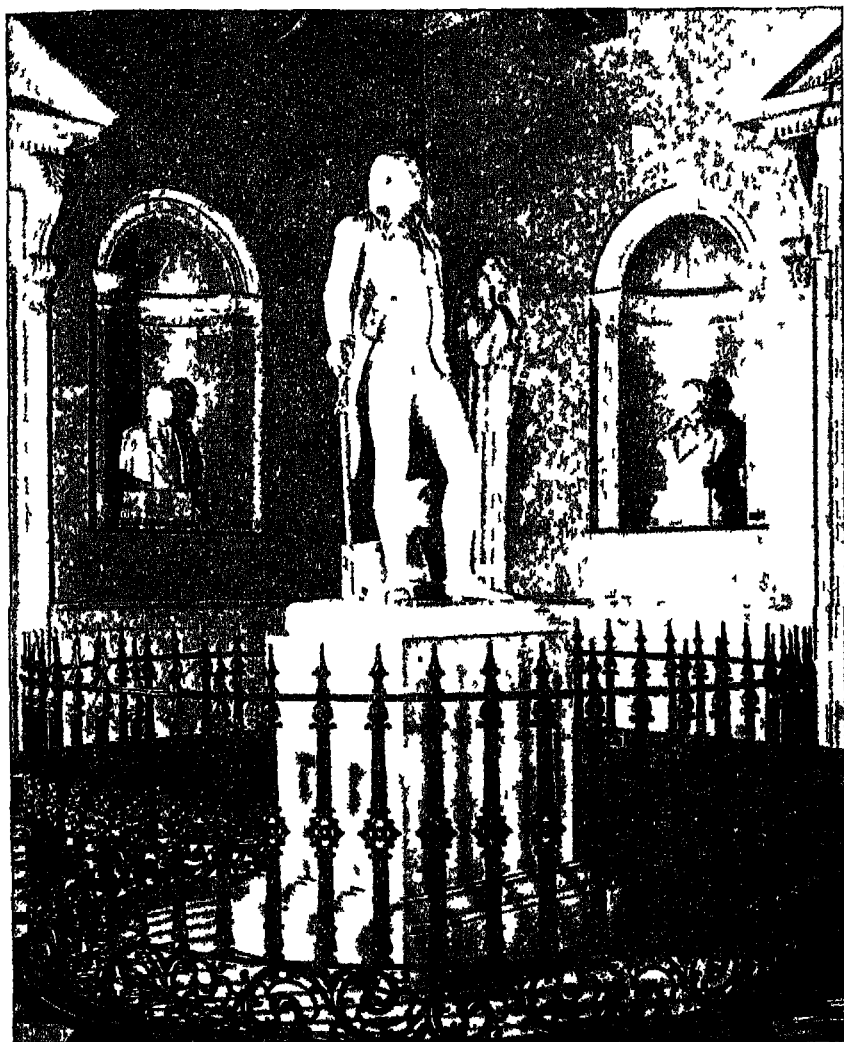
THE NEW GOVERNMENT IS ESTABLISHED UNDER WASHINGTON

1. **The Federal Government Organized.** Late in 1788 Congress under the Articles arranged for the election of officials for the new government, and a few months later passed quietly out of existence, unsung and unmourned. The new Congress was to meet in the temporary capital in New York City on March 4, 1789, but enough members to do business were not gathered until a month later. "The people will forget the new government," wrote one member, "before it is born." Early in April, however, the electoral votes were counted, and George Washington was unanimously chosen President with 69 votes. The next highest vote (34) was cast for John Adams, who was declared Vice President.

Notified of his election, General Washington left his beloved Mount Vernon and made his way northward in a triumphal journey marked by local celebrations in his honor. On April 30, 1789, Washington took the oath of office on the balcony of Federal Hall, New York. As he turned to kiss the Bible, the artillery boomed from the Battery and the assembled multitude shouted, "Long live George Washington, the President of the United States." At last the federal government was a going concern, and one largely in the hands of officials friendly to it.

2. **Important Decisions Made.** The Constitution states broad principles and grants sweeping powers, but rarely does it state *how* either shall be applied. Because they believed precedents were in the making, Washington and other officials were greatly concerned with the way things were done the first time. Even before Washington arrived in New York, the Senate was debating his proper title, finally leaning toward "His Highness, the President of the United States of America, and Protector of their Liberties." But this sounded too much like monarchy for the more democratic House, which prevailed upon the Senate to make the title simply "The President of the United States." Such is the introduction today when the President speaks over the radio.

Many disliked Washington's aristocratic tendencies, his love of ceremonials and his readiness to follow British practices in governmental



Acme

**GEORGE WASHINGTON—THE FARMER, ENGINEER, BUSINESS MAN, TRAVELER,
MILITARY LEADER, STATESMAN—AT 53**

This statue of Washington (1732-99) by Jean Antoine Houdon—the only full-length sculpture of the first President made from life and now in existence—stands in the Virginia capitol at Richmond surrounded by the busts of seven other Virginia-born Presidents. Of this work, now valued at \$5,000,000, a great French ambassador has said: "To those who know how to listen, the statue knows how to speak"

affairs. They frowned upon his elaborate gilded coach drawn by four cream-colored horses, his formal weekly "levees" or king-like receptions in which he bowed stiffly to his visitors, and his practice of opening Congress with an address similar to the speech from the throne.

Some more important matters pressed for decision. In the negotiation of the first treaty, Washington sought the "advice and consent" of the Senate by appearing in person before that body while the treaty was in the making [64]. The Senate refused to discuss the matter in his presence. Thereafter Washington and his successors sent treaties to the Senate for that body's action only after negotiations were completed. In another perplexing matter, Washington appealed to the Supreme Court for guidance, but the court politely refused assistance, thus establishing the practice of granting no advisory opinions.

3. The First Cabinet. While these and other precedents were being formed, the Congress was busily at work. A tariff law, levying a small duty on imports, was enacted that revenue might flow into the empty federal purse. Three executive departments—State, Treasury and War—were soon created by Congress to assist the President in the management of foreign affairs, finance and military matters. The office of Attorney-General was also created to advise the Chief Executive in legal matters. Washington sought leaders to fill these offices.

As Secretary of State—the most important office—he appointed the great and illustrious Virginian, Thomas Jefferson, at the moment our Minister to France. As Secretary of the Treasury, he selected the youthful but brilliant Alexander Hamilton of New York, who had served Washington as an aide in the Revolution. For the War Department, General Henry Knox, a man of influence in Massachusetts, was appointed. Edmund Randolph of Virginia was the choice for Attorney-General. The first two fortunately were giants; the latter were lesser men. As we have seen, Washington soon (1791) fell into the practice of calling his secretaries together for informal discussion and thus developed the cabinet council, or cabinet.¹

4. The Judiciary Act. The most important act of the first Congress was the Judiciary Act of 1789, which in accordance with the Constitution created a judicial organization [68-70]. Thirteen District Courts and three Circuit Courts made up the inferior courts. The Supreme Court was to consist of a Chief Justice and five associate justices. Washington

¹ The cabinet is an advisory body to the President, but he is not bound by their advice. In fact, he may completely ignore it. Votes are not usually taken. A story told of a Lincoln cabinet vote, however, illustrates the freedom of the President who in this case was opposed by every member. Lincoln announced the result as, "Seven nays, one aye; the ayes have it."

made John Jay of New York the first Chief Justice. But most important of all was the provision for appealing from either the lower federal courts or the highest state court to the Supreme Court any case involving the federal Constitution, laws or treaties. By inference the Supreme Court was to have power to nullify laws if in conflict with the Constitution. By this act, therefore, Congress definitely established the Supreme Court as final umpire in conflicts between the states and the federal government, but Amendment XI (1798) was to give some protection to the states [96, note]. The wisdom of the first Congress was further demonstrated in the reenactment of the famous Northwest Ordinance and the submission to the states of the equally famous Bill of Rights [86-95].

5. Hamilton's Financial Policies. Congress turned early to the difficult financial question, directing Secretary Hamilton of the Treasury to prepare a report on that subject. Hamilton revealed that the government was faced with an enormous war debt of about \$75,000,000,¹ which it had inherited from the government under the Articles of Confederation. Moreover, revenues were insufficient to meet current expenses. Difficult as the problem was, the shrewd Secretary of the Treasury planned not only to pay the entire debt but also to strengthen the government politically with certain groups. Rightly he argued that a firm foundation for the new government could be secured only if the credit of the United States were established. Nations, like individuals, must pay their debts. This was but sound economics.

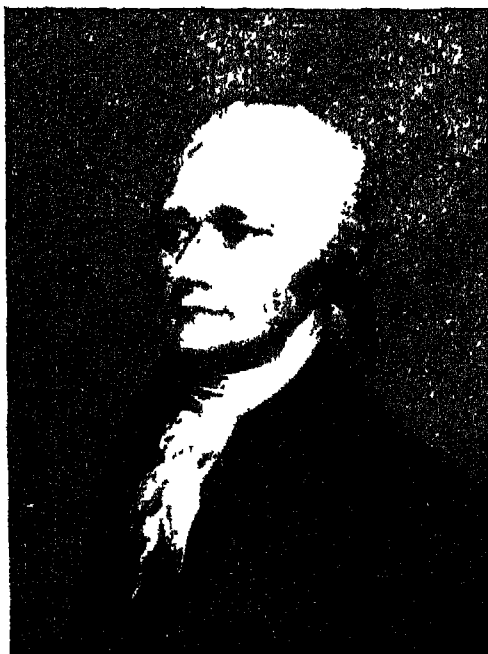
First, Hamilton recommended and secured from Congress payment at face value of the national debt²—both foreign and domestic. Secondly, he obtained the Assumption Bill providing for the assumption and payment by the central government of all state debts. To the payment of the foreign debt there was no opposition, but Congress did object somewhat to the payment of the domestic debt because speculators had been buying up certificates at a small fraction of their face value. In the end, however, Hamilton's views prevailed on the full payment of the domestic debt.

But when the Assumption Bill came up for debate Congress was up in arms. The states with little or no debt opposed assumption because it

¹ Of this total \$54,000,000 was a national debt owed in large part (\$42,000,000) to our citizens and the balance (\$12,000,000) to foreign governments (France, Spain and Holland). The remainder (about \$21,000,000) represented the public debts of the states. Important as the debt of \$75,000,000 appeared to the first Congress, it seems almost trivial today.

² Although the national debt was to be paid in full, Hamilton first *funded* the debt. That is, by authority of Congress, he offered a new loan. Holders of the old loan exchanged the original certificates of debt for new certificates bearing varying rates of interest and with payments to begin at stated times. Thus the holder was assured payment and the government was enabled to pay under more favorable conditions

would mean federal taxation of all states to pay the debts of some. Southerners complained that speculators would again benefit, for most of their securities were in northern hands. When defeat seemed certain for the Assumption Bill, Hamilton made a political deal. The South wanted the



ALEXANDER HAMILTON AT 35

Hamilton (1757-1804) reached the climax of his career as the first and very able Secretary of the Treasury. His annual salary of \$3500 being inadequate, he resigned in 1795 to return to the law. From John Trumbull's painting in the Boston Museum of Fine Arts, done two years after Hamilton's death at Burr's hands, but copied from Ceracchi's bust modeled when Hamilton was 35.

capital. Enlisting the support of the powerful Jefferson, enough southern votes were secured to pass the Assumption Bill, and in return Hamilton promised northern votes for locating the federal capital on the banks of the Potomac, after a ten-year interval at Philadelphia. By thus winning from Congress future payment of the debts in full, Hamilton had won the favor of the moneyed classes—the conservative, respectable citizens—for the central government. This was truly a master stroke.

OPPOSITION RESULTS IN REBELLION. Hamilton's third proposal was for the establishment of a United States Bank. So great was the opposition to this project that the very foundations of the cabinet shook as Hamilton and Jefferson engaged in deadly political combat over the issue. Jefferson and his followers opposed the Bank as a monopoly, as an unfair competitor with the state

banks, and above all as unconstitutional. The issue of strict versus liberal interpretation of the Constitution was raised for the first time. The Bank was constitutional, according to Hamilton, but only through the use of implied powers (*VIII, 9*).¹ The Bank Bill passed Congress, and Washington, at first uncertain what to do, approved it, thus leaning toward

¹ These figures refer to chapter and paragraph.

Hamilton and away from Jefferson. Hamilton was indeed in the saddle.

The fourth and fifth parts of Hamilton's program provided for revenues for current expenses and interest on the debt. He proposed a higher tariff and an excise tax. After debate Congress passed the Tariff Act of 1792 which slightly increased previous rates. When Hamilton urged an excise tax on distilled liquors, he thought not only of additional revenues but also of the opportunity of impressing upon the frontiersmen the power of the federal government. Despite strenuous opposition in Congress, the excise tax passed (1791), but its collection proved to be another matter. The farmer-distillers of the western counties had long been converting their corn and rye into whiskey—a product more easily transported over the mountainous roads than bulky grain. They resented both the tax and the interference with their business, and advised resistance.

The final result was an insurrection in western Pennsylvania in 1794—the so-called Whiskey Rebellion—in which the determined "Whiskey Boys" forcibly resisted federal government collectors. But the rebellion melted away without battle before the 15,000 militiamen who were speedily dispatched to the region under the personal leadership of Hamilton. In the first test of its military strength the federal government had demonstrated its power decisively; not only would taxes be collected, but the authority of the new government would be respected. To some, however, these events foretold a mighty conflict between the industrial East and agricultural West, between aristocracy and democracy. It must always be remembered that underlying Hamilton's financial measures were political as well as economic motives.

6. Foreign Affairs and the Young Republic. While the infant Republic was being tested at home, it was being imposed upon from abroad. Three countries—France, Great Britain and Spain—were treating it with high disrespect. Less than a week after Washington's inauguration, France took the step that was to lead to the French Revolution—a struggle of the masses for the elusive "liberty, equality and fraternity." When the Revolution was over, a "Reign of Terror" gripped Paris and civil war broke out in the country. These happenings were followed by the dictatorship of Napoleon Bonaparte which lasted for fifteen years.

Significant for Washington's administration was the fact that before 1793 was over France was at war with Austria, Prussia, Great Britain, Spain and several other monarchies. With France and Great Britain in a death struggle, the question for Washington's government was: Could the young Republic avoid being drawn into the European conflict? Or if forced to take sides, should it be with our old enemy, Great Britain, or with our recent ally, France?

An answer to the second question was forthcoming shortly after Washington's second inauguration, when "Citizen" Genêt, minister of the French Republic, came to this country to secure aid from our government in the name of the Treaty of Friendship and Alliance of 1778 (V, 6). Despite a strong pro-French feeling among the masses and despite the pleadings of Jefferson, Washington issued a Proclamation of Neutrality (1793). He thereby not only refused to take sides with either France or Great Britain, but laid the very foundation of American foreign policy. A bitter attack was directed against the President, as the fierce spirit of criticism bordered on madness. The government seemed about to be crushed between the upper millstone of foreign intrigue and the lower millstone of strong partisan feeling.

No sooner had neutrality been proclaimed than it appeared that the preservation of the rights of neutrals would be difficult. As we shall learn, Great Britain was far from friendly, and conditions actually reached the menacing stage of probable war. Meanwhile troubles with Spain were accumulating, particularly in the Mississippi Valley. Disregarding partisan criticisms and sectional feelings, Washington saw clearly ahead as he followed the path of peace. To Britain he dispatched the Chief Justice, John Jay, and to Spain, Thomas Pinckney. In the end, the Neutrality Proclamation, the Jay Treaty (1794-95) and the Pinckney or Spanish Treaty (1795-96) left us at peace with the world, but at home the wounds of party strife were bleeding furiously.

A GOVERNMENT BY TWO PARTIES IS DEVELOPED

7. Political Parties and Party Government. Strangely enough, the Constitution does not provide for the chief force—political parties—that was to run the government. The Fathers did not want political parties. Washington felt that the will of the nation should never be displaced by the "will of a party." Madison in *The Federalist* referred to parties as a "dangerous vice," while to John Adams a party was a "monster." Nevertheless, if numerous officials were to be elected, if policies of government were to be developed and maintained, and if the Constitution was to be responsive to the public will, some political machinery and organization seemed necessary. Unavoidably, then, political parties grew up outside the Constitution.

Under Washington the executive department began as a non-partisan administration but with officials known to be friendly to the Constitution. In a few years Hamilton's "loose construction" victory over Jefferson in the Bank controversy began a political duel of master minds that was to lead to painful cabinet quarrels over the Genêt affair and our British

relations. Finally, convinced that Washington was leaning ever more toward Hamilton's views, Jefferson sought unsuccessfully Hamilton's removal from the cabinet. At last, in the sincere belief that he could no longer serve the best interests of the country from his cabinet post, Jefferson resigned at the close of 1793 and retired to private life. Political parties were now definitely advancing.

8. **The Federalists and Republicans.** In the congressional elections of 1792 the opposition gained control of the House. Though Washington was unanimously reelected, Adams won the Vice Presidency only after a struggle. Aware of the rather loosely organized opposition in the states, Jefferson quietly began a campaign of letter-writing that was to consolidate this opposition into one party, demonstrate Jefferson's powers as the greatest political leader of his time, and finally win him the Presidency. The followers of Jefferson became known as Republicans,¹ that is, republican in the sense of opposition to aristocracy, monarchy and privilege. They drew their support largely from the masses, and in general were the descendants of the Anti-Federalists (VII, 7). Jefferson did not fear parties; on the contrary, he felt that "no government ought to be without censors." He utterly disapproved Hamilton's system because it "flowed from principles," he wrote, "adverse to liberty, and was calculated to undermine and demolish the Republic."

The group that favored Hamilton's system shrewdly took the name Federalists and looked for leadership to Hamilton, who speedily created a well-drilled and disciplined organization. For the moment the Federalists controlled the government, for during his second administration Washington went into that camp. In general, the Federalists represented the same group and the same interests which had favored the adoption of the Constitution.

The two-party system, inaugurated by Hamilton and Jefferson, brought into prominence the four major differences between the two groups. In the first place, the Federalists favored loose construction of the Constitution, while the Republicans demanded strict construction. Secondly, the Federalists favored a strong centralized government, while the Republicans fought for the preservation of state powers and the rights of the individual. Thirdly, the Federalists stood for an economic policy, such as Hamilton's financial policies, which seemed especially in the in-

¹ Hoping to bring fear to conservatives, Hamilton's followers soon called Jefferson's party *Democratic-Republicans*, thus applying the most radical term then known. The nearest equivalent today would probably be Communist or "Red." The term Democratic was soon dropped and not used again until Jackson's time. Out of this confusion of terms, it is important to remember that the Republican party of Jefferson was the forerunner of the Democratic party of today. The Republican party of today finds its ancestry in Hamilton's Federalist party.

terests of the commercial, industrial and financial groups of the North, while the Republicans placed their faith in the agricultural interests of the South and West. Finally, the Federalists had inclined toward the British and against the Republican sympathy for the French in the foreign disturbances.



A FEDERALIST ATTACK UPON JEFFERSON

This contemporary cartoon illustrates the extremes of political attack in the early Republic. Promptly Satan, "Pull away, pull away, my Son, don't fear, I'll give you all my assistance." To which "Mad Tom" replies, "Oh! I fear it is stronger rooted than I expected but with the assistance of my Old Friend & a little more Brandy I will bring it down."

In fighting their political battles, the parties resorted to every available means of warfare. No leader was spared. Newspapers were established as party organs to praise their friends and defame their enemies. So bitter was the feeling that, just prior to his resignation from the cabinet, Jeffer-

son was virtually a social outcast. Hamilton was charged by his opponents with corruption in the Treasury, but his foes failed to secure his removal by such partisan action. Nor was Washington spared humiliation and vile abuse. In discouragement the great man cried out that "he had rather be in his grave than in his present situation." At another time he complained of being attacked in such "terms as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pickpocket."

9. **Political Administrations from Washington to Lincoln.** The party controlling the executive department is called the administration. Until recently, textbooks in American history recorded historical events by administrations. That is not our purpose here. Nevertheless, the fact that certain Presidents through their policies wrote their names large on the pages of history has made it desirable to know when they wielded

TABLE OF ADMINISTRATIONS: 1789-1865

SUPREMACY OF THE FEDERALISTS, 1789-1801

George Washington	1789-1797 ^a	Federalist
John Adams	1797-1801	Federalist

REPUBLICAN DOMINATION, 1801-1829

Thomas Jefferson	1801-1809 ^a	Republican
James Madison	1809-1817 ^a	Republican
James Monroe	1817-1825 ^a	Republican
John Quincy Adams	1825-1829	National Republican

WHIG-DEMOCRATIC ALTERNATION, 1829-1861

Andrew Jackson	1829-1837 ^a	Democrat
Martin Van Buren	1837-1841	Democrat
W. H. Harrison and John Tyler	1841-1845	Whig
James K. Polk	1845-1849	Democrat
Zachary Taylor and Millard Fillmore	1849-1853	Whig
Franklin Pierce	1853-1857	Democrat
James Buchanan	1857-1861	Democrat

REPUBLICAN DOMINATION, 1861-1885

Abraham Lincoln	1861-1865	Republican
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^a Two terms.

FIG. 16

power. In other words, it is desirable to place these men and their policies in their proper time relation, for it is upon these time relations that a part of the importance of the events depends. The foregoing table is given, then, largely for such guidance and reference. How one party came to win control of the government from its political rival will be developed as the story unrolls.

10. Washington's Farewell Address. It required the urging of both Hamilton and Jefferson to prevail upon Washington to be a candidate for a second term. As that term wore on, his popularity began to wane, particularly after his attitude on British-French relations became clear. And after his alliance with the Federalists, he became the target of unceasing political attacks which in their fury cast aside all fair valuation of his courageous leadership. Rounding out 45 years of public service and longing to return to his favorite occupation of farming, Washington refused to consider a third term. This decision he communicated to the American people on the eve of the election of 1796 in his Farewell Address.

As an "old and affectionate friend," the 64-year-old President offered some "disinterested warnings" to his beloved country in this address. Happiness and prosperity for his countrymen depended upon learning past lessons. Three things in particular should be heeded. First, avoid sectionalism and cultivate union as a "main prop of your liberty." Second, avoid partisanship and "the baneful effects of the spirit of party." Third, shun foreign political connections or alliances. This was the philosophy of Washington who, according to Henry Cabot Lodge, "stands among the greatest men of human history, and those in the same rank with him are very few. Whether measured by what he did, or what he was, or by the effect of his work upon the history of mankind, in every aspect he is entitled to the place he holds among the greatest of his race."

11. The Election of Adams. The advice of the Farewell Address was lost to sight in the party contests to elect Washington's successor in 1796. The Federalists turned to John Adams and Thomas Pinckney as their candidates, and the Republicans nominated Thomas Jefferson and Aaron Burr. When the electoral votes were counted, Adams received 71, Jefferson 68, and Pickney 59. By the narrow margin of three votes a Federalist was elected. Under the Constitution as it then stood, the Republican Jefferson, with the second highest vote, became Vice President. This strange outcome was due to a division within the Federalist ranks. Hamilton, though now out of office, still assumed Federalist leadership. Distrusting and disliking Adams, Hamilton had schemed to have the electoral votes so cast that Pinckney rather than Adams should secure first place. The scheme succeeded only in making Jefferson the Vice President.

With a quarter-century of able public service at home and abroad, Adams came to the Presidency with high-minded and patriotic standards but handicapped by vanity, and easily irritated. The Republicans branded

him an aristocrat, monarchist and tyrant. This opposition, combined with treachery in the cabinet encouraged secretly by Hamilton, suggested a dark future for Adams and the Federalists.

12. Unpopular Federalist Legislation. During the height of the anti-French sentiment, Congress, under Federalist control, decided to bring an end to the fiery criticisms and partisan attacks made upon the Federalists by Republicans. Believing that much of the Republican hatred was inspired by aliens—French and Irish principally—within our borders, Congress proposed to curb this element. The Federalists, against the advice of Adams, Hamilton and Marshall, enacted in 1798 four acts that in the end strengthened rather than weakened the Republicans.

The first, the Naturalization Act, extended the residence period of aliens seeking citizenship from five to 14 years, thus striking at the Republican party to which foreigners tended to flock. The second, the Alien Act, authorized the President "to *order* all such *aliens* as he shall judge dangerous to the peace and safety of the United States" to get out of the country. The third, the Alien Enemies Act, empowered the President to deport aliens of a country with which we were at war. The fourth, the Sedition Act, provided that anyone who wrote, uttered or published any "false, scandalous, and malicious writing . . . against the government of the United States, or either house of the Congress . . . , or the President of the United States, with intent to defame the said government," should be punished by a fine and imprisonment.

In a word, these laws meant, if enforced, that opposition to the Federalist party was to be silenced. The Alien Act was not enforced in a single case, but many Frenchmen left in fear of its application. Ten Republican editors and printers were convicted and punished under the Sedition Act, and forthwith became martyrs to the Republican cause. According to the Republicans, these ill-advised laws struck at the roots of personal liberty [86] and improperly enlarged the power of the central government, the President's in particular.

13. Kentucky and Virginia Resolutions. Jefferson needed an issue for the coming election, and the Federalists had unknowingly given him one. Seizing upon the Alien and Sedition laws as cause for vigorous protest, Jefferson and Madison prepared the Kentucky and Virginia Resolutions respectively (1798). These resolutions, accepted by the legislatures of Kentucky and Virginia, set forth the compact or state's rights theory of the Constitution. Briefly, this theory held (1) that the federal government was created by the states; (2) that the federal government acted as agent of the states by virtue of the delegated powers (*VIII*, 6), and (3) that the federal government might be criticized by the states if it exceeded its powers.

Adams and Jefferson. Hamilton wrote a pamphlet, intended for secret circulation, in which the public conduct and character of Adams were brutally ridiculed. When the electoral votes were in, the peaceful Republican Revolution of 1800 was an accomplished fact. The Federalists had been turned out by a vote which gave Jefferson and Burr each 73, to 65 for Adams and 64 for Pinckney.

While the Federalists were out, the Republicans were not yet in, for the Constitution at the time provided that the Presidency should go to the candidate with the highest electoral vote (*VIII*, 11). Jefferson and Burr were tied for first place. According to the Constitution [57], the election must be decided by the House of Representatives. Now the electors had intended to vote for Jefferson for President and Burr for Vice President, but the ambitious Burr would not yield. Perhaps Federalist hatred of Jefferson would make him President, thought Burr. After 36 ballots the House elected Jefferson as President, but only after Hamilton's influence was thrown to Jefferson who he believed was less to be feared than Burr.¹ To prevent such a situation in the future, Amendment XII (1804) was added to the Constitution, by which the President and Vice President were elected on separate ballots [97, note].

15. The Federalists and the Judiciary. Having lost elective offices in the executive and legislative departments in the upheaval of 1800, the Federalists displayed their vanity by seizing upon the appointive offices of the judiciary in the belief that they alone were fit to govern. Under the system of congressional sessions prevailing prior to the ratification of Amendment XX [116-17], the Federalist majority was able to retain control of Congress until March, 1801, although voted out of control in the preceding November.

With this advantage the Federalists put through Congress in February, 1801, the Judiciary Act which increased the number of federal judgeships unnecessarily, and gave to Adams the opportunity to make the judiciary staunchly Federalist. With the power of the judiciary to act as a check upon other departments, the defeated Federalists would still be strongly entrenched in the government. Just before the passage of this act, Adams had appointed John Marshall, a strong Federalist and a political opponent of Jefferson, as Chief Justice of the Supreme Court. Engaged in signing commissions for the new judgeships until late in the evening of his last day in office, Adams was to have these judicial appointments nicknamed "midnight judges." The Judiciary Act gave final conviction to the popular mind that the Federalists were unfit to rule and that their downfall was merited.

¹ Though securing the Vice Presidency, Burr never forgave Hamilton. In 1804, again angered over a political battle, he challenged and killed Hamilton in a pistol duel.

16. The Services of the Federalists. The Federalist party had been driven from office because it had outlived its usefulness. It refused to recognize the changing times, and above all had failed to take into account the slowly rising tide of democracy. Its distrust of the masses was its undoing.

In its 12 years of power (1789-1801) the Federalist party under Washington, Hamilton, Adams, Jay, Pinckney and Marshall had with considerable success transformed the weak rule under the Articles of Confederation into an orderly, federalized government. Specifically, Federalism had established the new government upon a sound financial basis. It had maintained peace with Great Britain, France and Spain, and had contributed our basic foreign policy of neutrality. It had paved the way for a more centralized government through its policy of loose construction of the Constitution, and had placed upon the judiciary a Marshall who was to carry further this policy. It had adopted as its own a liberal colonial policy in the great Northwest Ordinance. And, finally, it had established innumerable precedents.

So deep did Federalism leave its mark upon American institutions that the future history of the country, according to the historian, James T. Adams, could almost be told as the story of a conflict between Hamiltonian materialism (strength, wealth and power) and Jeffersonian idealism. Whatever this Jeffersonian idealism was, the Federalists were certain it would lead to anarchy.

Do You Understand These Terms or Expressions?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. A tariff is generally considered to be a tax on: (a) imports; (b) domestic products; (c) distilled liquors.
2. Believers in state's rights in Washington's day: (a) favored loose interpretation of the Constitution; (b) upheld the wide powers of the Supreme Court; (c) favored strict interpretation of the Constitution.
3. The doctrine of nullification meant that the right to void acts of Congress should rest with: (a) the Supreme Court; (b) the States; (c) the President.
4. In terms of the national government the expression "the judiciary" refers to: (a) the chief executive; (b) Congress; (c) the federal courts.
5. The expression "administration" refers most appropriately to: (a) the cabinet of the President; (b) the political party controlling the executive department; (c) the events that take place during a given presidential term.

Do You Know the Facts?

B. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. An important precedent established by the Senate during President Washington's first term was to: (a) discuss treaties with the President before negotiations were completed; (b) discuss treaties only after negotiations were completed; (c) give advisory opinions to the Supreme Court.
2. President Washington's cabinet or advisory council consisted of: (a) a group of leading Senators; (b) leaders of the House of Representatives; (c) individuals selected by the President to head the executive departments created by Congress.
3. The power of the Supreme Court to nullify state or federal laws that conflict with the Constitution: (a) is stated definitely in the Constitution; (b) is inferred in the Judiciary Act of 1789; (c) has developed only in recent years.
4. First Secretary of State was the Anti-Federalist party leader: (a) John Jay; (b) Thomas Jefferson; (c) John Marshall.
5. Alexander Hamilton's proposal to establish a United States Bank was opposed by: (a) those who believed in a liberal interpretation of the Constitution; (b) those who believed in a strict interpretation of the Constitution; (c) those who wanted a centralized financial system.
6. Objection to Hamilton's Assumption Bill came largely from: (a) those who did not want to pay foreign debts; (b) states which had unpaid debts; (c) states with little or no debts.
7. Troublesome foreign problems arose during Washington's terms of office with: (a) England, France and Spain; (b) Austria, Prussia, Spain; (c) France, Prussia, Holland.
8. The Republican party was led by: (a) Hamilton; (b) Jefferson; (c) John Adams.
9. In general the Republican party drew its supporters from among: (a) industrial, financial and business groups of the North; (b) agricultural interests of the South and West; (c) people who favored a pro-British foreign policy.
10. The Federalists contributed to their own downfall in the presidential campaign of 1800 by: (a) upholding the doctrine of nullification; (b) passage of the Alien and Sedition Laws; (c) passage of the Kentucky and Virginia Resolutions.

Can You Use What You Have Learned?

C. Some of the following statements are true, some are false. Others may be opinions. If the statement is true, circle the letter T, if it is false, circle the letter F. Circle the letter O if it is an opinion.

1. T F O Political parties serve a necessary purpose in shaping policies to be accepted or rejected by the voters.
2. T F O Political parties promote graft and should be outlawed.
3. T F O Unanimous approval of President Washington's foreign policy demonstrated the basic unity of the American people.
4. T F O Washington's belief in a policy of strict neutrality was a wise one at the time.
5. T F O Some people today believe we should still follow such a foreign policy.
6. T F O People who feel that we made a mistake in entering this war are unpatriotic.
7. T F O The elastic clause of the Constitution permits reinterpretation of the Constitution to meet changing conditions.
8. T F O The Democratic party of today clings to Jefferson's idea of strict interpretation of the Constitution.
9. T F O Hamilton's financial program established the credit of the United States.
10. T F O Senators have little to say concerning the approval of treaties negotiated by the executive department.

Summarizing Exercises

D. Match the following items in the right-hand column with the proper choice in the left-hand column. To do this insert the number or numbers of choices in the parentheses in front of the proper item or items. There may be items that cannot be matched. There may be others that can be matched with more than one choice.

CHOICES		ITEMS
1. Assumption of state debts	a. ()	Pinckney Treaty
2. Ended Spanish troubles in Mississippi Valley	b. ()	Hamilton's financial program
3. Establishment of a United States Bank	c. ()	Treaty with Britain
4. Neutrality Proclamation	d. ()	Washington's basic foreign policy
5. Jay Treaty	e. ()	colonial land policy
6. National debt payment at face value	f. ()	loose interpretation of Constitution
7. Farewell Address		

8. "Citizen" Genêt
9. Northwest Ordinance reenacted

Correspondence or Class Assignments

E. See general instructions under this heading, p. vi.

1. It has been said that our new federal government was "in the hands of its friends" during the Federalist period. Show that this was so, touching upon each of the following points: (a) extension of centralized governmental authority; (b) establishment of a sound financial policy; (c) development of important precedents.
2. Give an account of the rise of political parties during the Federalist period including: (a) the major issues that divided the people into two opposing factions; (b) the factors that brought about the downfall of the Federalists; (c) the function of political parties in a democracy.
3. Assuming that you had been an American citizen living in the Federalist period, to which political party would you have belonged? Include in your answer your attitude toward: (a) Hamilton's financial program; (b) state's rights; (c) foreign policy.

Suggested Readings

Textbooks:

For general accounts of the Federalist period consult: H. W. Elson, *History of the United States of America*, chap. xiv; or J. S. Bassett, *Short History of the United States*, chaps. xii-xiii; or H. Nicolay, *Our Nation in the Building*, chap. i, and H. U. Faulkner, *American Political and Social History*, chap. ix. More detailed accounts are: H. J. Ford, *Washington and His Colleagues* and C. G. Bowers, *Jefferson and Hamilton*.

Biographies:

Consult any of the biographies of Washington mentioned for chapter V. C. G. Bowers, *Jefferson and Hamilton*, chaps. ii and v, has excellent sketches of these two great political rivals. H. J. Ford, *Alexander Hamilton*, is a full-length biography of the Federalist leader.

Historical Novels:

G. Atherton, *The Conqueror* is a fictionalized story of Hamilton. M. Johnston, *Lewis Rand* tells the story of the struggle between Federalists and Republicans. E. Page, *The Tree of Liberty*, has Jefferson as one of the leading characters and the picture of the Federalist period is splendidly painted. S. W. Mitchell, *The Red City*, centers around Washington's second term.

Have you applied for your End-of-Course Test? See "How to Use This Book," p. vii.

Is your Course Essay in progress? See "How to Use This Book," p. vi.

CHAPTER X

Jeffersonian Republicanism in Control

JEFFERSON ASSUMES LEADERSHIP

1. **The Sage of Monticello.** In 1801 when Thomas Jefferson took office as the first of the Republican Presidents who were to hold office for a quarter-century, the inaugural ceremony was marked by a rare simplicity. During the previous summer the seat of government had been removed from Philadelphia to the "Federal City" of Washington. It was then but a rising village of some 300 buildings and dwellings, dominated



THE EXECUTIVE MANSION IN 1799

Here in the unfinished audience (East) room Abigail Adams hung the President's clothes to dry as the Adams administration closed; here John Adams, feeling the sting of defeat, cried out to Jefferson, "You have turned me out; you have turned me out"; here under Jefferson blossomed Republicanism. After a sketch by N. King.

by the unfinished Executive Mansion (later called the White House) and by the Capitol, a mile distant across a swamp, only one wing of which was ready for the Congress.

This rustic setting, in direct contrast to the social gaiety and solid comforts of Philadelphia, was appropriate soil for the planting of Republicanism. Spurning the royal coach and all evidences of aristocracy, Jefferson, simply clad, walked from his boarding house to the Capitol for

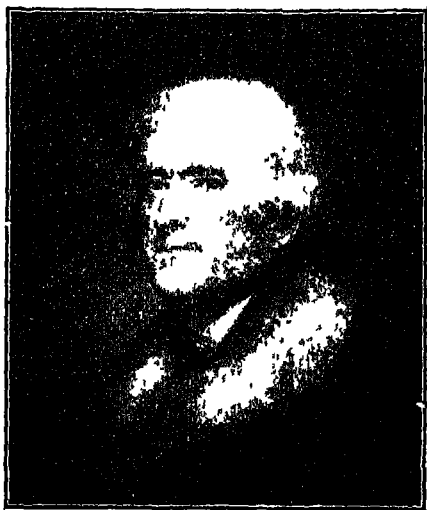
the inauguration. Throughout the land public celebrations, unparalleled since the occasion of the peace treaty of 1783, were held to mark the day as the dawn of a new era.

Jefferson was a tall, lean man, somewhat careless about his clothes, and a little awkward. In voice and manner his mildness and dignity betrayed his aristocratic background, for this democratic leader was not of the common people. Despite his shyness, he was a good conversationalist. As philosopher, musician and scholar; as naturalist, scientist and inventor; as writer, politician and statesman, he was easily the many-sided man of his time.

From Monticello, his home in Virginia, which he designed and built, he radiated an enlightened Republican leadership which earned him the title, the Sage of Monticello. Whether in the Virginia House of Burgesses or in the Continental Congress, he was the crusader for "life, liberty and the pursuit of happiness" for all. Whether minister to France, Secretary of State under Washington, or Vice President under Adams, he visioned the American dream—"the belief," as pointedly put by James T. Adams, "in the common man and the insistence upon his having, as far as possible, equal opportunity in every way with the rich one."

This dreamer of better days would be remembered as the "Author of the Declaration of American Independence, Of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia." This was the epitaph he prepared for his tomb. Political and economic liberty, religious freedom and educational privileges, make up the Jeffersonian formula for true democratic progress.

2. **Jeffersonian Theories.** To those who feared the worst, Jefferson's Inaugural Address was a pleasant surprise. "We are all Republicans, we are all Federalists," spoke the President as he sought to win the



THE SAGE OF MONTICELLO

Thomas Jefferson (1743-1826) at 60, from a portrait now in the New York Historical Society, painted in 1803, by Rembrandt Peale. As Virginia's many-sided citizen, author of the Declaration of Independence, minister to France, first Secretary of State, Adams's Vice President, and as President, he "visioned the American dream."

coöperation of his political foes. There would be no violent upheaval, as he reminded all that "the minority possess their equal rights." For the moment Federalists breathed more easily. We have compared the four major issues upon which Republicans and Federalists differed (IX, 8). Now that Jefferson was in power, what would be his policies?

He emphasized as his chief principles of political faith: (1) simplicity and economy; (2) restriction of governments, both state and federal but federal especially; (3) the rights and powers of the people, including "equal and exact justice to all men," freedom of religion, press and person, complete acceptance of the decisions of the majority, and the spread of public education; (4) the elevation of the farmer and not the manufacturer through the "encouragement of agriculture, and of commerce as its handmaid"; and (5) peace with the world through "commerce, and honest friendship with all nations, entangling alliances with none."

Such were the general principles of the Republicans; but what was the "Republican revolution"? It consisted mainly of two ideas respecting the limited range of government, which at best Jefferson believed to be something of a necessary evil. First, let government regulate men's affairs as little as possible. Let it be wise and economical, but "not take from the mouth of labor the bread it has earned." In short, government should exist for the people and be of the people.

To those who distrusted the ability of the people, Jefferson once said, "State a moral case to a plowman and a professor. The former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules." In the face of the tremendously complicated and technical governmental problems demanding solution today, Professor Beard has stated that "the most sagacious and highly educated lawyer or editor in America is about as helpless as the most ignorant laborer."

Secondly, all governmental powers can be divided into domestic and foreign affairs. The power of the central government should extend to foreign affairs only. Domestic affairs belonged very largely to the state governments. In other words, let the federal government's activities be confined to the one thing the states individually could not very well do. If this was the "revolution" in theory, how would it work in practice?

3. Republican Rule. The Republicans were scarcely in office before they began a practice which has tended to become a chief political sport whenever party control of government changes. In attempting to remedy Federalist mistakes, the Republicans proceeded to *undo* a part of their work. The Naturalization Act was repealed and the five-year period restored. The Alien and Sedition laws having expired by 1801, persons



convicted under the Sedition Act were pardoned. The Judiciary Act was repealed, and the newly appointed Federalist judges lost their offices. Except for these judges there were no sweeping changes among office holders, the majority of whom continued to be Federalists. Hamilton's rebellion-making whiskey tax was repealed (IX, 5), and the army and navy were drastically cut. As a result of the unyielding economy of Jefferson's Secretary of the Treasury, Albert Gallatin, the inherited deficit was turned into a surplus.

Though an able administrator, Jefferson soon found that the fates seemed to conspire against him and his party in their efforts to apply many of their theories. In fact, one of the chief contradictions of our history is found in the testing of the Republican principles. Circumstances beyond their control forced the Jeffersonians in important instances to adopt practices that were more Federalistic than Republican. And to make conditions appear more topsy-turvy, the dying Federalists seemed to adopt and use Republican principles in self-defense.

4. The Purchase of Louisiana, 1803. The first test of Republican theories came in the fall of 1802 with the receipt of bad news from Europe. The port of New Orleans was closed to American shipping by the Spanish governor. (See map, Fig. 18.) Since three-eighths of our territory was thus denied an outlet, Jefferson's farmers, thoroughly alarmed, appealed to the President for assistance. At the same time they prepared to resist forcibly this latest interference with their trade. To make matters worse, a rumor was confirmed that New Orleans and the entire Louisiana Territory had been given secretly by Spain in 1800 to the empire-hungry Napoleon.

THE CONSTITUTIONAL PROBLEM. The acquisition of this vast empire might be one of the greatest events of history, but for Jefferson it proved embarrassing for the moment. Congress had authorized him to spend \$2,000,000, and his agents had agreed to pay \$15,000,000. But worse still, nowhere did the Constitution grant power to the federal government to buy territory from a foreign country, that is, not if one read the Constitution in a strict sense, as the Jeffersonians professed to do. The question of payment of the purchase price was not serious, for the thrifty Gallatin could make full payment without levying an extra cent of tax.

The constitutional question, on the other hand, was a painful one. Conscientious about constitutional matters, Jefferson proposed a constitutional amendment authorizing the acquisition. When friends pointed out that Napoleon might change his mind and withdraw his offer if we delayed, Jefferson sought to justify the act otherwise. Did not the treaty-making powers permit additions of territory? Yes, but only through implied powers, was the answer. Finally, Jefferson went beyond the

Constitution altogether, and appealed to the "good sense of our country" to justify the act. This was loose construction with a vengeance. Had Jefferson lived until 1828, he would have heard John Marshall declare with finality that the war and treaty-making powers give the implied right to the federal government to acquire land through conquest or treaty [36, 64].

To add to the confused situation in 1803, the New England Federalists united in a loud outcry against the acquisition on the ground that it was a wasteful expenditure and unconstitutional. In its fear of a shift of political power to the agricultural West, commercial New England, the seat of what Federalism remained, had forgotten its loose construction principle. Despite opposition, however, the treaty was ratified.

In standing by his farmers and securing for them an outlet to the sea as well as a vast strip of fertile land, Jefferson was laying a foundation for an agricultural West that was time and again to challenge the commercial and industrial East. The country was satisfied with Jefferson's leadership, for in 1804 he was reelected, receiving the votes of all but two states. The next year, at the height of his popularity, he announced that he would not be a candidate for a third term, thus establishing a precedent not broken until 1940 (*VIII*, 9).

5. European Wars Involve America. Jefferson's second term was destined to be an unhappy one for reasons beyond his control. After a short truce, the Napoleonic Wars again broke out in Europe (in 1803), and for the next 12 years the world was in turmoil. By 1805 Napoleon had crushed his chief opponents, Austria and Russia, and reigned master of the continent. Great Britain had repulsed the French fleet and was the acknowledged mistress of the seas. The war now settled down to a life-and-death struggle between Great Britain and Napoleon, with the far-flung British colonial empire in the balance. Jefferson, in accordance with American policy, remained neutral, but soon experienced all the unpleasantness of our previous British-French relationships, and more. The British soon reasoned that if the war-mad Napoleon could not be conquered on land, perhaps he could be starved into submission by cutting off his source of supplies. Napoleon had reached the same conclusion respecting the British.

While Europe was spending its energy in war, the United States was rapidly expanding its trade. In the years from 1789 to 1807 American shipping had increased more than sixfold in tonnage. From 1792 to 1807 exports had jumped more than fivefold and imports had increased more than eightfold. American shipping, moreover, was carrying in 1807 more than 90 per cent of these increased exports and imports, as compared with less than 25 per cent in 1789. Farmers, shipbuilders, merchants and

workers enjoyed a prosperity created by European war demands similar to that of the early years of the World War (1914-18). But all this was halted in 1807.

In a series of British Orders in Council (1806-07) that country blockaded the French coast from the Elbe to Brest, and finally extended the restrictions to practically the entire western European coast as well as India. However, if neutral ships first paid a duty in British ports they might under certain conditions trade with France. Napoleon countered with a series of French Decrees (1806-07) in which he declared the British Isles blockaded, a blockade later extended to the British colonies. He finally ordered that any neutral vessel submitting to the British Orders and duties was subject to capture. While these Orders, and especially the French Decrees, created paper blockades largely,¹ the fact remained that if we as a neutral obeyed the British Orders we were liable to capture by the French, and if we observed the French Decrees the ever-watchful British navy was likely to seize our ships. This was an intolerable situation.

6. Impressments and Seizures. Jefferson, following precedent and inclination, turned to diplomacy rather than war. A treaty was finally negotiated with Britain, but it proved so unfavorable that Jefferson never sent it to the Senate. Although the European blockades resulted in the capture of about 1600 American ships and \$60,000,000 worth of property, the large profits of successful blockade-running kept the American flag on the seas. That the British captured twice as many vessels as the French was due to their naval strength rather than to Napoleon's sweet-mindedness.

When the belligerents began to impress our men, however, we protested more loudly, for that was going much too far. Because sailors' wages and conditions of labor were better on American ships, hundreds of British sailors deserted the British flag for American vessels. In search of these deserters British officers would frequently impress native Americans, for the British navy was hard pressed for man power. Naturalization for British sailors was no protection, for Great Britain refused to recognize the new allegiance, declaring that "once an Englishman, always an Englishman." The United States denied the right of either Britain or France thus to order us about on the high seas. Nevertheless, British cruisers continued to lie in wait all along our coast and even invaded the three-mile limit in search of contraband or forbidden goods and deserters. Thousands of American seamen were impressed in the British struggle

¹ A paper blockade is one which is ordered or announced but which is not or cannot be enforced.

for naval existence, and the number of ships seized seemed to mount almost daily.

Matters came to a head when, in 1807, the American frigate, *Chesapeake*, was stopped by the British man-of-war, *Leopard*, off the Virginia coast. The American captain denied that he had British deserters aboard, whereupon the *Leopard* fired a broadside into the *Chesapeake*, killing or wounding 21 men. Unprepared for action, her guns still unmounted, the American vessel was forced to haul down her flag after firing one shot. The British then seized four alleged deserters, three of whom were Americans. The outburst of American indignation following this insult to the flag compelled Jefferson to act. He ordered all British vessels out of American waters, demanded a British apology and called Congress to an early session.

7. **"Peaceable Coercion."** Man of peace that he was, Jefferson still hoped that war might be averted. He believed that a policy of "peaceable coercion," that is, economic boycott or commercial restrictions, would bring the British and French to terms. "Our commerce is so valuable to them," he said, "that they will be glad to purchase it, when the only price we ask is to do us justice." Congress had already passed the Non-Importation Act (1806) which closed American ports to certain British products. This restriction not bringing the desired results, Congress supported Jefferson in the radical Embargo Act of 1807. By its terms American ports were closed to the entire world with minor exceptions. No American or foreign vessel engaged in foreign commerce could enter or leave our ports. But after 15 months of difficult enforcement Britain and France were still defiant, and American commerce was well-nigh ruined.

New England was bitter against the embargo and showed its disdain by resorting to smuggling. In the House a New England Federalist sarcastically said that such an idea as the embargo had "never before entered into the human imagination. There is nothing like it in the narrations of history or in the tales of fiction." Whether in New England or the South, the effects of the embargo were pitiful. American exports dropped from \$108,000,000 in 1807 to \$22,500,000 in 1808, imports from \$138,000,000 to less than \$57,000,000. McMaster estimates that 55,000 sailors and 100,000 merchants and laborers were without work and that, as a result of the Embargo Act, American shipping lost \$12,500,000. The government's revenues from tariffs dropped from \$16,000,000 to a few thousand.

8. **Renewed Embarrassment.** Circumstances, therefore, forced the repeal of the Embargo Act. To replace it, the Non-Intercourse Act of 1809 was passed which prohibited trade with Great Britain and France

only. Three days after the passage of this act Jefferson was to intrust the Presidency to his chosen successor, James Madison. Though Jefferson had succeeded in maintaining peace over six trying years, the policy of "peaceable coercion" had clashed with some of his other beliefs. By what authority had the costly Embargo Act been passed? Under the power to regulate commerce, the Jeffersonians replied [28]. Did that grant give Congress the power to destroy commerce, for that is what the Embargo Act did? The fact is that its constitutionality rested upon a very loose construction of the Constitution.

But to Jefferson peace was dearer than the sacred principle of strict construction. In the ruins of their collapsed fortunes New England Federalists could easily, if again inconsistently, cry out, "The Embargo is unconstitutional." More annoying to Jefferson as he rested in retirement at Monticello must have been the knowledge that wholly unintentionally he had helped lay the foundations of an industrial East—the very thing he most distrusted. For out of the temporary ruins of New England shipping came the capital and leadership for a mighty industrial development.

Madison, like Jefferson, was a lover of peace, and as his Secretary of State for eight years was in full sympathy with Jefferson's general plan. The new President would follow Jefferson's tactics in diplomacy. But Madison soon found himself entangled in the web of diplomacy he had created. However, he did not possess the skilled leadership of Jefferson and Congress got beyond his control. Madison's first administration slowly drifted toward war; the second saw war itself.

THE SECOND WAR FOR INDEPENDENCE IS WAGED

9. **Madison's Peace Plans.** Shortly after Madison took office, the British minister informed the President that his government would withdraw her Orders in Council if we would suspend the operation of the Non-Intercourse Act as it applied to Great Britain. Madison eagerly embraced this peaceful gesture and proclaimed trade resumed with the British, only to learn that the British minister had been acting without instructions. All that the disappointed Madison could do was to restore the restrictions. Not waiting for the Non-Intercourse Act to expire, Congress next enacted (in 1810) the Macon Act which provided that as soon as Great Britain or France withdrew its decrees against our shipping, the Non-Intercourse Act would be revived against the other country.

In thus playing one country against another, Madison was pursuing a policy that might prove either clever or foolish. Napoleon now saw his

chance. He promptly notified Madison that the French Decrees were withdrawn. Madison in turn notified the British that unless her Orders in Council were repealed by February, 1811, the United States would revive the Non-Intercourse Act against her. No word came from the British, and consequently trade with them was forbidden. Napoleon neither stopped the seizure of American ships nor ever intended to do so despite his promises. Thus the year 1811 found us where we were when the Embargo Act was repealed, with one important difference however—we appeared to favor France. At its best Madison's diplomacy had failed.

Inasmuch as our foes continued their insults, our peace program seemed to be leading straight toward war. But the question was with which nation, since obviously we could not fight both. While Great Britain captured more vessels and impressed more men, France enforced her decrees in a more irritating and unjust manner. There were good reasons for warring on either nation. In 1811, however, three events occurred that aroused further hostility toward Great Britain.

In the first place, a conflict occurred off the Virginia coast between the American frigate *President* and the British ship *Little Belt*. Although the Americans were this time victorious, the incident only served to revive feeling over the *Chesapeake-Leopard* affair which still remained unsettled. Secondly, the report came from William Henry Harrison, governor of Indiana Territory, who had just put down an outbreak among the Northwest Indians, that the Indians were being supplied with war materials by the British in Canada. That the British government itself was giving this aid, however, has never been established. And thirdly, in November a new Congress met, filled with new men and new leaders determined to put an end to an intolerable situation.

10. Seamen's Rights and Western Expansion. Prominent among the new leaders was a group of ardently patriotic young Republicans known as "war-hawks." These included the eloquent Henry Clay from Kentucky and the clear-thinking John C. Calhoun of South Carolina, representatives of an agricultural group believing in territorial expansion. To the old issues of rights of neutrals or sailors' rights, such as freedom from impressment and seizure, was now added a third—the right of westward expansion free from foreign interference. Congressional halls rang with fiery oratory as the frontier-minded Congressman cried for a West free from British-made Indian troubles. Further, fur trade profits should go to the Americans, not the British. And, finally, the war-hawks cast a greedy glance toward Canada, desirous of acquiring more land and stamping out once for all the British-Indian menace.¹

¹ Nor was Spanish Florida overlooked, as the greed for territorial expansion gripped the war-hawks.

Enthusiasm broke all bounds as the young patriots boasted of conquering Canada in from four to six weeks. John Randolph, differing disgustedly with the younger element in the party, ridiculed the war-hawks by proclaiming that "agrarian cupidity, not maritime right, urges the war. Ever since the report of the Committee on Foreign Relations came into the House, we have heard but one word,—like the whippoorwill, but one eternal monotonous tone—Canada, Canada, Canada!"

11. "Mr. Madison's War." Unable to stay the war spirit, Madison called for action, and Congress on June 18, 1812, declared war [36]. With a war cry of "On to Canada!" America entered upon her "second war for independence," with George III still on the throne.

Two days before war was declared Great Britain moved to withdraw the offensive Orders in Council, and, had modern communication existed, war would probably have been prevented. In his war message Madison summarized our grievances against Great Britain since 1803 as insults to our flag on the high seas, illegal impressment of seamen, blockading of our ports, seizure of our ships, refusal to withdraw the Orders in Council, and incitement of the Indians against our frontier. With one exception, these war causes had to do with the rights of American merchantmen. However, when Congress faced the issue, the agricultural South and West were for war and the commercial New England and Middle States generally against it.

For the third time Republican principles were tested and reversed. The peace-loving Republicans were leading the nation into a war which the Federalists scornfully referred to as "Mr. Madison's War." It was a war that was to create a heavy deficit despite the levying of the hated direct taxes, and one that unavoidably was to increase the power and influence of the central government. Finally, as we shall see, the Federalists in self-defense were to adopt the most radical of Republican doctrines, the theory of nullification.

12. **The War on Canada.** The country was unprepared for war. Its army of about 7000 was led largely by Revolutionary generals now too old for active campaigning, and its navy consisted of but 16 ships. Fortunately for us, Great Britain concentrated the bulk of her strength in Europe for the final drive against Napoleon. By the time Napoleon was checked (April, 1814) and Great Britain was free to send larger forces to America, we were somewhat better prepared. As in the Revolutionary War, the War of 1812 was fought in the Northwest, in New York and in the South. The conquest of Canada, though frequently attempted, was not accomplished.

The struggle opened disastrously in the Northwest. In August, 1812, Detroit and all land west of Lake Erie fell into British hands without

battle owing to the cowardly inaction of General William Hull. (See map, Fig. 19.) By the fall of 1813, however, the Americans, under the able leadership of General William Henry Harrison, regained Detroit and the western territory and repulsed the British in the decisive battle of the Thames north of Lake Erie. That the Northwest was again in our possession was due in no small measure to the gallant action of Captain Oliver H. Perry, whose hastily built fleet on Lake Erie defeated the British fleet (September, 1813) at Put-in-Bay. By this triumph, Perry gave us control of Lake Erie, encouraged the American cause, and con-



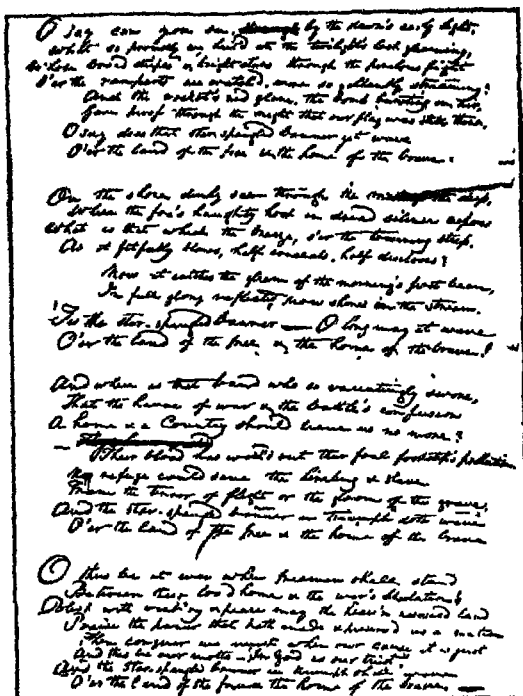
FIG. 19

tributed to naval tradition the victor's message, "We have met the enemy; and they are ours. Two ships, two brigs, one schooner and one sloop."

Our last attempt to invade Canada in the summer of 1814 did not carry us beyond Lundy's Lane where, close by the Canadian Falls at Niagara, a bloody battle was indecisively fought. About two months later the British thrust along the Lake Champlain-Hudson route was brought to a speedy end by the memorable fighting of Captain Thomas Macdonough and the defeat of a superior British fleet at Plattsburg on Lake Champlain. The Americans had failed to conquer Canada, and the British

invasion of our country had been repulsed. On land, honors seemed about even despite the superior numerical strength of the American forces.

13. The War in the South. While the invasion of New York was under way, a British force of 4500 under General Ross descended upon Washington and put to flight 7500 untrained militiamen. Obedient to



THE STAR-SPANGLED BANNER

Francis Scott Key's lyric, written in intense excitement under circumstances known to every schoolboy, is his only worth-while poem. Key was a lawyer, and at one time practised with Roger B. Taney, later Chief Justice. The verses were, according to Taney, written from memory in the morning on an envelope and rewritten that evening in a Baltimore hotel.

Ross's command, his troops put the torch to the Executive Mansion, the Capitol and other public buildings, while the President and other officials fled to the hills of Virginia. This disgraceful act was in revenge for the destruction of the parliament buildings at York (Toronto) in the preceding year by American soldiers.

The invaders then turned to the capture of Baltimore, but the heroic defense offered by Fort McHenry forced the British to abandon the

attack and sail away. When at dawn following a night of British bombardment the flag still waved above the fort, Francis Scott Key was inspired to write "The Star-Spangled Banner," later (in 1931) officially designated our national anthem.

At the close of 1814 the British made their last invasion of American soil in the Gulf region. They hoped to capture New Orleans and Louisiana, and thus be in a position to dictate humiliating terms of peace to the Americans. The British under General Pakenham and with some 10,000 men, many of them veterans released from the war against Napoleon, advanced against New Orleans with nothing but contempt for our militiamen.

Learning of the British approach, General Andrew Jackson, fresh from the defeat of the Creeks, the most hostile of the southern Indians, proceeded to the defense of New Orleans. Hastily gathering militia from the frontier of the Southwest, Jackson quickly threw up defenses and awaited the attack. On January 8, 1815, the major British offensive took place, the bloodiest battle of the war, in which Pakenham and about 2000 British fell before the crack rifle fire of the despised frontiersmen. The total American loss was 71. This great victory not only repulsed British veterans and freed New Orleans and the Southwest from invasion, but gave to the West a military hero in Andrew Jackson upon whom the political spotlight was to play in all its brilliance. The war that probably would not have begun, had there been modern means of communication, closed in a battle that would not have been fought, for peace had been signed two weeks earlier.

14. **The War at Sea.** Except for New Orleans, a victory which had no effect upon the peace terms, American warfare on land was unsuccessful. On the sea, however, to the glory of American naval history, the little American navy of 16 ships repeatedly checked the mistress of the seas with her thousand ships. In a series of sea duels the heroic deeds of Perry and Macdonough on the Lakes were repeated as the self-reliant Yankee seamen, expert in gunnery and with vessels of superior speed, brought renown to America and humiliation to Britain. In these running naval duels fought on three oceans, 254 of the enemy's naval and merchant ships were captured or destroyed. The daring recklessness of the *Constitution* ("Old Ironsides"), the *President* and the *Argus* especially stirred American pride.

Supplementing the efforts of the navy were some 500 privateers [36, note]. A privateer was an armed ship privately owned but commissioned by the government to make war upon the commerce and navy of the enemy. These vessels roamed the seas and brought in no fewer than 1300 prizes valued at \$39,000,000. Their success struck fear into the

hearts of British shipping interests already alarmed at rapidly rising marine insurance rates. But in the end the war at sea was not determined by naval duels or by the unparalleled success of American privateers. Aroused by the destruction, the British navy began to close in on the American coast, and by the summer of 1814 American trade was practically at a standstill. The British navy had destroyed or blockaded the American navy and merchantmen within American ports. American business suffered as exports dropped from \$61,000,000 in 1811 to \$7,000,000 in 1814, and imports from \$53,000,000 to \$13,000,000.

15. The Treaty of Ghent. The war was only three months old when the Czar of Russia suggested a peaceful settlement of the British-American dispute, but the British were deaf to the proposal. In the summer of 1814, however, Great Britain consented to negotiate, and British and American representatives gathered at Ghent in Belgium. The Americans desired peace, for the war had brought the government close to bankruptcy, and the ugly monster of nullification was raising its head in New England. At first the British made excessive demands upon us for territory. News of British reverses at Plattsburg and Baltimore, however, coupled with the uncertainty of remaking the map of Europe at the Congress of Vienna, caused them to change front.

At length the Treaty of Ghent resulted and was signed on Christmas Eve, 1814. After three years of inconclusive war, a "peace without victory" was accepted. Boundaries remained as they were before the war. Neither side gained nor lost. Nothing was said about impressment, seizure or British aid to the Indians on our frontier. But with Napoleon crushed and exiled from Europe, the British need for riding roughshod over the rights of neutrals no longer existed; and the question of sailors' rights was not to arise for another hundred years. Again America was at peace with the world, having gained its commercial independence and taught the British to treat us with respect. "Confident in their power to lick all creation," says Professor Morison, "the Americans turned their backs on Europe, and faced West."

16. Federalist Opposition to the War. At no time had "Mr. Madison's War" been popular in New England. Although mustering its share of troops for the regular army, New England would not send its militia beyond its own boundaries, and openly resisted the draft act. Although paying its share of war taxes, Federalistic New England opposed Republican finance legislation and bought only a small share of the war bonds.

If the war was being fought in part to protect seamen's rights, why did New England resist it? New England was opposed because, in the first place, it resented and feared the increasing power of the planting South and farming West, and plainly demonstrated this feeling in its opposition

American manufacturers and their market against foreign competition, and (2) by creating a new home market for farm products by providing better transportation to eastern markets. Protection and internal improvements would benefit East and West alike, Clay argued. In 1824 he succeeded in securing an increase in the tariff rates, but the sectional vote suggested that political harmony was coming to an end, if not already ended.

20. Missouri Compromise, 1820. The rapid push to the West from both the North and South brought to the front the issue of "balance of power" in the Senate where, of course, the states were equally represented. In 1811, when Louisiana sought admission to the Union, the commercial East, in fear of losing the balance of power to the agricultural West, threatened secession, for, in the words of a Massachusetts Federalist, "it will be the duty of some [states], to prepare, definitely, for a separation; amicably, if they can; violently, if they must." In 1818 when Missouri applied for statehood, the issue of the balance of power between free and slave interests was at stake, and for the first time the question of the expansion of slavery into the territories was thrown into the halls of Congress.

BALANCE OF POWER MAINTAINED. The North was alarmed. It was known that Alabama must soon be admitted as a slave state, as occurred in 1819. If Missouri were also admitted as a slave state, the balance of power in the Senate would go to the South. At this time Maine, with the consent of the parent state of Massachusetts [78, note], applied for admission as a separate state. This gave compromise its chance. Immediately it was proposed to admit Maine as a free state and Missouri as a slave state, and thus preserve the balance of power at 12-12. At this time the Senate added the Thomas Amendment to the Missouri Bill, which provided that slavery should be "forever prohibited" in the land north of 36° 30' within the Louisiana Territory except in the state of Missouri.¹ (See map, Fig. 20.) Congress accepted the Maine-Missouri Compromise with the Thomas Amendment, and Maine was admitted at once (1820). Missouri came in a year later after drawing up a constitution satisfactory to Congress.

A glance at the map shows that the North had hopes of gaining at least twice as many states (and double that number of Senators) as the South from this compromise. Either the South was not fully awake to the sectional significance of the compromise, or it believed the land north

¹ This congressional regulation of slavery in the territories is another example of Republican use of implied powers. By their votes at this time Southerners accepted not only the regulation but also the exclusion of slavery in the *territories*.

of Missouri unfit for settlement,¹ or it was misled by the immediate prospect of gaining another slave state, or it accepted the measure out of love for the Union. The eminent historian, Edward Channing, accepts the last view. The national current that was running so strongly had not yet been broken on the falls of sectionalism. To Jefferson at Monticello the Missouri question was "like a fire bell in the night, [which] awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence." The reprieve, however, was to last 40 years. John Quincy Adams read in the compromise the "title-page to a great, tragic drama."

21. The Monroe Doctrine, 1823. The most lasting piece of Republican nationalism was the bold "Hands off America!" policy known as the Monroe Doctrine. Aroused by European designs upon the American continents and at length convinced of the necessity of a bold protective policy by his Secretary of State, John Quincy Adams, President Monroe proclaimed the famous doctrine that bears his name. Briefly it announced that (1) the United States will not interfere in European affairs, (2) Europe must not interfere with existing governments in the Americas, and (3) Europe must not further colonize in the Americas. In verbal effect, the Monroe Doctrine was a high fence built around North, South and Central America; and perched atop this fence was the American eagle screaming at Europe, "You stay home and mind your business and we'll stay home and mind ours." Time alone would determine how Europe would receive this bit of Americanism. Many here wondered whether we could stand back of it, if it were challenged.

22. John Marshall's Opinions. No account of this period would be complete without the far-reaching opinions of John Marshall. This distinguished judge was appointed chief justice of the federal Supreme Court by President John Adams. Over a period of 34 years (1801-35) he staunchly maintained a Federalist interpretation of the Constitution in a series of more than 500 opinions. Although Republican Presidents, differing completely with Marshall's theory, appointed good Republicans to court vacancies, Marshall soon won them over to his views.

THREE MAJOR PRINCIPLES. The brilliant work of Marshall, which greatly extended the power and scope of the federal government, can be reduced to three principles. In the first place, in *Marbury vs. Madison* (1803), Marshall declared the power of the Supreme Court to set aside an act of Congress if in conflict with the Constitution. Although, as we

¹ Explorers of the region, including Lewis and Clark, reported it to be a desert. As late as 1820, an army officer, after an extended trip in the upper Louisiana region, reported that "it is almost wholly unfit for cultivation, and of course uninhabitable by a people depending on agriculture for their subsistence."

have seen, the Judiciary Act of 1789 implied this power and some of the Fathers of the Constitution believed the power lay with the Court, Marshall was the first to establish the fact. Pointing out in this case that it is the duty of the judiciary "to say what the law is," he announced that "a law repugnant to the constitution is void; and that *courts*, as well as other departments, are bound by that instrument." If the judiciary had this power, then the Constitution, said Jefferson, "is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."

Republicans might rage at this final power concentrated in a judiciary far removed from the people, but Marshall only proceeded to throw another and bigger bomb into their camp. The second principle, established in a number of cases, gave the judiciary the power to set aside acts of state legislatures if contrary to the federal Constitution. Although there was a case as early as 1810, a later case is especially noteworthy. In 1819, in *McCulloch vs. Maryland*, the Supreme Court held that an act of the Maryland legislature taxing a branch of the United States Bank was unconstitutional because "the power to tax involves the power to destroy." And no state legislature, thundered the Court, can destroy an institution which Congress under the Constitution has a right to create. In the same year, the Court in the famous Dartmouth College Case held that a charter which had been granted the college by the New Hampshire legislature was a contract, and under the Constitution could not be violated by the state [52]. In 1824, in *Gibbons vs. Ogden*, Marshall held that a monopoly of navigation on the waters of New York granted to two persons by that legislature was unconstitutional because regulation of interstate commerce was reserved to Congress. In these cases Marshall had defended the sanctity of contract, struck at monopoly, and handed down the first of a long series of opinions dealing with commerce.

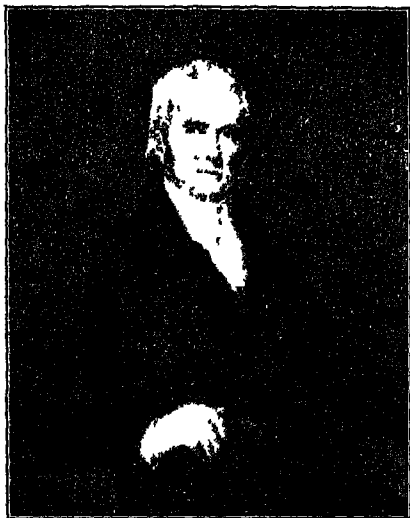
In 15 years (1809-24) Marshall set aside, in whole or in part, acts of one-half of the state legislatures. In his relentless legal warfare for nationalization, he had thoroughly aroused the states.

Marshall's third principle established the power of the Court to reverse a decision of a state court. This occurred for the first time in *Martin vs. Hunter's Lessee* (1816), a case in which the decision of the state court of Marshall's native Virginia was reversed.

23. Marshall and Implied Powers. In addition to the creation of these principles, Marshall inaugurated and freely used the idea of implied powers (*VIII*, 9), thereby further stretching the Constitution, to the increased dismay of the Republicans. In *McCulloch vs. Maryland* the Court ruled that the bank was constitutional. In this decision Marshall argued that the "necessary and proper" clause was put into the Constitution for

a purpose, and Congress must be given reasonable freedom in the exercise of this clause. In *Gibbons vs. Ogden* the Court interpreted regulation of commerce to include navigation, and building upon that foundation future courts were to extend the term to mean transportation and communication of all kinds (*VIII, 9*), and not merely buying and selling.

John Marshall is easily the greatest of our Chief Justices, and



JOHN MARSHALL AT 77

Marshall (1755-1835), our greatest Chief Justice, "found the judiciary the weakest of our governmental departments, and left it the strongest." From an engraving after a painting (1832) by Henry Inman. A copy of this painting was selected by the Secretary of the Treasury to appear on certain government bonds and notes.

it is impossible to exaggerate his services to the nation in breathing the life of nationalism into the Constitution. He not only greatly increased the power of the central government at the expense of the states, but by his views of implied powers gave a liberal interpretation to our Constitution that was to outlast conflicting party theories. He has been praised as the founder of American constitutional law and a great fountain of judicial precedent, for courts and lawyers still quote Marshall. He found the judiciary the weakest of our governmental departments, and left it the strongest. In desperation many opponents exclaimed, as Randolph did of one of his decisions, "All wrong, all wrong, but no man in the United States can tell why or wherein."

24. Republicanism in Backward Glance. The quarter-century ending in 1825 was the period of Jeffersonian Republicanism,

during which Jefferson, Madison and Monroe of the "Virginia dynasty" attempted to lead the country away from Hamiltonian influences. But it came about that, contrary to their theories, they greatly increased the power of the central government. They approximately doubled our territory in the Louisiana Purchase, they waged a nationalizing war, they erected an economic structure based upon a revival of the Hamiltonian bank, and they extended the protective tariff in the American System. A national policy abolishing slavery north of the Missouri Compromise Line was adopted, but the height of nationalism was reached in the

Monroe Doctrine. Under John Marshall numerous important decisions supported and even advanced the nationalism that the Republicans were following during this period. But to conclude that Republicanism failed because circumstances forced theories into the background would be a mistake. The fundamental ideals of Jefferson, championed by new leaders, were to go down the century sharply challenging the Hamiltonian standards.

Do You Understand These Terms or Expressions?

A. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. In the early 1800's "Republicanism" meant the economic, political and social ideals held by: (a) Hamilton's followers; (b) Jefferson's followers; (c) Federalists.
2. In insisting upon the right to impress American sailors the British: (a) refused to recognize the principle of naturalization; (b) held that these seamen were contraband; (c) argued that the sailors were belligerents.
3. Jefferson's policy of peaceable coercion is best described as an effort to insure peace by: (a) an international police force; (b) an economic boycott against offending nations; (c) development of domestic industries.
4. The term "radical" properly refers to: (a) new ideas or design; (b) a person whose political ideas are wrong; (c) Communism.
5. Nationalism is best described as: (a) belief in the idea of "America First"; (b) a feeling of unity and singleness of purpose throughout the country; (c) belief in the principle of isolation.
6. The American System during the Era of Good Feeling was: (a) a term descriptive of Jefferson's political beliefs; (b) a program to build up domestic agriculture and industry; (c) an effort to promote Southern prosperity at the expense of the North.
7. A tariff on imported goods sufficiently high to prevent imported goods from under-selling domestic products is: (a) an excise tax; (b) a protective tariff; (c) a tariff for revenue only.
8. For voting purposes balance of power is maintained when: (a) the majority group can out-vote the others; (b) votes are evenly divided among the factions; (c) some shift of balloting enables the minority to out-vote the majority.

Do You Know the Facts?

B. Match the following items in the right-hand column with the proper choice in the left-hand column. To do this, insert the number or numbers of choices in the parentheses in front of the proper item or items. There may be

items that cannot be matched. There may be others that can be matched with more than one choice.

CHOICES	ITEMS
1. O. H. Perry	a. () President during War of 1812
2. William Henry Harrison	b. () "Star-Spangled Banner"
3. James Madison	c. () "Old Ironsides"
4. Henry Clay	d. () Warned European nations to stay out of the Americas
5. James Monroe	e. () Battle of New Orleans
6. <i>The Constitution</i>	f. () Battle of Lake Erie
7. Andrew Jackson	g. () Battle of the Thames
8. Francis Scott Key	h. () "The American System"
	i. () President during Era of Good Feeling
	j. () Defeated British on Lake Champlain

C. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

- The issue of balance of power between free and slaveholding states in the United States Senate was settled temporarily by the: (a) Macon Act; (b) Missouri Compromise; (c) Louisiana Purchase.
- The most important single event in Jefferson's terms of office was the: (a) Louisiana Purchase; (b) War of 1812; (c) Hartford Convention.
- The period between the close of the War of 1812 and the mid-1820's was marked by: (a) strong sectional jealousy in the United States; (b) an unusual national economic and political unity; (c) recognition by the nations of Europe that the United States was a world power.
- A domestic influence frequently overlooked in establishing the causes for the War of 1812 was: (a) impressment; (b) demand of northern shipping interests for war; (c) a land-expansion crusade led by the "war-hawks."
- The chief significance of the Hartford Convention was that it: (a) ended the policy of peaceable coercion; (b) approved the doctrine of nullification; (c) brought an end to the declining Federalist party.
- During the Era of Good Feeling the Republican party: (a) continued its policy of strict interpretation of the Constitution; (b) pressed strongly for state's rights; (c) tended to strengthen federal power by advocating a nationalistic program.
- The first Supreme Court decision to declare an act of Congress unconstitutional was in the case of: (a) *McCulloch vs. Maryland*; (b) *Marbury vs. Madison*; (c) *Gibbons vs. Ogden*.
- In reaching his decisions, Chief Justice Marshall: (a) made extensive use of the doctrine of implied powers of Congress; (b) generally held.

to a strict interpretation of the Constitution; (c) tended to weaken the power of the federal government.

9. By agreement in 1820 slavery was to be excluded from: (a) Missouri; (b) all land north of 36° 30' in the Louisiana Territory except Missouri; (c) all land in the Louisiana Territory.

Can You Use What You Have Learned?

D. Some of the following statements are facts, others may be opinions. If the statement is a fact, circle the letter F; circle the letter O if it is an opinion.

1. F O Agricultural interests helped to bring about the War of 1812.
2. F O Political parties have found that their doctrines and ideals sometimes are not in accord with their immediate aims and interests.
3. F O Jefferson's program of peaceable coercion was a dreamer's gesture in a realistic world.
4. F O One of the important effects of the War of 1812 was the development of industry in the northern states.
5. F O In legislative struggles for voting strength the balance of power sometimes may be held by a third party or faction whose few votes, thrown one way or the other, may decide the issue.
6. F O Legislation that infringes upon what people believe are their economic rights promotes dissensions, and, sometimes, encourages evasion of the law.
7. F O Jefferson's Embargo Act of 1807 was unconstitutional.
8. F O Our participation in the Napoleonic Wars and in the First and Second World Wars demonstrates that it is impossible for the United States to keep out of "other people's wars."
9. F O Had there been any large-scale European Wars in the mid-1800's the American people would not have been able to have opened up their western territory.
10. F O A long period of comparative peace in Europe after the Napoleonic Wars enabled the American people to concentrate upon their own domestic development.

Summarizing Exercise

E. Circle the items in the following list that gave rise to nationalism between 1801 and 1824. Underscore the items that promoted sectionalism at the time.

1. New England Federalists; 2. Second U. S. Bank established; 3. affair between the *Chesapeake* and the *Leopard*; 4. Embargo Act; 5. Missouri Compromise; 6. "War-Hawks"; 7. "Peaceable Coercion"; 8. Tariff of 1816; 9. Declaration of War of 1812; 10. death of Federalist party; 11. Cumberland or National Road; 12. Monroe Doctrine.

Correspondence or Class Assignments

F. See general instructions under this heading, p. vi.

1. Illustrate why and how the Republicans, during the period from 1810 to 1825, adopted a nationalistic rather than a sectional interest with respect to each of the following: (a) the tariff; (b) banking; (c) internal improvements.
2. To what extent do the principles of Jeffersonian Republicanism influence American life and thought today? State your conclusions in terms of Jefferson's beliefs in: (a) common man; (b) minority rights; (c) the function of government.
3. Give an account of the Hartford Convention touching upon: (a) reasons why this Convention^a was called; (b) political theories advocated by the Convention; (c) why the Federalists believed it convenient to change their political theories.

Suggested Readings

Textbooks:

J. S. Bassett, *A Short History of the United States*, chaps. xiv-xvi, C. A. Beard, *The Rise of American Civilization*, chap. ix, H. W. Elson, *History of the United States of America*, chaps. xv, xvii and xviii, H. U. Faulkner, *American Political and Social History*, chaps. x-xi, and E. E. Sparks, *Expansion of the American People*, chap. xviii, contain accounts of the period from Jefferson's inaugural to the close of the Era of Good Feeling. For more detailed accounts of events within these years try: C. G. Bowers, *Jefferson in Power*; A. Johnson, *Jefferson and His Colleagues*; R. D. Paine, *The Fight For a Free Sea*, chaps. iii, v-ix, and *The Old Merchant Marine*, chaps. vi, viii; E. S. Corwin, *John Marshall and the Constitution*.

Biographies:

C. G. Bowers, *Jefferson and Hamilton*, chap. v, and *Jefferson in Power* give excellent portrayals of this great champion of the people. Other good accounts are: D. S. Muzzey, *Thomas Jefferson*, and A. J. Nock, *Jefferson*.

Historical Fiction:

E. M. Page, *The Tree of Liberty*, is a splendid story featuring Thomas Jefferson. Some of the many stories concerning the War of 1812 are: J. A. Altsheier, *A Herald of the West*; J. Barnes, *Midshipman Farragut* and *Yankee Ships and Yankee Sailors*; K. L. Roberts, *Captain Caution* and *Lively Lady*; H. B. Safford, *Mr. Madison's War*; and E. E. Hale, *The Man Without a Country*.

CHAPTER XI

Jacksonian Democracy—A Democracy for the Common People

THE POLITICAL REVOLUTION OF 1828 DEMONSTRATES THE POWER OF THE WEST

1. **Minorities vs. Majorities.** Political, social and economic forces frequently form themselves into well defined movements only after years of apparently harmless minority agitation. Frequently, also, the storm is gathering when the calm is most serene. Such seemed to be the situation during the closing years of the period of nationalism, called the era of good feeling. Nationalism apparently was accepted because the sections were not yet certain what their special interests were. Yet on every major nationalistic measure there had been a minority. Now it is a fact in history that frequently the minority of one generation becomes the majority of the next. Were these minorities the dissatisfied few, or did they represent the storm signals of approaching hurricanes? The latter unfortunately seemed to be the case.

We have just seen that the South in a burst of nationalism had limited its slave expansion in the territories against the advice of its own minority. In the tariff vote of 1824 the South questioned seriously the value of protection to its agricultural interests. New England, unable to decide whether its dominant interest was manufacturing or shipping, was divided on the tariffs of 1816 and 1824. But New England was a unit in its fear of the growth of the West. We have also seen that the rising power of the West was unable to secure its share of the American System in the form of internal improvements.

2. **Rise of Sectional Rivalries.** It is not surprising to find, therefore, that in the decade 1820-30 sectional interests began to take shape. Slowly the East (New England, New Jersey and eastern New York and Pennsylvania) developed an industrial outlook which placed high value upon a protective tariff, a strong banking system, cheap labor and a ready market for its manufactures. The South, owing to Eli Whitney's invention of the cotton gin (1793), saw its cotton crop jump from 2,000,000 pounds in 1791 to more than 330,000,000 pounds in 1826. As a result, it developed a sectional point of view based upon the plantation-slave

system. The South became interested in cheap western lands, unlimited slave expansion and cheap manufactured goods. The West was the supreme agricultural section. It wanted cheap land, cheap goods and good transportation, and, being always in debt, favored "cheap money."

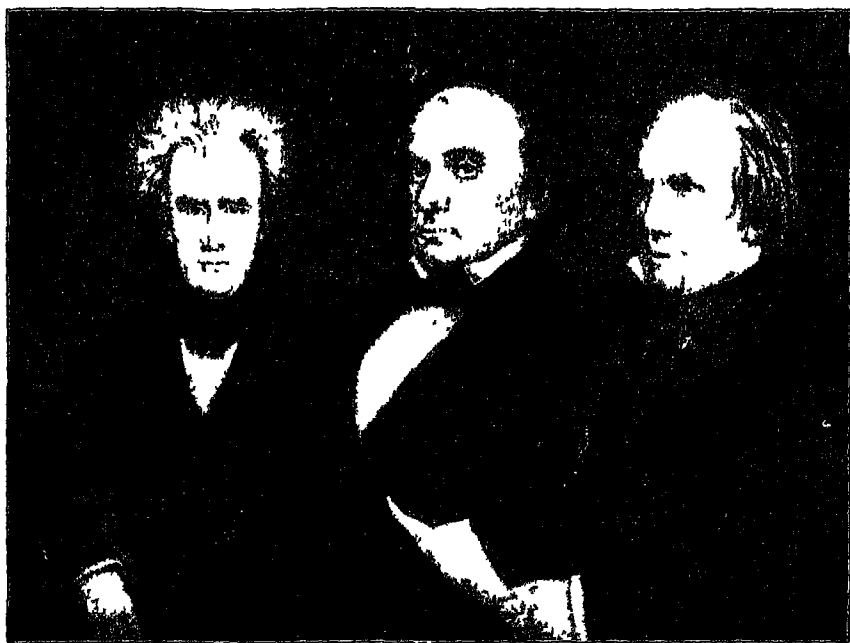
Here, then, were the possibilities of sectional conflicts. The East wanted protective tariffs; the South did not, and the West favored them only if accompanied by internal improvements. The West wanted easily available money and was not particular how sound it was. The East, the creditor class, stood for a well-regulated financial system. When the South wanted freedom to expand its slave system, the East talked about the "balance of power" between the free and slave states. Later many people in the East began to argue that slavery was immoral and opposed slave expansion into the territories. The East was opposed to the southern and western demand for cheap land because in the end it would drain the East of its cheap labor and swell the West into an agricultural majority. Then, too, the West was developing a free and easy type of democracy that cared nothing at all about class distinctions based upon family and wealth, still the ideal in the East. Despite the fact that in an economic sense these sections were dependent on one another, they were developing conflicting views on social, political and economic questions.

3. **An Era of Hard Feeling, 1825-29.** These slowly rising undercurrents of sectional feeling were clearly reflected in the presidential election of 1824. The non-partisan calm broke into a scramble of Republican "favorite sons" for the presidential nomination. Each section had one or more favorite candidates. New England reluctantly supported the unpopular John Quincy Adams of Massachusetts, son of the second President, who made no effort to secure the nomination. Though an able statesman with a broad and varied political experience, he was, as he wrote of himself, "a man of reserved, cold, austere, and forbidding manners." The South stood behind William H. Crawford of Georgia, a capable leader now returned to strict construction and state's rights. The western states offered two candidates. Kentucky presented Henry Clay, popular orator, famed Speaker of the House and spokesman for the West. General Andrew Jackson, the hero of New Orleans, was the proud choice of Tennessee, and "Old Hickory" was the West itself.

ELECTION OF 1824. Issues were not clean cut in the election, and so the campaign became one of personalities. When the electoral votes were counted, Jackson had 99, Adams 84, Crawford 41, and Clay 37. John C. Calhoun of South Carolina was elected Vice President. But since no candidate received a majority for first place, the election was thrown into the House of Representatives in accordance with the Constitution

(1788, 10). When the names of the three highest candidates were sent to the House, Clay, of course, was not included.

Thinking in terms of his own future, Clay threw his influential leadership to Adams rather than to Jackson, his western rival. Moreover, the known nationalistic plans of Adams included Clay's American System. Adams was elected on the first ballot and immediately made Clay Secretary of State. The fury of the Jackson men now broke. They spoke of



JACKSON, WEBSTER AND CLAY

From an engraving by John Sartain, who came to America from England in 1830. It is believed that Sartain intended to engrave the three leaders (Calhoun, Webster and Clay), but mistakenly used a portrait of Jackson for Calhoun. Rather than spoil the plate, Sartain completed the work and thus produced this most unusual group, for "Old Hickory" is naturally out of place.

an "unholy coalition" between Adams and Clay, and even accused them of a "corrupt bargain," charging that Clay's appointment was in exchange for his support of Adams. They claimed that Jackson, having received the greatest number of electoral and popular votes, was entitled to the House election. They solemnly proclaimed that "the sovereign will of the people, the almighty voice of this great nation . . . has been set at defiance." Remembering Clay's repeated reference to him as a mere "mili-

tary chieftain," Jackson now wrathfully called Clay the "Judas of the West." Late in 1825 Tennessee renominated Jackson, and the three-years' campaign for the election of 1828 commenced.

ADAMS'S HARD LUCK. Adams was one of the ablest statesmen the country ever had, but it was his misfortune to govern during a period of political and economic change. Mindful of his peculiar election, he estimated that perhaps two-thirds of the people were politically opposed to him. Advocating a broad nationalism which emphasized internal improvements, he wished to continue the policies of Monroe. But Adams soon learned that Congress and the country were in no mood for following

the Adams-Clay leadership. A bitter feud developed between the Adams-Clay and the Jackson-Calhoun groups. Strange tales were circulated concerning both Adams and Jackson, and for three years the Jackson forces kept alive the baseless story of the corrupt bargain.

Much political advantage was gained by the Jackson men in the passage of the "Tariff of Abominations" in 1828. By playing upon sectional jealousies, the anti-administration men in Congress so handled the tariff rates that Adams would be put in a hole whether he signed or rejected the bill. "The bill referred to manufactures of no sort or kind," remarked Randolph, "ex-

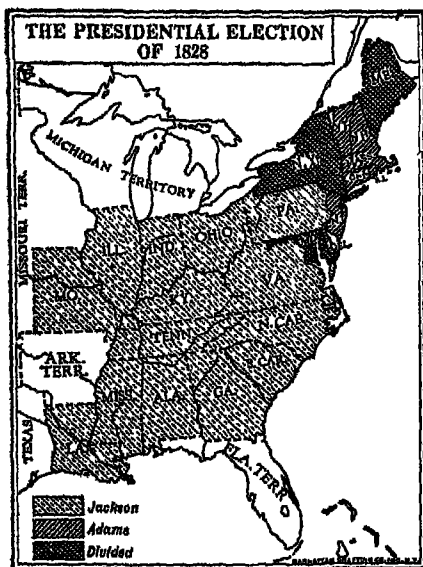


FIG. 21

cept the manufacture of a President of the United States."

By the close of Adams's term the Republican party was split into two wings, each desirous of retaining the name Republican. The followers of Adams and Clay became known as *National* Republicans because of their nationalistic policies. The Jackson men, hoping to return to Jefferson's ideals of state's rights and strict construction, became known as *Democratic-Republicans* (IX, 8). The era of good feeling had given way to an era of hard feeling and personal politics.

THE ELECTION OF JACKSON. As the election of 1828 approached, it was clear that the presidential battle would be between Jackson and Adams. After three years of strenuous campaigning by the Jackson men,

was not attained until 1928.¹ (See map, Fig. 22.) Between 1830 and 1850 the population did not quite double, yet in the same period the number of voters almost tripled. The popular election of presidential electors and the extension of suffrage therefore helped to enthrone Jacksonian Democracy, and the Jacksonian period in turn advanced the movement.



THE PEOPLE ARE IN THE SADDLE

4. The People's President. When 61-year-old Andrew Jackson, following the Jeffersonian manner, walked to his inauguration and took the oath of office on March 4, 1829, a new era was ushered in. The tall, slender, battle-scarred veteran of Indian and British warfare and personal duels made a striking and dignified appearance. His white hair stood erect over a forehead denoting intellectual power, and his determined jaws suggested his Scotch-Irish ancestry as much as the quarrelsome nature of a warrior. A soldier-boy at the tender age of 14, Jackson at 45 had not yet found himself. He had, it is true, dabbled in law and represented Tennessee in both houses of Congress, but he remained a military rather than a political leader. At 54 (in 1821) Jackson was military governor of Florida, and in 1824 Senator from Tennessee and a presidential candidate.

Jackson had the characteristics of a self-made man hardened by the stern realities of the frontier. To Jefferson who saw Jackson as a Senator in his earlier career, "his passions are terrible. . . . He could never speak, on account of the rashness of his feelings. I have seen him attempt it repeatedly, and as often choke with rage." Unschooled but not uneducated, "Old Hickory" was frequently irritable, impatient of opposition and strong of tongue and temper, but always open and straightforward. Convinced that he had a "mandate from the people" (which was truer than of any of his predecessors), Jackson plunged into the Presidency, guided more by intuition than by reason.

Ten thousand visitors were in Washington to witness the inauguration. Daniel Webster wrote that "a monstrous crowd of people is in the city. I never saw anything like it before. Persons have come five hundred miles to see General Jackson, and they really seem to think that the country is rescued from some dreadful danger."

After a brief Inaugural Address, Jackson made his way with difficulty

¹ In 1928 Rhode Island by popular vote abolished the last sign of a property test for voting in cities, when it discarded the real estate qualification of \$134, long on its statute books. Caught in the democratic tidal wave of the Jacksonian period, Rhode Island experienced Dorr's Rebellion in 1842, an armed uprising of those who couldn't vote led by a lawyer, Thomas W. Dorr. As a result, Rhode Island liberalized suffrage requirements for state elections.

through the crowds to the Executive Mansion where "open house" was to be held. Upon his arrival he found that many of the "people" had preceded him in their rush for the carnival. In their eagerness to catch a glimpse of Jackson, men stood with muddy boots upon damask-covered chairs. In their desire to welcome their hero they almost crushed him, and his physical safety was assured only by his withdrawal from the Mansion. In their haste to refresh themselves, they knocked trays of food to the floor from servants' hands and spilled gallons of punch on the carpets. Furniture and glassware were broken, women fainted, and men bore bleeding noses as the joyous event wore on. To an old Federalist, "the reign of King Mob seemed triumphant." But to a friend of democracy, "it was the people's day, the people's President, and the people would rule."

5. Jackson's Political Ideas. Jackson was not a theorist. His campaign presented no set of principles. It is true that his Inaugural Address touched upon issues, but it is a question whether it is to be considered a well-planned program. On the important issues of the tariff and internal improvements he seemed uncertain. While he professed to be a follower of the Jeffersonian ideals, he nevertheless departed from them on important occasions. A practical politician, he seemed to work out his program as he went along. His ideas, then, must be sought in the positions he took from time to time on issues as they presented themselves.

One thing, however, stands out boldly: Jackson's determination to fight relentlessly for the rights of the common people, to give them a very real share in the operation of the government itself, and to make democracy a workable scheme of government. He was the champion of the masses as against the privileged classes. He was the representative of the will of the people out to battle against privilege, monopoly, greed and power. Judged by a set standard he was inconsistent, but MacDonald says, "Jackson nevertheless had hold of the right end of the matter in every one of the great issues of his administrations."

JACKSONIANISM VS. JEFFERSONIANISM. While Jacksonian Democracy accepted the Jeffersonian principles, it was none the less a different brand of democracy. Jefferson had aimed at strong state democracies. Jackson probably had in mind a national democracy. Jefferson had believed in as little central government as possible. Jackson believed that the people ought to govern themselves as much as possible. Jackson represented a new time, a new section and a newly class-conscious group, and he belonged to each. Jefferson was a Virginia aristocrat who had a tender feeling for the masses and believed in and championed them. However, he did not intend that they should be the political masters.

One able writer has even suggested that 1828 is a more important date in the history of American democracy than 1776. He maintains that although Jefferson's Declaration of Independence gave us a new political dream, it remained for Jacksonian Democracy to give real form in government to Jefferson's ideals. At best Jeffersonianism was a government of the people and for the people. Jacksonianism created a government of the people, for the people, and by the people. It was 50 years after the



THE PEOPLE'S PRESIDENT

"The common people . . . had turned their government over to an 'untaught, self-willed, passionate frontier soldier'" This painting by Howard Pyle portrays Jackson (1767-1845) at the age of 61 on the way to his inauguration at Washington from his home in Tennessee. 'Old Hickory' was to usher in popular government.

immortal Declaration, and Mr. Common Man was given his first direct share in the federal government.

6. The Spoils System. As soon as Jackson was in office he gave the common man of his party a share in the offices. Men long in government service and presumably competent were suddenly dismissed, and the places given to Jackson's supporters. During the first year it has been estimated that Jackson removed about 850 men, principally postmasters, or about one-tenth of the total officeholders. During his two administrations about one-fifth of the offices were thus affected. Total removals by Jackson's predecessors had been under 200. Removals on such a large

scale for the sake of putting in loyal party men was something new in federal service.

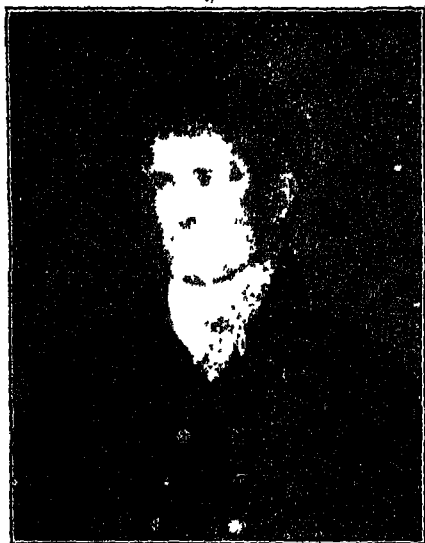
This practice, previously used in the states, is known as the spoils system. The term originated with a New York politician who believed that "to the victors belong the spoils." By today's standards such a system is properly regarded as not in the best interests of government. But like Jackson, the spoils system was a product of the times, and should be so judged. While Jackson did not originate the system, he was prepared to use it and to defend it as a "reform."

Jackson was criticized by his opponents not only for the removals but also for his inexperienced appointees. His reply was that "the duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance." One man was as good as another, maintained the people's President. When he was condemned for the economic cruelty visited upon men long secure in office, he replied that "he who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office." The spoils system, said the Jackson men, was one way of making government more democratic, for it ended the "aristocracy" of officeholding.

7. Rotation in Office. The demands of the western farmer and eastern mechanic that had lowered the suffrage requirements now achieved another victory. It was not enough that the common man should vote; he should also hold office. But the late eighteenth-century state constitutions had required rigid property tests for officeholders. Ten of the original states, for instance, set qualifications for governors ranging from 500 acres to £5000 in real or personal property. In eight states, to be a state senator one had to have property varying from 250 acres to £2000. And in seven states a member of the lower house had to own property ranging from 100 acres to £500. But gradually, as a result of democratic insistence, the states began to drop these property qualifications for officeholders. Then the newly eligible group discovered that few elected officials died. Believing that many, rather than a few, should have the right of holding office, agitation was begun for limiting the number of terms an officeholder could have. Accomplishing this, the opportunity for rotation in office went hand in hand with the spoils system. The people were in the saddle.

8. Nullification and State's Rights. Jackson's leadership was soon to be tested by the nullification controversy and the renewal of the charter of the second United States Bank. These issues were saturated with politics, though primarily economic questions. Here we are concerned with the politics of the tariff and the Bank.

CALHOUN AND THE "SOUTH CAROLINA EXPOSITION." With the passage of the "Tariff of Abominations" in 1828, the South had made up its mind that the tariff benefited the North at the expense of the South. Accordingly, late in 1828 John C. Calhoun, Vice President under Adams and Jackson and a staunch defender of the tariff in 1816 took action.



Corcoran Gallery of Art

JOHN C. CALHOUN AT 44

Calhoun (1782-1850) as he appeared two years before the "South Carolina Exposition." From a portrait by Charles Bird King in the Corcoran Gallery of Art, Washington. Calhoun represented the state's right doctrine of South Carolina and served in both houses of Congress. He was Secretary of War under Monroe, Vice President under Adams and Jackson, and Secretary of State under Tyler.

He secretly prepared the "South Carolina Exposition" which was adopted by that legislature and three others.

Declaring the protective tariff unconstitutional on the grounds that Congress both misused and exceeded its powers, this report repeated the compact theory of the Virginia and Kentucky Resolutions. It also added the means by which a state could act against abuse of power by the federal government. It further proposed that a state convention should be called which would determine whether a law was in violation of the compact theory of government. If found unconstitutional, the convention would recommend to the legislature the steps by which the law should be made ineffective within the state. A power thus questioned could not again be enjoyed by the federal government until three-fourths of the states consented to such amendment of the Constitution. Vague at first in his tariff declarations, Jackson

asserted in his 1830 message that the protective tariff was both constitutional and desirable, although conceding that abuses had crept into tariff laws.

THE WEBSTER-HAYNE DEBATES. Meanwhile the discussion found its way to the Senate, where, early in 1830, debate began on the Foote Resolutions which represented the eastern fear of rapid western expansion. Soon the debate left the issue of public lands, as Senator Robert Y. Hayne of South Carolina eagerly made the tariff issue one of state's rights versus centralized power. He referred to southern opposition to

the tariff as "resistance to unauthorized taxation." Eloquently Hayne presented the Jefferson-Calhoun doctrine that the Union is a compact of states, and that whenever the federal government exceeds its powers, nullification alone remains.

Senator Daniel Webster of Massachusetts replied to Hayne in what is regarded as the ablest speech ever delivered in Congress. He denied that the Union was a compact of *states*, and stoutly maintained that it was a union of *people*. It is "the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people."

As Webster understood the further constitutional issue involved, the question was, Where lies the power to determine whether or not laws are constitutional? He cast aside the "Carolina doctrine" that the states had power to interfere and pass upon the constitutionality of laws. If such were the case, one state would annul one law, another state another law, and so on, until the Union would be a "rope of sand." Earnestly Webster pleaded that the Supreme Court was the only final power to pass upon the constitutionality of laws. If differences arise or abuses occur, let them be settled as provided for in the Constitution, that is, by reference to the federal judiciary, by amendment, and by frequent elections. Fearful of any other method of settlement, the orator took his seat with the memorable closing words, "Liberty and Union, now and forever, one and inseparable!" ringing through the Senate chamber and out over the Union he loved so well. Calhoun and Hayne also ardently loved the Union, but their Union was one of state sovereignties. The Webster-Hayne debates, extending over ten days, had dramatically brought the country's attention to the two conflicting theories of union.

NULLIFICATION IN SOUTH CAROLINA, 1832. In which theory did Jackson believe? The country soon found out, for at a Jefferson Day dinner in 1830 Jackson, to the amazement of the South, gave the toast, "Our Federal Union: It must and shall be preserved." Calhoun threw back the intended challenge by proposing, "The Union: next to our liberty, the most dear: May we all remember that it can only be preserved by respecting the rights of the States. . . ." Although Jackson in 1831 recommended downward revision of the tariff as the South agitated for free trade, the Congress enacted the Tariff Act of 1832, somewhat lowering the rates but placing protection on a *permanent* basis. Since the industrial interests had really won the fight, the South no longer hoped for relief from Congress.

Events now moved with lightning rapidity. South Carolina called a convention to meet at Columbia in November, and by a vote of 136 to 26 adopted the Ordinance of Nullification. The ordinance declared the Tariff

Acts of 1828 and 1832 "null, void, and no law," and not "binding upon this State, its officers or citizens." Further, the ordinance boldly declared that any attempt of the federal government to enforce the distasteful acts after February 1, 1833, would compel the state to secede from the Union. The history of the Virginia and Kentucky Resolutions and the Hartford Convention seemed to be repeated (*IX, 13; X, 17*).

By its action South Carolina had nullified federal laws and was prepared to secede. What would Jackson do, now that his native state threatened the existence of the Union? Through a Congressman he sent the nullifiers the message: "Tell them from me that they can talk and write resolutions and print threats to their hearts' content. But if one drop of blood be shed there in defiance of the laws of the United States, I will hang the first man of them I can get my hands on to the first tree I can find." Jackson was fighting mad, and a man to be feared.

In December, in more carefully chosen words, the President issued a proclamation to South Carolina. The ablest state paper of his Presidency read in part: "I consider, then, the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."

Calhoun now resigned from the Vice Presidency and South Carolina immediately elected him to the Senate to battle for state's rights. South Carolina armed itself for resistance, but suddenly found itself alone. Calhoun, on the brink of treason, stopped short and cast about for some means of saving the day and his own face. Clay and Webster responded and joined forces with Calhoun to save the Union.¹ The result was that the Force Bill, empowering the President to use the army and navy in executing the laws in South Carolina, as requested by Jackson, was accompanied by a compromise on the tariff. Clay's Compromise Tariff Act (1833) provided for a gradual reduction of the rates over a ten-year period so that by 1842 the level of 1816 would be reached.

WHO WON? South Carolina now repealed the Nullification Ordinance and in a parting shot nullified the Force Act. But nullification was over, and both sides claimed victory. South Carolina had nullified and

¹ Calhoun, Clay and Webster represented the South, West and East, respectively. Frequently arrayed against one another in Congress, and perhaps greatest at such times, they did occasionally work for a common program. Their careers in many respects were strikingly similar. Of about the same age, they entered the House about the same time (1811-13), were elevated to the Senate about the same time (1827-32), and each served as Secretary of State. Each was trained to leadership at the bar, each was an able and convincing orator, and each aspired to the Presidency. And finally death came to each at the middle of the century (1850-52) before the Union they loved was shattered.

certainly succeeded in getting the tariff lowered. Jackson had maintained the supremacy of the Union and Calhoun, the "great nullifier," had ruined his chances of gaining the Presidency. In the long view of history, Jackson's common sense had won over Calhoun's logic. But the issue was not dead and 30 years later secession was to become a reality.

9. **Jackson's War on the Bank.** Jackson hated the United States Bank, politically as well as economically, and this hatred was expressed in three annual messages and elsewhere. The Bank, he said, engaged in political activities, was a "money power," a monster and cruel monopoly, and finally was unconstitutional. It is an established fact that the Bank wrongfully engaged in political activities. Daniel Webster, for example, was on its payroll as counsel, and a number of government officials, including Clay, received convenient loans. In three years such loans totaled close to \$1,000,000. At least one prominent New York paper was won over to the side of the Bank by a loan. It is also established that the Bank called upon debtors to pay their loans for the purpose of bringing on hard times, hoping thereby to crush political opposition.

As to the legality of the Bank, Marshall, in *McCulloch vs. Maryland*, had declared it constitutional (*X*, 23). But Jackson was his own constitutional lawyer, as is evidenced in his official statement that: "Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. . . . The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both."

JACKSON'S VETO OF THE BANK BILL, AND THE ELECTION OF 1832. Aroused by Jackson's hostility, Nicholas Biddle, president of the Bank, unwisely applied for a renewal of the charter early in 1832, four years before its expiration. Clay, with one eye on the President's chair, championed the bill, as did the National Republicans who pushed it through Congress in the early summer of 1832. If the bill were vetoed, as was expected, Clay hoped to make the Bank the issue in the November presidential campaign. Jackson did not disappoint Clay, for he returned a thumping veto. The Jackson press hailed the veto as a "second Declaration of Independence," and the Clay-Webster group were equally elated, for they were confident that Jackson had ruined himself politically. "Mr. Biddle's Bank," as Jackson called it, became the chief issue in the election.

The practice of nominating presidential candidates by party groups in Congress was now dead, so the parties turned to the national nominating convention as a more democratic means of nominating such candidates. The National Republicans unanimously nominated Clay, and the Demo-

cratic-Republicans nominated Jackson for first place and Van Buren for second place on the ticket. The election was a great personal victory for the President for, despite the desertion of Calhoun, Jackson was overwhelmingly reelected. The electoral vote was 219 for Jackson and 49 for Clay. For a second time the Presidency slipped through Clay's fingers.

Biddle was still hopeful, for much could happen in the four years still left to the Bank. "This worthy President," scornfully wrote Biddle, "thinks that because he has scalped Indians and imprisoned Judges, he is to have his way with the Bank. He is mistaken." When Jackson brought the Bank to an untimely death by a *gradual* withdrawal of government funds and refusal to make further deposits, he was publicly reprimanded in the Senate records.⁵ But not having exceeded his powers, the old warrior was to see the reprimand removed five years later. Jackson and the people still ruled.

10. **Growth of the Power of the Presidency.** Jackson's warlike spirit left no doubt as to who was master of the political situation. In the nullification controversy and in the war on the Bank, the riot act had been read to a state, and both Congress and the Supreme Court were rebuked or bent to his will. Under Jackson's three immediate predecessors the Presidency had lost power to the Congress. But this was changed, for Jackson not only dominated Congress but became the political leader of his party in the modern sense. Party organization took on the nature of a well-drilled and disciplined army, and party "machines" formulated political opinions for the masses and reaped votes for the chosen leaders.

The Senate's removal of its reprimand and Jackson's criticism of the court in the Bank controversy were high lights in Jackson's march to presidential leadership. In another case Jackson declined to uphold an order of the Supreme Court, stating, it is said, that "John Marshall has made his decision; now let him enforce it!" In his exercise of the veto power, Jackson vetoed nine bills, exactly the number of vetoes of all previous Presidents. In addition he liberally used the "pocket veto," a power heretofore unused. Where his predecessors had vetoed on constitutional grounds only, Jackson set aside laws on the general principle that he knew best what was good for the people (*VIII, 4*).

Jackson did not regard his cabinet as an advisory body but merely as the chief executive clerks, and soon discontinued its meetings. He sought and secured necessary advice from a body of men known as his "kitchen cabinet." This was a small group of political friends consisting of editors, minor officeholders and personal acquaintances. This group, always available to the President, acted as his chief lieutenants, supplying secret information and advice.

11. **The Whigs and "King Andrew."** As Jackson's second term wore on, his enemies thought he became more conceited and tyrannical, but nevertheless he continued to be admired by the masses. To the everlasting irritation of John Q. Adams, Harvard University in 1833 conferred an honorary degree of doctor of laws upon Jackson, the "barbarian" and "brawler from Tennessee," as Adams, a Harvard alumnus, disgustedly called him. Jackson's disregard for precedent and his defiant policies caused the opposition to consolidate into the Whig party in 1834. Deriving its name from the English Whigs who had earlier fought abuse of executive power by the king, the new Whig party was opposed to "King Andrew," whose rule they called the "reign of Andrew Jackson."

The party was made up of the National Republican followers of Clay and Webster plus all those dissatisfied with the outcome of the nullification and Bank controversies and the high-handed executive policies of Jackson. In short, the Whigs represented a curious combination of political wanderers bound together by a common anti-Jackson feeling. This strange party was in the main the descendant of the old Federalist party, and bridged the gap between Federalism and the rise of present-day Republicanism in the 'fifties. Because of their different elements and interests, the Whigs seldom were able to agree upon a set of principles, and only once (1844) did they select a candidate committed to a platform.

The Jackson party now assumed the name of Democrats, and for the next 20 years the old parties of Jefferson and Hamilton battled as Democrats and Whigs. In 1836 Jackson could have been reelected for a third term, but he declined the honor. With a final flourish of leadership, he selected his successor, and the Democrats dutifully nominated Martin Van Buren, a practical New York politician and Jackson's Vice President. The Whigs hoped to defeat Van Buren by throwing the election into the House. Their plan was to nominate three leaders, each of whom would carry his own section and thus prevent any candidate from getting a majority of electoral votes (*VIII, 11*). Accordingly, the sectional candidates on the Whig ticket were: Webster in New England, General William H. Harrison in the Northwest, and Senator White in the Southwest. Jackson's hold on the people was demonstrated when Van Buren received more popular and electoral votes than his opponents combined. The Democrats also carried both houses of Congress. To the surprise of the Whigs, "King Andrew" and the "people" still ruled.

12. **The Whigs and the Downfall of Van Buren.** Van Buren took office with the announced purpose of following in the footsteps of his "illustrious predecessor," but it was soon evident that he could not keep up the stride. Of average ability, he was soon swept off his feet by a storm not of his own making. The wild speculation which had marked

the close of Jackson's Presidency burst like a bubble soon after Van Buren entered office, and the country suffered the worst depression experienced up to that time.

However complicated the causes of depressions are, the public followed its customary practice and held the administration responsible. Stubborn economic problems had complicated politics. Aside from the Independent Treasury System, Van Buren seemed to have little to offer. As the election of 1840 approached, the blight of hard times was still on the country. The Democrats, blaming all on the "money power" renominated Van Buren. The Whigs passed by Clay, their leader, because he had previously been defeated for the Presidency (1824 and 1832). They shrewdly



POLITICAL CARTOON OF 1840

Jackson is here represented as helping Van Buren along the way to the White House and reelection over a road blocked by log cabins and hard cider. Hysteria, two dollars a day, and roast beef won; panic, fifty cents a day, and French soup lost.

nominated a Westerner, General William Henry Harrison, the best Whig vote-getter in 1836 and the "hero" of Tippecanoe. For the Vice Presidency the Whigs nominated John Tyler of Virginia, a Democrat but an anti-Jackson man. The campaign that followed was one of "hysteria," entirely lacking in reason.

Neither the Whig candidate nor the party had a platform, but they agreed on the slogan, "Down with Van Buren."

The Whigs promised the return of prosperity on

banners reading. "Matty's policy, fifty cents a day and French soup; our policy, two dollars a day and roast beef." They accused Van Buren of being an aristocrat, of eating with gold spoons and of perfuming his whiskers. Unwittingly a Democratic editor furthered the farce by stating that Harrison would be happy the rest of his life if he had a pension of \$2000 a year, a barrel of cider and a log cabin. The Whigs seized upon this jeering remark and turned it against the Democrats by making a virtue of Harrison's simple tastes, Log cabins and barrels of cider on tap marked future Whig meetings and parades, as the enthusiasts burst into their favorite song of "Tippecanoe and Tyler, too," ending with "Oh, Van is a used-up man!" When the shouting was over and the votes were

in, the unpopular Van Buren was swept out of office to the tune of 234 electoral votes to 60, even losing his own state of New York.

Harrison's victory was complete, for the Whigs captured both houses of Congress. But it proved to be an empty victory. Within a month of his inauguration President Harrison was dead, and John Tyler became the first Vice President to succeed to the Presidency. The Whigs paid dearly for putting a Democrat on their ticket. Disowned by the Democrats and unsympathetic with the Hamiltonian program of the Whigs, Tyler was soon a man without a party. Vetoing the pet measures of the Whigs including their bank bill, Tyler was constantly at odds with Congress.

13. Jacksonian Democracy and After. The 12 stormy years between 1829 and 1841 are the period of Jacksonian Democracy, for Van Buren's term is sometimes referred to as Jackson's third term. The period was marked (1) by an extension of democratic privileges to the common man without parallel in our history, (2) by warfare on monopoly that arrayed the masses against the classes, and (3) by a bold federal challenge to nullification that left no doubt as to its meaning. But above all Jacksonian Democracy meant (4) the domination of "Old Hickory" in political affairs—always, it should be remembered, in the name of the people.

The closing of the Jackson Era opened a period of a quarter-century which ushered in new problems. What these problems were to be the old warrior seemed to divine, for on the eve of retirement he wrote, "Of all things, never once take your eyes off Texas, and never let go of fifty-four-forty." With reference to the rising issue of slavery, he believed that the next cause for nullification or secession "will be the negro or slavery question." And finally, "If the Union is once severed," he wrote in his Farewell Address, ". . . the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and determined by the sword." Slavery, expansion, civil war—these were the problems just ahead.

Can You Use These Terms?

A. Some of the following statements are true, some are false. Circle the letter T if the statement is true. Circle the letter F if it is false.

1. T F In political party terms a "favorite son" is a possible candidate backed for nomination by the party members in a particular part of the country.
2. T F The "revolution of 1828" was an outburst against the excise tax on whiskey.
3. T F A President, or other official, elected by a large majority, after a campaign in which the issues are clear cut, may be said to have "a mandate from the people."

4. T F Believers in the Spoils System felt that government jobs should go to the people who had helped get the successful candidates elected.
5. T F To do away with what he felt was an "aristocracy" of office-holding, Jackson made use of rotation in office.
6. T F John Calhoun was opposed to the theory of nullification.
7. T F The political party that rallied to Jackson's support in his second term was the Whig party.
8. T F When Jackson referred to the United States Bank as a "money power" he meant that the Bank could issue bank notes.

Do You Know the Facts?

3. Match the three items in the right-hand column with the proper choices in the left-hand column. To do this insert the numbers of choices in the parentheses in front of the proper item or items. There may be items that cannot be matched. There may be others that can be matched with more than one choice. Consider answers in terms of following question.

What Were the Special Sectional Interests in the Later 1820's and After?

CHOICES	ITEMS
1. Cheap labor	() The East
2. Cheap money	
3. Unlimited slave expansion	
4. Cheap manufactured goods	() The South
5. Protective tariff	
6. Cheap western lands	
7. Strong banking and stable currency system	() The West
8. Improved transportation	
9. Ready markets for manufactured goods	
10. Low tariff	

5. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

1. The development of sectionalism in the mid-1820's created: (a) the Era of Good Feeling; (b) the Era of Hard Feeling; (c) indirectly an overwhelming vote for Jackson in 1828.
2. The Jacksonian period is marked for: (a) extension of democratic practices; (b) a bitter struggle over the question of South Carolina's demand to nullify the tariff; (c) increased power of the President.
3. Jackson was determined to do away with the Second United States Bank because he: (a) believed the Bank was a monopoly; (b) felt it

- played politics, (c) had little comprehension of the importance of an adequate banking system.
4. Political opponents of Jackson merged into one political party called the: (a) Democrats; (b) Republicans; (c) Whigs.
 5. The battle against nullification was waged in the Senate by: (a) John Calhoun; (b) Daniel Webster; (c) Robert Y. Hayne.
 6. The question of nullification was shelved temporarily by: (a) the Ordinance of Nullification; (b) Clay's Compromise Tariff of 1833; (c) the combined action of Calhoun, Clay and Webster.

Can You Use What You Have Learned?

D. Underscore the phrases or expressions that are not properly associated with other items in the group.

1. During the Jacksonian Era the following statesmen struggled to uphold the federal union: (a) John Calhoun; (b) Daniel Webster; (c) Andrew Jackson; (d) Henry Clay.
2. While Jackson was President the theory of nullification and state sovereignty was upheld by: (a) Robert Y. Hayne; (b) John Calhoun; (c) The South Carolina Exposition; (d) the Force Bill.
3. The United States Bank was done away with because: (a) it dabbled in national politics; (b) Jackson believed it was a money monopoly; (c) John Marshall declared it was unconstitutional; (d) it called in money loaned in order to bring pressure on its political enemies.
4. Among important extensions of democracy that had come about by 1828 were: (a) reduction of property requirements for voting in many states; (b) great growth of population; (c) elimination of property qualifications for voting in many states; (d) selection of presidential electors by popular vote in all but two states.
5. The industrial East and the agricultural West had similar economic interests in: (a) improved transportation; (b) cheap labor; (c) cheap western lands; (d) sound banking and currency systems.
6. The general political principles of Jeffersonian democracy are seen in the political ideals of: (a) Andrew Jackson; (b) Alexander Hamilton; (c) Franklin D. Roosevelt; (d) Woodrow Wilson.
7. Minority political parties are significant chiefly because: (a) they reflect the opinions of small groups; (b) sometimes they become the majority party in later years; (c) their radical views must be suppressed; (d) in a democracy minorities are entitled to express their views.

Summarizing Exercise

E. Below are seven statements concerning the Jackson Era. Underscore those for which Jackson, as President, was personally responsible.

1. Property qualifications for voting were lowered in some states and eliminated in others.

2. The United States Bank was destroyed.
3. Political party machines were developed.
4. The Spoils System and rotation in office were defended as a democratic practice.
5. The theory of nullification was declared to be unconstitutional and "... inconsistent with every principle on which it (the Union) was founded."
6. Presidential electors were chosen by popular vote in all but two states.
7. The power and the leadership of the President were increased.

Correspondence or Class Assignments

F. See general instructions under this heading, p. vi.

1. Show how democracy was extended during the Jacksonian Era touching upon the following areas: (a) national politics; (b) state and local politics; (c) political parties.
2. Compare the views of Thomas Jefferson and Andrew Jackson with respect to: (a) power of the federal government; (b) participation by the people in government; (c) the function of government.
3. Give an account of President Andrew Jackson's administrations including each of the following: (a) the Nullification Controversy; (b) the War on the Bank; (c) extension of the power of the President.

Suggested Readings

Textbooks:

J. S. Bassett, *A Short History of the United States*, chaps. xix-xx and pp. 461-80, C. A. Beard, *The Rise of American Civilization*, chap. xii, H. W. Elson, *History of the United States of America*, chap. xix, and H. U. Faulkner, *American Political and Social History*, chaps. xii-xvii, contain good general accounts of the Jacksonian Era. See also C. G. Bowers, *The Party Battles of the Jackson Period*, and F. A. Ogg, *The Reign of Andrew Jackson* for fuller treatments. An interesting account of the rise of the political party machine is S. P. Orth, *The Boss and the Machine*, chap. ii, and C. A. Beard, *American Government and Politics*, pp. 125-36.

Biographies:

Consult C. G. Bowers, *The Party Battles of the Jackson Period*, chap. vi, for brief sketches of Jackson's "Kitchen Cabinet." Good full length biographies of Andrew Jackson are: M. James, *The Life of Andrew Jackson* and J. S. Bassett, *Andrew Jackson*. For other leading figures try S. G. Fisher, *The Truc Daniel Webster*; J. M. Rogers, *The True Henry Clay*; H. Hunt, *John C. Calhoun*.

Historical Novels:

The Jacksonian Era is the setting for many historical narratives. Some are: I. Bacheller, *The Light in the Clearing*; M. Dillon, *The Patience of John Merland*; S. H. Adams, *Gorgeous Hussy*.

Full Course Review and Self-Check

Do You Understand the Sequence of Events?

A. Indicate the chronological order of the events mentioned within each of the following groups by placing the letters a, b, c in the appropriate parentheses.

- | | |
|--|---|
| 1. () The Commercial Revolution | 2. () English settle Jamestown, Virginia |
| () The Crusades | () Spanish conquest of Mexico |
| () Discovery of America | () LaSalle claimed Mississippi Valley for France |
| 3. () English control eastern North America | 4. () Mercantilism enforced |
| () French and Indian War | () Self-government begins in British colonies |
| () French established in Canada | () French and Indian War |
| 5. () First Continental Congress | 6. () Second Continental Congress |
| () New England Confederation | () Articles of Confederation |
| () Albany Plan of Union | () Declaration of Independence |
| 7. () Constitutional Convention | 8. () Jeffersonian Period |
| () Bill of Rights or first ten Amendments | () Critical Period |
| () Articles of Confederation | () Federalist Period |
| 9. () Era of Good Feeling | 10. () French and Indian War |
| () War of 1812 | () American Revolution |
| () Jacksonian Era | () War of 1812 |

Are You Able to Associate Names with Events?

B. Match the items in the right-hand column with the proper choices in the left-hand column. To do this insert the number of the proper choice in the parentheses in front of the proper item.

CHOICES	ITEMS
1. Denounced British taxation in Virginia House of Burgesses	a. () James Otis
2. Served Chief Justice of the Supreme Court	b. () Ferdinand Magellan
3. Established the "Holy Experiment" in his colony.	c. () Samuel de Champlain
4. Won Battle of Lake Erie in War of 1812	d. () Patrick Henry
5. Declared against the Writs of Assistance	e. () Roger Williams
6. Second President of the United States	f. () Samuel Adams
7. Wrote <i>Common Sense</i>	g. () William Penn
8. Established French power in North America	h. () Benjamin Franklin
9. Naval hero of the Revolution	i. () O. H. Perry
10. Founded Rhode Island	j. () Daniel Shays
11. Represented United States in France during the Revolution	k. () John Adams
12. His ships sailed around the world, 1519-22	l. () George Rogers Clark
13. The "Father of the Revolution"	m. () John Paul Jones
14. Campaigned in the Ohio valley during the Revolution	n. () Thomas Paine
15. Led a revolt during the Critical Period	o. () John Marshall

Do You Know These Principal Facts?

C. Underscore the phrases or expressions that correctly complete the following statements. There may be more than one correct response to a statement.

- The first legislative body established in British colonial America was the: (a) Massachusetts General Court; (b) Mayflower Compact at Plymouth; (c) Virginia's House of Burgesses.
- The strongest single factor in encouraging migration to America in colonial times was: (a) greater economic opportunity; (b) religious persecution; (c) desire to spread Christianity.
- The development of new trade routes in the 1500's and 1600's resulted in a: (a) shift in trade centers; (b) decline of the importance of many Mediterranean ports; (c) growth in importance of Atlantic coastal ports.

4. The religious ideas of the New England Puritans are reflected most closely today in the practices of the: (a) Protestant Church; (b) Congregational Church; (c) Episcopal Church.
5. The Indians of New York's strategic Mohawk Valley who sided with the English against the French were the: (a) Algonquins; (b) Sioux; (c) Iroquois.
6. The British government began to enforce mercantilism: (a) at the close of the French and Indian War; (b) by abandoning the practice of Salutary Neglect; (c) in the ten years before the outbreak of the Revolution.
7. The Declaration of Independence was written by: (a) John Locke; (b) Thomas Jefferson; (c) George Washington.
8. The Alliance with France in 1778 was an indirect result of the battle of: (a) Trenton; (b) Saratoga; (c) Yorktown.
9. The central governing body of the United States during the Revolution was the: (a) First Continental Congress; (b) Second Continental Congress; (c) Committee of Correspondence.
10. Notable among the acts of Congress under the Articles of Confederation was the: (a) Declaration of Independence; (b) Northwest Ordinance of 1787; (c) ratification of the Constitution.
11. Probably the biggest problem facing the Constitutional Convention was to find means to: (a) devise a central government with sufficient power and at the same time preserve necessary rights of the states; (b) revise and strengthen the Articles of Confederation; (c) enforce our treaties with Spain and Britain.
12. The Convention solved the problem of representation of large and small states by: (a) giving representation to all states equally in the Senate and according to state population in the House of Representatives; (b) the Great Compromise; (c) establishing a government on the *national* or population principle.
13. An important power granted to Congress that the Articles of Confederation did not grant was: (a) power to lay and collect taxes; (b) control of public lands in the West; (c) power to borrow money.
14. The Bill of Rights was added to the Constitution: (a) to protect the rights of the people and the states; (b) during the Convention; (c) after the Constitution was ratified.
15. The principle of separation of powers and the theory of checks and balances are a part of our Constitution because they: (a) enable the government to work more rapidly; (b) prevent any one department from becoming too powerful; (c) distribute the functions of government among three major departments.
16. The Supreme Court has the power: (a) of judicial review of acts of Congress, of state legislatures, and decisions of state and other federal courts; (b) to impeach the President; (c) to create lower federal courts.

17. During Washington's terms of office a Federalist was a person who: (a) advocated a strong central government; (b) favored loose construction of the Constitution; (c) believed in a pro-British foreign policy.
18. The leader of the Anti-Federalist party in the latter 1790's was: (a) Samuel Adams; (b) Alexander Hamilton; (c) Thomas Jefferson.
19. Notable contributions of the Federalist party to the young nation were: (a) establishment of the credit of the United States; (b) a foreign policy that preserved peace at the time; (c) strict interpretation of the Constitution.
20. Thomas Jefferson, our third President, believed: (a) in the rights and interests of common man; (b) strict interpretation of the Constitution; (c) state's rights.
21. The greatest single event in Jefferson's terms of office was the: (a) Louisiana Purchase; (b) Kentucky and Virginia Resolutions; (c) Embargo Act.
22. Immediately following the War of 1812 the United States experienced a brief period: (a) of intense sectional rivalry; (b) of unity; (c) known as the Era of Good Feeling.
23. Sectionalism after the War of 1812 was temporarily checked by the: (a) death of the Federalist party; (b) Missouri Compromise; (c) election of Andrew Jackson.
24. The decisions of Chief Justice John Marshall: (a) tended to uphold state's rights and strict interpretation of the Constitution; (b) made wide use of the implied powers clause of the Constitution; (c) strengthened the federal government.
25. The Jacksonian Era saw: (a) a great extension of democratic practice; (b) a decline in sectionalism; (c) the rise of the Whig party.

What Ideas Have You About the Development of American Democracy?

D. Some of the following statements are true, some are false. Others may be opinions. If the statement is true, circle the letter T; if it is false, circle the letter F. Circle the letter O if it is an opinion.

1. T F O Many people came to the British colonies in North America in search of religious freedom.
2. T F O The idea of political democracy was invented by the American colonists.
3. T F O The general principles of self-government were inherited from England.
4. T F O In the middle colonies a diversity of religious groups influenced the trend toward religious tolerance.
5. T F O The colonies made no attempt to unite for a common purpose until after they declared their independence in 1776.

6. T F O If England had not attempted to enforce the imperialistic policy of mercantilism, the colonies would never have declared their independence.
7. T F O The American people have been drawn into every major European war since early colonial times.
8. T F O An important factor in bringing on the American Revolution was the defeat of the French in the French and Indian War.
9. T F O The population in America remained almost 100 per cent English until long after the Revolution.
10. T F O Revolt against custom or established rule is usually begun by minority groups.
11. T F O Minorities are not entitled to a hearing or to any form of representation because in a democracy it is the majority that rules.
12. T F O In a democracy governments derive "their just powers from the consent of the governed."
13. T F O The framers of the Articles of Confederation should have realized that they were proposing a government that had no power to govern.
14. T F O The Articles of Confederation created a government too weak to be of any service.
15. T F O The Northwest Ordinance of 1787 established a means whereby new territories could become states on equal footing with the original states.
16. T F O At the time the Constitution was ratified practically all adult male citizens of the United States could vote.
17. T F O Our fundamental rights are stated in the first ten Amendments.
18. T F O A strict interpretation of the Constitution is desirable in order to protect the interests of the states and of the people.
19. T F O The practice of nullification would tend to weaken the power of the federal government.
20. T F O The only way in which our Constitution can be adapted to changing times is by adding amendments.
21. T F O Further means should be devised to check the great power of the Supreme Court over federal legislation.
22. T F O There should be a law limiting the number of terms a President may serve.
23. T F O The "implied powers" or "elastic" clause of our Constitution permits great flexibility in interpreting the enumerated powers of Congress.
24. T F O Political parties are destructive of the interests of democratic government.

25. T F O Social and political democracy in the United States advanced considerably between 1789 and the mid-1800's.

Have you applied for your End-of-Course Test? See "How To Use This Book," p. vii.

Have you completed your Course Essay? See "How To Use This Book," p. vi.

APPENDIX I

The Declaration of Independence¹ in Congress, July 4, 1776²

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA,

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.—We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.—He has refused his Assent to Laws, the most wholesome and necessary for the public good.—He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.—He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.—He has called together legislative bodies at

¹ The spelling, capitalization, punctuation and paragraphing of the original document are here followed, as issued by the Department of State. This famous charter of liberty is now preserved in the Library of Congress.

² Adopted on this date by the Second Continental Congress. Curiously enough, the first "Fourth of July" celebration occurred July 8, 1776, for it was on that date in Philadelphia that the document was first read to the public. It was upon this occasion, according to tradition, that the "Liberty Bell" in the State House (now known as Independence Hall, with its prophetic inscription, "Proclaim Liberty throughout all the land unto all the

places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.—He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.—He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.—He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.—He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.—He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.—He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.—He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.—He has affected to render the Military independent of and superior to the Civil power.—He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:—For quartering large bodies of armed troops among us:—For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:—For cutting off our Trade with all parts of the world:—For imposing Taxes on us without our Consent:—For depriving us in many cases, of the benefits of Trial by jury:—For transporting us beyond Seas to be tried for pretended offences —For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:—For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:—For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.—He has abdicated Government here, by declaring us out of his Protection and waging War against us.—He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.—He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.—He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.—He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions. In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in peace Friends.—

inhabitants thereof," was rung to call the citizens together. In 1835 the historic crack appeared in the bell as it was being tolled for the funeral of Chief Justice John Marshall.

WE THEREFORE, THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.—And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other^{*} our Lives, our Fortunes and our sacred Honor.

John Hancock³

Button Gwinnett
Lyman Hall
Geo Walton.
W^m Hooper
Joseph Hewes,
John Penn
Edward Rutledge.
Tho^s Heyward Jun^r.
Thomas Lynch Jun^r.
Arthur Middleton
Samuel Chace
Carter Braxton
Rob^t Morris
Benjamin Rush
Benjⁿ. Franklin
John Morton
Geo Clymer
Ja^s. Smith.
Geo. Taylor
James Wilson
Geo. Ross
Casar Rodney
Geo Read
Tho M^r Kean
W^m Floyd
Phil. Livingston
Fran^s. Lewis
Lewis Morris
Rich^d. Stockton

W^m. Paca
Tho^s. Stone
Charles Carroll of
Carrollton
George Wythe
Richard Henry Lee.
Th Jefferson
Benjⁿ Harrison
Tho^s Nelson Jr.
Francis Lightfoot
Lee
Jn^s Witherspoon
Fra^s. Hopkinson
John Hart
Abra Clark
Josiah Bartlett
W^m. Whipple
Sam^l Adams
John Adams
Rob^t Treat Payne
Elbridge Gerry
Step Hopkins
William Ellery
Roger Sherman
Sam^l Huntington
W^m. Williams
Oliver Woolcott
Matthew Thornton

^{*} Hancock, whose large signature has become so well known, was president of the Congress. The formal signing of the Declaration took place August 2, 1776.

APPENDIX II

*The Constitution of the United States of America*¹

THE PREAMBLE²

1. We, the People, Voting by States, Establish the Union. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, 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. THE LEGISLATIVE DEPARTMENT

SECTION 1. THE CONGRESS

2. A Congress of Two Houses Has Legislative Power. 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 2. THE HOUSE OF REPRESENTATIVES

3. The People Elect Their Representatives. 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 Electors³ of the most numerous Branch of the State Legislature.

4. Who May Be Representatives? 2. No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and 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.

5. Representation in the House Is Based on Population. 3. Representatives and direct Taxes⁴ 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*

¹ The printing of the Constitution as issued by the Department of State is here followed, except for the headings in heavy-faced type, the insertion of brackets and the use of italics.

² The preamble is merely an introduction. It states the general purposes in the minds of the framers of the document, but grants no powers. Its clauses, however, have been used to read meaning into clauses in the body of the Constitution.

³ "Electors" here means voters.

⁴ The income tax, as a form of direct tax, may now be levied under the provisions of the Sixteenth Amendment [107].

of Years, and excluding Indians not taxed, three fifths of all other Persons.^{5]}" 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 Representatives shall not exceed one for every thirty Thousand,⁷ 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 chuse 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, and Georgia three.]

6. Vacancies in the House Are Filled by Election. 4. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

7. The House Selects its Speaker and Has Sole Power to Impeach. 5. The House of Representatives shall chuse their Speaker and other Officers, and shall have the sole Power of Impeachment.

SECTION 3. THE SENATE

8. Representation in the Senate Is Based on the States. 1. The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]⁸ for six Years, and each Senator shall have one Vote.

9. One-third of the Senators Are Chosen Every Two Years. 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,]⁹ 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.]¹⁰

10. Who May Be Senators? 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.

11. The Vice President Presides over the Senate. 4. The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

12. The Senate Chooses its Other Officers. 5. The Senate shall chuse 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.

13. The Senate Has Sole Power to Try Impeachments. 6. The Senate shall have the sole power to try all Impeachments.¹¹ When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief

⁵ "Persons" here refers to slaves. The word "slave" does not appear in the Constitution, although the word "slavery" is found in the Thirteenth Amendment. The famous three-fifths compromise has been superseded by the Thirteenth and Fourteenth Amendments [98 and 101]. Citizenship has now been granted to the Indians.

⁶ Brackets with the italics indicate parts no longer in effect.

⁷ Under the 1930 census there was one representative for about every 280,000 persons; under the census of 1940, one for about every 300,000. Congress failed to reapportion representation on the basis of the census of 1920.

⁸ Superseded by the Seventeenth Amendment [108].

⁹ A temporary provision.

¹⁰ Changed by the Seventeenth Amendment. [109].

¹¹ Thirteen impeachments have been brought by the House, with four convictions by the Senate. The persons convicted and removed from office were judges.

Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

14. Conviction May Result in Removal from and Disqualification for Office. 7. Judgment in Cases of Impeachment shall not extend further than to removal 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 4. ELECTION AND MEETINGS OF CONGRESS

- 15. The State Legislatures and Congress Determine Conditions of Elections.** 1. The Times, 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.
- 16. Congress Must Meet Once a Year.** 2. *[The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.]*¹²

SECTION 5. ORGANIZATION AND RULES OF THE HOUSES

17. Each House Has Power to Reject Members. 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.

18. Each House Makes its Own Rules. 2. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

19. Each House Must Keep and Publish a Record of its Proceedings. 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.

20. Both Houses Must Agree Regarding Adjournment. 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 6. PRIVILEGES OF AND PROHIBITIONS UPON CONGRESSMEN

21. Congressmen Receive a Salary from the United States and Are Entitled to Certain Privileges.¹³ 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.

22. A Congressman Must not Hold any Other Federal Civil Office. 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.

¹² Changed to January third by Twentieth Amendment [117].

¹³ Popularly the term "Congressman" means a member of the lower House, but properly it means either a Senator or Representative.

SECTION 7. METHOD OF PASSING LAWS

23. Revenue Bills Must Originate in the House.¹⁴ 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.

24. The President May Veto Congressional Bills, but Congress by a Two-thirds Vote Can Override the Veto. 2. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve 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 Objections 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 Votes 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.

25. The President's Qualified Veto Extends to All Congressional Measures.¹⁵ 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 repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. THE ENUMERATED POWERS OF CONGRESS¹⁶

26. Congress Has Power to Lay and Collect Taxes. 1. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

27. Congress May Borrow Money. 2. To borrow Money on the credit of the United States;

28. Congress Regulates Foreign and Interstate Commerce. 3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

29. Congress Legislates Concerning Naturalization and Bankruptcies.¹⁷ 4. To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

¹⁴ A revenue bill is any bill designed primarily to raise money for governmental purposes. In practice, appropriation or money-spending bills tend to originate in the House, although there is no such constitutional requirement. In the case of either bill, the Senate can amend as it desires. In effect, then, the financial powers of the two Houses are equal.

¹⁵ Proposals of amendment to the Constitution and concurrent resolutions—congressional expressions of opinion—do not require presidential approval.

¹⁶ Additional powers of Congress are granted in Amendments XIII-XVI [98-107] and XIX-XXI [114-24].

¹⁷ Bankruptcy is a legal process enabling an individual unable to pay his debts in full to divide his property proportionately among his creditors, thus releasing him from further legal obligation for the debts in question. State legislation regulated bankruptcy procedure until Congress legislated in 1898, thus establishing "uniform" but not exclusive regulation,

30. Congress May Provide for Coining Money. 5. To coin Money, regulate the Value thereof and of foreign Coin, and fix the Standard of Weights and Measures;

31. Congress Has Power to Punish Counterfeiting. 6 To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

32. Congress May Establish a Postal Service. 7. To establish Post Offices and post Roads;

33. Congress May Grant Copyright and Patent Privileges.¹⁸ 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;

34. Congress May Establish Inferior Courts. 9. To constitute Tribunals inferior to the supreme Court;

35. Congress May Punish Crimes Committed on the High Seas.¹⁹ 10. To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

36. Congress Has Power to Declare War. 11. To declare War, grant Letters of Marque and Reprisal,²⁰ and make Rules concerning Captures on Land and Water;

37. Congress Raises and Controls Size of the Army. 12. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

38. Congress Provides for and Controls Size of the Navy. 13. To provide and maintain a Navy;

39. Congress Makes Rules for Regulation of the Army and Navy. 14. To make Rules for the Government and Regulation of the land and naval Forces.

40. Congress May Call Out the State Militia. 15 To provide for calling forth the Militia to execute the Laws of the Union, suppress insurrections and repel Invasions;

41. Congress and the States Control the State Militia. 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;

42. Congress Has Sole Power over the District of Columbia. 17. To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the 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

43. In Addition, Congress Has "Implied Powers," Resulting from the Elastic Clause. 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.

¹⁸ A copyright protects the exclusive rights of publication and sale of a writer, artist, musician, photographer and similar producers for a period of 28 years, with the right of renewal for a like term. A patent grants an inventor protection on the profits of his invention for a period of 17 years. Patent renewals are rare and only by special act of Congress.

¹⁹ "High seas" are the ocean waters beyond the three-mile limit, beyond which no country has exclusive rights. Piracy, or robbery at sea, was more or less common in the eighteenth century. Felonies are serious crimes punishable by death or imprisonment. The law of nations is international law and usually involves neutrality rights.

²⁰ Letters of marque and reprisal are governmental commissions to privateers or privately owned and operated ships to make war on the ships of the enemy. No commissions were issued for the War between the States or later wars.

SECTION 9. POWERS DENIED TO THE UNITED STATES²¹

44. Congress Must not Limit Immigration before 1808. 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 ten dollars for each Person.*]²²

45. Congress Must not Suspend the Writ of Habeas Corpus Except During Rebellion or Invasion. 2. The Privilege of the Writ of Habeas Corpus²³ shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

46. Congress Must not Pass Bills of Attainder or Ex Post Facto Laws.²⁴ 3. No Bill of Attainder or ex post facto Law shall be passed.

47. Congress Must not Levy Direct Taxes Unless in Proportion to Population. 4. No Capitation, or other direct,²⁵ Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

48. Congress Must not Levy Export Taxes. 5. No Tax or Duty shall be laid on Articles exported from any State.

49. Congress in its Regulations Must not Favor One Port over Another. 6. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

50. Congress Controls All Expenditures. 7. 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.

51. Congress Cannot Grant Titles of Nobility. 8. 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 the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. POWERS DENIED TO THE STATES²⁶

52. The States Are Denied Certain Important Powers. 1. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit;²⁷ make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligations of Contracts, or grant any Title of Nobility

²¹ Other restrictions on the United States will be found in Amendments 1-X [86-95].

²² A temporary clause referring to the importation of slaves—a subject for compromise in the Constitutional Convention.

²³ A writ of *habeas corpus* is a court order demanding that the person being detained (in prison, asylum, or elsewhere) be delivered over to the court, which will determine whether the person is being legally or properly detained.

²⁴ A bill of attainder is a legislative act which inflicts punishment without judicial trial. An *ex post facto* law is legislation which makes criminal an act which was not contrary to law when committed, or which in any way works to the disadvantage of the person accused of a crime committed before the law was passed.

²⁵ A poll tax and a tax on land are the only forms of direct taxes. Since incomes may come from the ownership of land, the Sixteenth Amendment was necessary in order to levy an income tax [107].

²⁶ Additional restrictions upon the States will be found in Amendments XIII-XV [98-106], and XIX [114-15].

²⁷ Bills of credit are paper money.

53. The States Must not Levy Import or Export Duties. 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 it's inspection Laws and the net Produce of all Duties and Imposts, laid by any State on 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 Controul of the Congress.

54. The States Must Limit their Military Activity. 3. No State shall, without the Consent of Congress, lay any Duty of Tonnage,²⁸ 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. THE EXECUTIVE DEPARTMENT

SECTION I. THE PRESIDENT AND THE VICE PRESIDENT

55. The President Is the Chief Executive Official. 1. 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

56. The President Is Elected Indirectly by State Electors. 2. Each State shall appoint, in such Manner as the Legislaturê 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.

57. The President Is Elected by a Majority of the Electoral Votes. 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 the 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 chuse 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 chuse the President. But in chusing 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. 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 chuse from them by Ballot the Vice President.]*²⁹

58. Congress Sets the Time for Election and the Meeting of the "Electoral College."³⁰ 4. The Congress may determine the Time of chusing the Electors, and the

²⁸ Tonnage duties are placed upon vessels in proportion to their capacity. This prohibition therefore prevents an indirect means of levying import and export duties.

²⁹ Entirely superseded by the Twelfth Amendment [97].

³⁰ Presidential electors are chosen on the Tuesday following the first Monday in November of each "leap year." The electors, consisting today of that group of party electors receiving a plurality of the state's popular votes, meet in their respective state capitals on the first Monday after the second Wednesday in December and cast their ballots for President and Vice President. On the sixth day of January, the votes of the Electoral College are counted in Congress and the election officially declared, though the results were known to the country in November. The above days for the casting and counting of electoral votes are the dates set by Congress as required by Amendment XX [116].

Day on which they shall give their Votes; which Day shall be the same throughout the United States.

59. Who May Be President? 5. No person except a natural born Citizen, [*or a Citizen of the United States, at the time of the Adoption of this Constitution,*]³¹ 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 thirty five Years, and been fourteen Years a Resident within the United States.

60. Vacancy in the Presidency Is Filled by the Vice President. 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.³²

61. The President's Salary Cannot Be Changed During his Term.³³ 7. The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased 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.

62. The President Is Required to Take an Oath of Office. 8. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"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 2. THE POWERS AND DUTIES OF THE PRESIDENT

63. The President Is the Highest Military Officer; He Can Also Check the Federal Judiciary. 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,³⁴ upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons³⁵ for Offences against the United States, except in Cases of Impeachment.

³¹ This clause is of historical significance only. It was inserted so that foreign-born citizens (such as Alexander Hamilton, James Wilson, Robert Morris and William Paterson) of able leadership should not be excluded.

³² The Presidential Succession Act (1886) provides that heads of executive departments (cabinet members) succeed the Vice President in order of the creation of their departments, beginning with the Secretary of State and ending with the Secretary of the Interior.

³³ The President's annual salary has been increased, effective with the next term of office, from \$25,000 in 1789 to \$50,000 in 1873. The present salary, set by Congress in 1909, is \$75,000, with a travel allowance of \$25,000. Additional appropriations cover certain White House maintenance expenses.

³⁴ In practice President Washington began to *meet* with the executive heads, thus giving rise to a cabinet. But, it will be noted, there is no constitutional provision for a cabinet. Indeed, the cabinet was not recognized by law until more than 100 years after its creation.

³⁵ A pardon is freedom from a penalty imposed by the courts. A reprieve is partial relief from or postponement of a sentence. A general pardon, granted to a group, is an amnesty. By proclamation in 1865 President Johnson granted pardon to all Southerners, except the leaders, who had fought in the Confederate cause in the War between the States.

64. The President's Power to Make Treaties and Appointments Is Subject to the Senate's Approval.³⁶ 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 and 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.

65. The President May Make Recess Appointments.³⁷ 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 3. THE DUTIES OF THE PRESIDENT

66. The President May Exercise Legislative Influence. 1. He shall from time to time give to the Congress Information of the State of the Union,³⁸ 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 4. IMPEACHMENT

67. The President May Be Impeached. 1. The President, Vice President and all Civil Officers of the United States,³⁹ shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.⁴⁰

ARTICLE. III. THE JUDICIAL DEPARTMENT

SECTION 1. THE FEDERAL COURTS

68. Only the Supreme Court Is Established by the Constitution. 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 Behaviour,

³⁶ Ratification of treaties requires a two-thirds vote of the Senators *present*, although war may be declared by a majority vote of Congress. Confirmation of appointments requires a simple majority vote in the Senate. This power of the Senate over appointments has given rise to a practice known as "senatorial courtesy."

³⁷ Occasionally a President will resort to recess appointment when the Senate withholds confirmation of a nominee particularly desired by the President.

³⁸ The Presidential Message was delivered in person by Washington and Adams, but Jefferson preferred written messages. Jefferson's successors continued his practice until Wilson again appeared before Congress to read his messages.

³⁹ "All Civil Officers" means all federal executive and judicial appointees, such as cabinet members, ambassadors, judges, and postmasters. Military and naval officials are not subject to impeachment, nor are members of Congress. Members of Congress are official representatives of their respective states, not civil officers of the United States. But Congress may expel its own members for misconduct [18], and military and naval officials are subject to court-martial.

⁴⁰ Treason is defined by the Constitution [72]. The phrase, "high crimes and misdemeanors," has been interpreted to mean serious misconduct in office.

and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION 2. THE JURISDICTION OF THE COURTS

69. The Federal Judiciary Is Supreme. 1. The judicial Power shall extend to all Cases, in Law and Equity,⁴¹ arising under this Constitution, the Laws of the United States, and 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;⁴²—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;⁴³—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.

70. The Supreme Court Has Original Jurisdiction in Two Classes of Cases; Appellate in All Others.⁴⁴ 2. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before 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.

71. Trial Is by Jury in Federal Criminal Cases. 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 3. TREASON AND ITS PUNISHMENT

72. Treason Against the United States Is Defined. 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.

73. The Power of Congress to Punish Treason Is Limited. 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. RELATIONS OF THE STATES

SECTION 1. PUBLIC ACTS

74. A State Must Recognize the Public Acts and Records of Other States. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and

⁴¹ Equity, applying to certain kinds of civil cases only, developed out of need for relief from the deficiencies of ordinary law. Cases in law follow after the alleged violation of the law; cases in equity attempt "preventive justice," that is, seek to prevent an injustice being done. To prevent a wrong being done, the court will issue an order, called an *injunction*, restraining freedom of action. A judge may order a public official (or a corporation or individual) to do or refrain from doing (as is usually the case) a certain action.

⁴² Admiralty and maritime law deals with controversies arising out of the use of the high seas.

⁴³ This clause has been modified by the Eleventh Amendment [96].

⁴⁴ "Original jurisdiction" is the right to hear and determine a case in its first appearance in court; "appellate jurisdiction" is the right to hear a case appealed from a lower court.

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 2. RIGHTS OF CITIZENS OF ONE STATE IN ANOTHER STATE

75. Citizenship in One State Implies Privileges and Immunities in Another State. 1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

76. Fugitives from Justice Must Be Returned to the State from Which They Fled. 2. A Person charged in any State with Treason, Felony,⁴⁵ 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.

77. Fugitive Slaves Must Likewise Be Returned. 3. [*No Person held to Service or Labour 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 Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.*]⁴⁶

SECTION 3. NEW STATES AND TERRITORIES

78. Congress Admits New States. 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 Legislatures of the States concerned as well as of the Congress.⁴⁷

79. Congress Has Full Control over the Territories. 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 particular State.

SECTION 4. PROTECTION OF THE STATES BY THE UNITED STATES

80. The United States Guarantees each State a Republican Government and Protection against Invasion. 1. The United States shall guarantee to every State in this Union a Republican Form of Government,⁴⁸ 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.

⁴⁵ Crimes punishable by death or imprisonment are usually classified as felonies.

⁴⁶ It was under this clause that the Fugitive Slave Acts of 1793 and 1850 were passed. So far as "person" here means slave, the clause is superseded by the Thirteenth Amendment [98].

⁴⁷ The creation of West Virginia and its admission to the Union in 1863 under the abnormal conditions of the War between the States were without the consent of the parent State of Virginia. Other instances of the division of a state were the separation of Maine from Massachusetts in 1820, Vermont from New York, 1791, and Kentucky from Virginia, 1792; in each case separation was with the consent of the state being reduced in area.

⁴⁸ Republican form of government is not defined by the Constitution, but by implication is the representative form of government in existence in the states when the Constitution was framed.

ARTICLE. V. THE PROCESS OF AMENDMENT

81. The Constitution May Be Amended in Any One of Four Ways. 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*]⁴⁹ that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI. THE SUPREME LAW OF THE LAND

82. The Federal Government Assumes the Debt of the Confederation. 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.

83. The Constitution Is the Supreme Law of the Land. 2. The 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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.⁵⁰

84. All State and Federal Officers Are Bound by Oath to Support the Constitution. 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.

ARTICLE. VII. THE RATIFICATION OF THE CONSTITUTION

85. The Constitution Is Established when Nine State Conventions Ratify. 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 Independance of the United States of
America the Twelfth In Witness whereof We have hereunto subscribed our
Names,

Go Washington—Presid^t
and deputy from Virginia

Attest William Jackson Secretary

⁴⁹ A temporary clause.

⁵⁰ In case of conflict between federal and state Constitutions and laws, the order of descending authority is: Constitution of the United States, laws and treaties of the United States; constitution of the states, laws of the states, ordinances of cities and towns. If a federal law and treaty conflict, the one more recently enacted or ratified, holds.

New Hampshire
John Langdon
Nicholas Gilman

Massachusetts
Nathaniel Gorham
Rufus King

Connecticut
Wm. Saml. Johnson
Roger Sherman

New York
Alexander Hamilton

New Jersey
Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Pennsylvania
B Franklin
Thomas Mifflin
Robt Morris
Geo. Clymer
Tho^s. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware
Geo. Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

Maryland
James M^cHenry
Dan of St Tho^s. Jenifer
Dan^l Carroll

Virginia
John Blair—
James Madison Jr.

North Carolina
Wm. Blount
Rich^d. Dohbs Spaight.
Hu Williamson

South Carolina
J. Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler.

Georgia
William Few
Abr Baldwin

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA

AMENDMENT I RELIGIOUS AND POLITICAL FREEDOM⁵¹

36. Congress Must not Interfere with Freedom of Religion, Speech or Press.
Congress shall make no law respecting an establishment of religion,⁵² or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press;⁵³ or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

⁵¹ The first ten amendments, proclaimed in effect late in 1791, are restrictions on the federal government. These ten amendments are termed the Bill of Rights, although only the first eight guarantee specific rights to the people.

⁵² As far as the federal government is concerned, the separation of church and state is established. But the clause does not restrict state governments from regulating religion, and several states continued with established religions for some years after 1791. Nearly all state constitutions now guarantee religious freedom.

⁵³ In practice this clause does not mean absolute freedom to speak without thought of the effect of one's speech. For example, one may be held accountable for malicious intent.

AMENDMENT II RIGHT TO BEAR ARMS

87. Congress Must Not Deny the States a Militia. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms,⁸¹ shall not be infringed.

AMENDMENT III QUARTERING SOLDIERS

88. Congress Must not Quarter Soldiers on the People.⁸² 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 to be prescribed by law.

AMENDMENT IV SEARCHES AND SEIZURES

89. Federal Officials Must not Authorize Unreasonable Searches. 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 Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.⁸³

AMENDMENT V RIGHTS IN CRIMINAL PROSECUTION

90. Federal Courts Must not Violate Certain Rights of the People. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment⁸⁴ 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 subject for the same offence 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,⁸⁵ nor shall private property be taken for public use, without just compensation.

AMENDMENT VI RIGHTS IN CRIMINAL PROSECUTION

91. Federal Courts Must Guarantee Certain Rights to the Accused. 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 defence.

⁸¹ The original intent of this clause was to protect the states against a possible tyranny of the federal government. State laws now regulate the use of firearms.

⁸² This is an ancient English grievance and is found among the grievances in the Declaration of Independence.

⁸³ Again, a long-standing grievance brought on by royal tyranny. In colonial times writs of assistance violated the letter of the right here demanded.

⁸⁴ Indictment is the finding of the grand jury, in the form of a written accusation, that there is probable cause for trial of the accused.

⁸⁵ A similar restriction is placed on the state governments in the Fourteenth Amendment [100]. Thus the Constitution strongly guards property rights against encroachment by either state or federal government. "Due process of law" implies a fair trial—one that hears before it condemns—under the rules established for judicial proceedings. This does not necessarily mean trial by jury.

AMENDMENT VII RIGHT OF TRIAL BY JURY

92. **Federal Courts Must Guarantee Jury Trial in Civil Suits.** In Suits at common law,⁶⁰ where the value in controversy shall exceed twenty dollars, 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 of the common law.

AMENDMENT VIII EXCESSIVE BAIL, FINES AND PUNISHMENT

93. **Federal Courts Must Avoid Excesses.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.⁶⁰

AMENDMENT IX UNENUMERATED RIGHTS OF THE PEOPLE

94. **The Federal Government Exercises no Power over the Unenumerated Rights of the People.** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X POWERS RESERVED TO STATES OR PEOPLE

95. **All Undelegated Powers Remain with the States or the People.** 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.⁶¹

AMENDMENT XI (1798) SUITS AGAINST STATES

96. **A State Cannot Be Sued by a Citizen of Another State.** 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.⁶²

AMENDMENT XII (1804) ELECTION OF PRESIDENT AND VICE PRESIDENT

97. **Changes Are Made in the Manner of Electing the President and Vice President.**⁶³ The Electors shall meet in their respective states, and vote by ballot for

⁶⁰ This guarantee applies to "suits at common law." Common law is, briefly, a set of *judicial usages* that began to develop in mediæval England without the authority of parliamentary legislation. Brought to America by the colonists, courts continued to use it along with statutory law (legislative acts) and constitutional law or the highest law. Amendment VI [91] guarantees jury trial in federal *criminal* cases.

⁶⁰ Again, an excellent example of the fear of the tyranny of government which the people had learned in their past struggles for liberty.

⁶¹ Under this very important amendment the greater part of governmental power remains with the states, where it had originally been. Education and the control of crime are two examples of undelegated power remaining with the states.

⁶² This modifies Clause 1, Section 2, Article III [69], over which a difference of opinion arose. This amendment is intended to protect the independence of the states, and was necessitated by a suit brought against the State of Georgia by a citizen of South Carolina.

⁶³ Supersedes Article II, Section 1, Clause 3 [57] and was adopted as a result of the Jefferson-Burr tie for the Presidency in 1800. Three changes are made: (1) provisions for separate ballots; (2) number of candidates eligible for consideration by House and Senate in event no candidate receives a majority vote in the Electoral College; and (3) provision on eligibility of Vice President, previously omitted.

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;⁶⁴—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*],⁶⁵ then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number 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. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII (1865) FREEDOM FOR THE SLAVES

SECTION 1. SLAVERY PROHIBITED

98. There Shall Be no Slavery in the United States. 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.⁶⁶

SECTION 2. POWER OF ENFORCEMENT

99. Congress Has Power of Enforcement. Congress shall have power to enforce this article by appropriate legislation

AMENDMENT XIV (1868) CIVIL RIGHTS FOR THE NEGROES

SECTION 1. CITIZENSHIP

100. Who Are Citizens, and What Are Their Rights? 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.⁶⁷ No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

⁶⁴ See [58], note.

⁶⁵ Changed by Amendment XX to "noon on the 20th day of January" [116].

⁶⁶ This amendment abolished slavery in the States of Delaware and Kentucky. Federal and state action had previously emancipated the slaves in the other states and territories.

⁶⁷ Note the provision for dual citizenship.

nor shall any State deprive any person of life, liberty, or property, without due process of law,⁶⁸ nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. REDUCTION OF REPRESENTATION

101. States Denying Male Suffrage Shall Have Their Representation Reduced.⁶⁹ 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.⁷⁰ But when the right to vote at any election for the 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 twenty-one 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 twenty-one years of age in such State.

SECTION 3. LOSS OF POLITICAL PRIVILEGES

102. Many Southern Leaders Are Disqualified for Federal and State Offices. No person shall be a Senator or Representative in Congress, or elector of President and 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 or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. PUBLIC DEBT

103. The War Debt of the Confederacy Is not Payable. 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 nor 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 loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. ENFORCEMENT

104. Congress Has Power of Enforcement. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV (1870) POLITICAL RIGHTS FOR THE NEGROES

SECTION 1. RIGHT TO VOTE

105. The Negro Is Made a Voter. The right of citizens of the United States to

⁶⁸ This clause extends to the states a restriction already placed on Congress [90]. Intended in part for the protection of the Negro, in time it resulted largely in increased power of the federal judiciary over the states, as state laws regulating corporations and their actions were declared in conflict with this clause. Many corporations, but few Negroes, have brought suit under this clause.

⁶⁹ This section and the next two represent congressional effort to punish the South for its participation in the War between the States. Section 2 has not been enforced.

⁷⁰ This provision supersedes Article I, Section 2, Clause 3 [5].

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.⁷¹

SECTION 2. ENFORCEMENT

106. Congress Has Power of Enforcement. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI (1913) INCOME TAX

107. Congress May Levy Income Taxes without Apportionment. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.⁷²

AMENDMENT XVII (1913) POPULAR ELECTION OF SENATORS

108. Senators Are Elected Directly by the People. 1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof,⁷³ for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

109. Vacancies Are Acted upon by the State Governor. 2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

110. This Change Does not Affect the Senators in Office. 3. *[This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.]*⁷⁴

AMENDMENT XVIII (1919) NATIONAL PROHIBITION

SECTION 1. PROHIBITION OF LIQUOR TRAFFIC

111. The Manufacture, Sale or Transportation of Intoxicating Liquors for Beverage Purposes Is Prohibited. *[After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.]*⁷⁵

SECTION 2. ENFORCEMENT

112. Congress and the States Have Concurrent Power of Enforcement. *[The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.]*

⁷¹ Note that voting privileges shall not be denied for three specific reasons. A state may, and nearly all do, set up other qualifications for voting.

⁷² Modifies Article I, Section 2, Clause 3 [5].

⁷³ Supersedes Article I, Section 3, Clause 1 [8].

⁷⁴ A temporary provision only.

⁷⁵ Under this clause the amendment was put into operation in 1920, but repealed 13 years later by Amendment XXI [12-24].

SECTION 3. CONDITIONS OF RATIFICATION

113. Amendment Must Be Ratified within Seven Years. *[This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.]*⁷⁶

AMENDMENT XIX (1920) WOMAN SUFFRAGE

114. Women Are Made Voters. 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 sex.

115. Congress Has Power of Enforcement. 3. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX (1933) COMMENCEMENT OF CONGRESSIONAL AND PRESIDENTIAL TERMS

SECTION 1. END OF CONGRESSIONAL AND PRESIDENTIAL TERMS

116. Terms of President, Vice President and Congressmen Begin in January of Specific Odd Years. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.⁷⁷

SECTION 2. REGULAR CONGRESSIONAL SESSIONS

117. Congress Assembles January 3d of Each Year. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.⁷⁸

SECTION 3. CONGRESS PROVIDES FOR ACTING PRESIDENT

118. Congress Provides by Law for Failure of President to Qualify in Time. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen, before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.⁷⁹

⁷⁶ A temporary clause and the first amendment to have a time limitation on the period of its ratification.

⁷⁷ Supersedes a clause in Amendment XII [97], note.

⁷⁸ Supersedes Article I, Section 4, Clause 2 [16]. This and the previous provision have given rise to the term, "Lame Duck" Amendment. Under the original provision [16], a defeated Senator or Representative served in the final session from December until March 4. Thus for four months following election he represented his state or district after having been rejected by the voters. Because of his defeat, lack of interest in or considerable absence from the session sometimes resulted. Occasionally he used his vote corruptly, but more frequently he went limping to the President for an appointive office. For these reasons he was called a "lame duck."

⁷⁹ This and the next provision strengthen Amendment XII [97].

SECTION 4. CONGRESS HAS POWER OVER UNUSUAL ELECTIONS

119. When the Election Goes to Either House, Congress Provides by Law if Death Intervenes among Eligible Candidates. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SECTION 5. DATE IN EFFECT

120. Amendment Is Effective in October Following Ratification. [*Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.*]⁸⁰

SECTION 6. CONDITIONS OF RATIFICATION

121. Amendment Must Be Ratified within Seven Years. [*This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.*]⁸⁰

AMENDMENT XXI (1933) REPEAL OF NATIONAL PROHIBITION

SECTION 1. REPEAL

122. The Eighteenth Amendment Is Repealed. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.⁸¹

SECTION 2. THE FEDERAL GOVERNMENT PROTECTS "DRY" STATES

123. The Transportation of Intoxicating Liquors into "Dry" States for Use Therein Is Prohibited. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SECTION 3. CONDITIONS OF RATIFICATION

124. Amendment Must Be Ratified by State Conventions within Seven Years.⁸² [*This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.*]⁸⁰

⁸⁰ A temporary clause.

⁸¹ Like other superseded parts, Amendment XVIII [111-12] becomes merely an historical provision of the Constitution.

⁸² This is the first amendment to be submitted to *conventions* in the states, although the original Constitution was ratified by conventions [85]. Like Amendments XVIII and XX, the time for ratification is limited to seven years.

APPENDIX III

Some Significant Events in American History

- 1492 American islands discovered by Columbus.
- 1519-22 Magellan expedition sails around the world.
- 1607 Jamestown founded.
- 1612 Tobacco culture started by James Rolfe in Jamestown.
- 1619 First shipment of slaves arrived in Virginia; House of Burgesses established.
- 1620 Pilgrims founded Plymouth Colony, Massachusetts; Mayflower Compact.
- 1628 Puritan migrations to New England began, Salem founded.
- 1630 Puritans founded Boston, in the Massachusetts Bay Colony.
- 1636 Harvard College founded; Roger Williams established religious freedom in Rhode Island.
- 1643 New England Confederation.
- 1647 Massachusetts General School Law.
- 1649 Maryland Toleration Act.
- 1664 New York became an English colony.
- 1682 Pennsylvania founded.
- 1682 La Salle claimed Mississippi Valley for France.
- 1688 The Glorious Revolution in England.
- 1689 English Bill of Rights.
- 1754 Albany Plan of Union; French and Indian War began.
- 1759 Battle of Quebec.
- 1763 French and Indian War ended.
- 1765 Stamp Act Congress.
- 1774 First Continental Congress.
- 1775 Battles of Lexington, Concord, Bunker Hill; Second Continental Congress; Washington appointed Commander-in-Chief of the Continental Army.
- 1776 Declaration of Independence.
- 1777 Burgoyne's surrender at Saratoga; Washington's army winters at Valley Forge.
- 1778 French Alliance.
- 1781 Cornwallis' surrender at Yorktown; Articles of Confederation ratified.
- 1783 Treaty of Paris ending Revolutionary War; beginning of "Critical Period".
- 1785 Church and State separated in Virginia.
- 1787 Northwest Ordinance; Constitutional Convention.
- 1789 Constitution in effect; George Washington became first President; Judiciary Act passed.
- 1791 Bill of Rights or first 10 Amendments added to Constitution; political parties grew; Slater's spinning machinery; first United States Bank.
- 1793 Neutrality Proclamation; Whitney's cotton gin.
- 1796 Washington's Farewell Address.
- 1800 Republicans defeat Federalists in national elections.

- 1801 John Marshall became Chief Justice of United States Supreme Court; Thomas Jefferson became third President.
- 1803 Louisiana Purchase.
- 1807 Fulton's steamboat, *The Clermont*; Embargo Act.
- 1812 War with England began.
- 1814 War with England ended; Hartford Convention.
- 1816 First protective tariff; Second United States Bank.
- 1817 Erie Canal begun, Rush-Bagot agreement.
- 1819 Acquisition of Florida.
- 1820 Missouri Compromise.
- 1821 First free public high school; Troy Seminary pioneered in higher education for women.
- 1823 Monroe Doctrine.
- 1828 Baltimore and Ohio Railroad begun.
- 1829 Andrew Jackson became seventh President.
- 1831 Nullification Controversy; Jackson's war on the United States Bank.
- 1834 McCormick's reaper patented.
- 1837 Panic
- 1839 Beginning of normal schools; Goodyear's process for vulcanizing rubber.

APPENDIX IV

A List of Books

- F. E. Allen, *This Constitution of Ours*, Putnam, N. Y. 1940
C. M. Andrews, *The Fathers of New England*, Yale University Press, New Haven, Connecticut, 1921
J. S. Bassett, *A Short History of the United States*, Macmillan, N. Y., 1939
C. A. Beard, *American Government and Politics*, Macmillan, N. Y., 1926
C. A. Beard, *The Rise of American Civilization*, Macmillan, N. Y., 1930
J. M. Beck, *The Constitution of the United States*, Doubleday, N. Y., 1924
C. Becker, *The Eve of the Revolution*, Yale University Press, New Haven, Connecticut, 1921
C. G. Bowers, *The Party Battles of the Jackson Period*, Houghton, Mifflin, Boston, 1925
C. G. Bowers, *Jefferson in Power*, Houghton, Mifflin, Boston, 1936
J. Bryce, *The American Commonwealth*, Macmillan, N. Y., 1906
E. S. Corwin, *John Marshall and the Constitution*, Yale University Press, New Haven, Connecticut, 1921
H. W. Elson, *History of the United States of America*, Macmillan, N. Y., 1937
M. Farrand, *The Fathers of the Constitution*, Yale University Press, New Haven, Connecticut, 1921
H. U. Faulkner, *American Political and Social History*, Crofts, N. Y., 1943
S. G. Fisher, *The Quaker Colonies*, Yale University Press, New Haven, Connecticut, 1921
S. E. Forman, *The Rise of American Commerce and Industry*, Appleton-Century, N. Y., 1927
M. W. Goodwin, *The Dutch and English on the Hudson*, Yale University Press, New Haven, Connecticut, 1921
A. Johnson, *Jefferson and His Colleagues*, Yale University Press, New Haven, Connecticut, 1921
M. Johnston, *Pioneers of the Old South*, Yale University Press, New Haven, Connecticut, 1921
R. E. Keohane, M. P. Keohane and J. O. McGoldrick, *Government in Action*, Harcourt, N. Y., 1942
F. A. Magruder, *American Government*, Allyn and Bacon, N. Y., 1940
W. B. Munro, *Crusaders of New France*, Yale University Press, New Haven, Connecticut, 1921
F. A. Ogg, *The Old Northwest*, Yale University Press, New Haven, Connecticut, 1921
F. A. Ogg, *The Reign of Andrew Jackson*, Yale University Press, New Haven, Connecticut, 1921
S. P. Orth, *The Boss and the Machine*, Yale University Press, New Haven, Connecticut, 1921

- R. D. Paine, *The Fight for a Free Sea*, Yale University Press, New Haven, Connecticut, 1921
- R. D. Paine, *The Old Merchant Marine*, Yale University Press, New Haven, Connecticut, 1921
- I. B. Richman, *The Spanish Conquerors*, Yale University Press, New Haven, Connecticut, 1921
- T. Roosevelt, *The Winning of the West*, Putnam, N. Y., 1920
- E. E. Sparks, *Expansion of the American People*, Scott, Foresman, Chicago, 1900
- W. Wood, *Elizabethan Sea Dogs*, Yale University Press, New Haven, Connecticut, 1921
- G. M. Wrong, *The Conquest of New France*, Yale University Press, New Haven, Connecticut, 1921
- G. M. Wrong, *Washington and His Comrades in Arms*, Yale University Press, New Haven, Connecticut, 1921

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Key to Exercises and Reviews

See instructions in Paragraph 2 under Study Procedures in Introduction, How to Use This Book.

CHAPTER I

- A: 1,c(2); 2,c(1); 3,a(10); 4,b(11); 5,b,c(11); 6,b,c(11).
B: 1,b(3); 2,a(4); 3,a,c(1,2); 4,a(2); 5,h(7); 6,b(7); 7,a(7); 8,a(8).
C: a,8(6); b,7(4); c,9(4); d,10(5); e,4(6); f,1(5); g,2(4); h,6(2); i,5(4); j,3(2).
D: 1,T(4); 2,T(3); 3,T(4); 4,F(9); 5,T(9); 6,T(8); 7,T(2,8); 8,T(2,3); 9,T(9); 10,F(2); 11,F(2).
E: 1(10),5(10),7(10),9(10),Jamestown Colony; 2(11),6(11),8(11),Plymouth Colony; 3(11),4(11) Massachusetts Bay Colony.

CHAPTER II

- A: 1,b(2); 2,b(4); 3,b(4); 4,b(7); 5,b(8); 6,c(15); 7,a(17); 8,a(19,21).
B: 1,b(1); 2,b(3); 3,a(4,5); 4,b(5); 5,a,c(5); 6,a(7); 7,a,b(5,7); 8,c(10); 9,b(11).
C: 1,F(11); 2,T(15); 3,F(14,15,16,17); 4,T(0); 5,F(6); 6,F(8,16); 7,T(9-12,22); 8,F(18).
D: 1,Ⓐ(19),Ⓐ(20),Ⓒ(7),Ⓒ(5),Ⓔ(5),Ⓓ(19),Ⓔ(5); 2,New England Colonies: b(4),d(17),f(4),h(6),i(6,8),j(18),l(16); Middle Colonies: a(7,8),d(17),e(7),g(9-12),l(16), Southern Colonies: c(1),d(17),k(3),l(16).

CHAPTER III

- A: 1,c(2); 2,b(1); 3,b(3); 4,c(3).
B: 1,a,c,b(3); 2,b,a,c(5); 3,b,a,c(6,7); 4,c,a,b(6,7).
C: 1,British, French and Indian(6); 2,La Salle(1); 3,Frontenac (3); 4,Mohawk(2); 5,Wolfe(7); 6,Pitt(3); 7,Seven Years'(3).
D: 1,F(3); 2,F(3); 3,F(3); 4,O(0); 5,F(7); 6,O(0); 7,F(3).
E: 3,c(5); 5,b(7); 7,a(7).

CHAPTER IV

- A: 1,a(1); 2,c(2,3); 3,a,b(1,2,3); 4,a,c(1-6); 5,a(2); 6,b,c(5); 7,a,b(5).
B: a,9(7); b,6(5); c,7(8); d,10(4); e,1(5); f,2(6); g,4(7); h,5(6); i,3(5); j,8(5).
C: 1,c,a,b(3,4); 2,c,b,a(4,5,6); 3,b,a,c(6,7); 4,b,a,c(7,8).
D: 1,F(1,2,3); 2,F(0); 3,O(0); 4,F(0); 5,F(4,9); 6,O(7); 7,F(7); 8,O(10); 9,F(0); 10,F(0).
E: 2,b(4); 5,e(5); 7,a(8); 8,d(7); 10,c(8); 11,f(8).

CHAPTER V

- A: 1,b(2,5); 2,b(10); 3,b(9); 4,b(9); 5,b(7); 6,a(1).
 B: 1, Lexington, Concord(1); 2, Declaration of Independence (1,3); 3, Boston(1); 4, Bunker Hill(1); 5, Second Continental Congress(2); 6, Independence(3); 7, Trenton(5); 8, Oriskany, Saratoga(6); 9, Valley Forge(6); 10, France(6); 11, Yorktown(7); 12, Lafayette, de Kalh, Pulaski, Steuben, Kosciuskó(6).
 C: a,8(9); b,5(6,7); c,11(2); d,9(1); e,7(7); f,10(7); g,3(1); h,12(9); i,1(1); j,2(9); k,6(6); l,4(1).
 D: 1,T(3); 2,T(3); 3,O(0); 4,F(10); 5,O(10); 6,F(2,4); 7,T(4-7); 8,F(10,12); 9,O(4); 10,T(4-7).
 E: 3,c(1); 5,g(2); 8,b(5); 10,a(6); 11,e(7).

CHAPTER VI

- A: 1,a,b,c(1); 2,a,c(1); 3,a,b(1); 4,a,b,c(1); 5,a,b(1-2); 6,a,c(6); 7,b,c(13)
 B: 1,T(6); 2,F(7); 3,T(6); 4,T(9); 5,F(9); 6,T(6); 7,F(9); 8,F(9); 9,T(9,11); 10,T(10).
 C: 2,a(6); 4,c(13); 6,b(13).
 D: 1,T(4); 2,T(4); 3,O(0); 4,F(5); 5,T(7); 6,F(6); 7,O(0); 8,T(9); 9,F(9); 10,T(0); 11,T(0).
 E: 1,c(9); 2,c,d(9); 3,a,c(9); 4,c(9).

HALF-COURSE REVIEW AND SELF-CHECK (CHAPS. I-VI)

- A: a,12(II,19); b,9(II,16); c,8(III,7); d,10(IV,5); e,7(VI,9); f,1(I,4); g,4(V,6); h,2(V,2); i,5(V,6); j,6(IV,8); k,o(V,1); l,11(IV,5).
 B: 2,b(III,6,7); 4,g(IV,1-7); 6,f(IV,7); 8,d(IV,8); 11,h(V,3); 13,a(V,6); 15,e(VI,8); 16,c(VI,10).
 C: 1,b,c(I,1-3); 2,a,b(I,11,II,4-6); 3,b(I,11); 4,c(I,9); 5,c(V,10); 6,c(II,16); 7,b(II,16); 8,a(II,18); 9,b,c(II,19,VI,1); 10,b(II,10-11); 11,c(III,4-7); 12,a,b(IV,1-4); 13,b(V,5); 14,c(V,7); 15,b(VI,6-8).
 D: 1,T(II,9-12); 2,F(II,9-12); 3,T(II,13,17); 4,T(II,16); 5,F(V,2); 6,T(VI,6,7); 7,T(VI,10); 8,F(VII,7); 9,F(VI,8,9,13); 10,T(V,10); 11,T(II,13,V,10); 12,T(VI,6-9).

CHAPTER VII

- A: 1,b,c(7); 2,b(3); 3,a,c(5); 4,a,b,c(5); 5,a,b(3,4); 6,a,b,c(7).
 B: 1,b(2); 2,b(2,3,4,7); 3,a,b(3); 4,b,c(3); 5,a,b(3); 6,b(4); 7,c(4); 8,b(4); 9,b,c(4); 10,a,b,c(4); 11,b(5); 12,c(7).
 C: 1,3,4,5,7,9(1,3).
 D: 1,F(1); 2,F(5); 3,O(5); 4,O(0); 5,F(0); 7,F(0); 8,O(0); 9,F(6).
 E: 1(26,27,30,31); 2(28,29); 3(36,64); 4(37,38,40,41,63). NOTE: The numbers in these parentheses refer to paragraph numbers of the copy of the Constitution, Appendix II.

CHAPTER VIII

- A: 1,b(2); 2,a,c(2); 3,a,b(2); 4,a,b(3-4,6-8); 5,a,b(3-4); 6,a,c(3-4).
 B: 1,a,b,c(10,11,12); 2,a,b,d(10); 3,b,c,d(10); 4,a,b,c,d(11); 5,a,b(12); 6,b,c,d(4,10); 7,a,b,c(4,5); 8,a,c(7,9); 9,c,d(7); 10,a,d(7); 11,a,b,c,d(9).
 C: 1,T(0); 2,F(3); 3,T(3); 4,F(0); 5,F(12); 6,T(11); 7,O(5,9); 8,F(0); 9,T(7,9 and Appendix II, paragraph nos. 28,43); 10,O(9); 11,T(9); 12,T(0).

- D: 1, implied powers" and/or "elastic" clause(9); 2, Senate, House of Representatives (10); 3, checks and balances(3,4); 4, concurrent(7); 5, Supreme Court(5,9,12), 6, Bill of Rights(7).

CHAPTER IX

- A: 1a(3); 2c(8); 3b(13); 4c(4); 5b(9).
 B: 1b(2); 2c(3); 3b(4); 4b(3); 5b(5); 6c(5); 7a(6); 8b(7-8); 9b(8); 10b(12,13,14).
 C: 1,T(7); 2,O(0); 3,F(6,8); 4,T(16); 5,T(0); 6,O(0); 7,T(5,16); 8,F(0); 9,T(16); 10,F(2).
 D: a,2(6); b,1,3,6(5); c,5(6); d,4,7,8(6); e,9(4); f,3(5).

CHAPTER X

- A: 1,b(2); 2,a(6); 3,b(7); 4,a(7); 5,b(18); 6,b(19); 7,b(19); 8,b(20).
 B: a,3(11); b,8(13); c,6(14); d,5(21); e,7(13); f,1(12); g,2(12); h,4(19); i,5(18); j,0(12).
 C: 1,b(20); 2,a(4); 3,b(19); 4,c(10); 5,c(17); 6,c(18-24); 7,b(22); 8,a(22,23); 9,b(20).
 D: 1,F(10); 2,F(18-24); 3,O(0); 4,F(19); 5,F(0); 6,F(7,16); 7,O(7,8,16,17); 8,O(0); 9,O(0); 10,F(15).
 E: 1(16); 2(19); 3(6); 4(7); 5(20); 6(10,16); 7(7,8); 8(19); 9(11,16); 10(17-21); 11(19); 12(21).

CHAPTER XI

- A: 1,T(3); 2,F(4); 3,T(5); 4,T(7); 5,T(7-8); 6,F(9); 7,F(12); 8,F(10).
 B: The East, 1(2),5(2),7(2),8(2),9(2); The South, 1(2),3(2),4(2),6(2),10(2); The West, 1(2),2(2),4(2),6(2),8(2).
 C: 1,b,c(1-4); 2,a,b,c(5,6,9,11); 3,a,b(10); 4,c(12); 5,b(9); 6,b,c(9).
 D: 1,a(9); 2,d(9); 3,c(10); 4,b(4); 5,d(2); 6,b(0); 7,c(0).
 E: 2(10); 4(7,8); 5(9); 7(4).

FULL COURSE REVIEW AND SELF-CHECK

- A: 1,b,a,c(I,1,2,3); 2,b,a,c(I,4,10,III,1); 3,c,b,a(III,3,4,6,7); 4,c,a,b(II,17,III,6,IV,1-5); 5,c,a,b(III,5,IV,8); 6,a,c,b(V,2,3,VI,6); 7,b,c,a(VI,6,VII,1-7); 8,c,a,b(VI,8-13,IX,7-9,16,X,3,24); 9,b,a,c(X,11,18,XI,5,14); 10,a,b,c(III,6,V,1-3,X,11).
 B: a,5(15); b,12(1,4); c,8(1,5); d,1(IV,5); e,10(II,5); f,13(IV,9); g,3(II,7); h,11(V,6); i,4(X,12); j,15(VI,9); k,6(IX,11); l,14(V,7); m,9(V,9); n,7(V,2); o,2(X,22).
 C: 1,c(II,14); 2,a(1,9); 3,b,c(1,2); 4,b(II,4); 5,c(1,5); 6,a,b,c(IV,1-10); 7,b(V,3); 8,b(V,6); 9,b(V,2); 10,b(VI,10); 11,a(VII,2-7); 12,a,b(VII,3); 13,a(VIII,8); 14,a,c(VII,7); 15,b,c(VIII,3,4); 16,a(VIII,5); 17,a,b,c(IX,7); 18,c(IX,7-8); 19,a,b(IX,16); 20,a,b,c(X,1,2); 21,a(X,4); 22,b,c(X,18-19); 23,a,b(X,16,17,20); 24,b,c(X,22); 25,a,c(XI,4,6,8,9,10,12,13,14).
 D: 1,T(10); 2,F(VI,1); 3,T(VI,1); 4,T(II,7-10,16); 5,F(III,5,IV,8,V,2,3); 6,O(V,2); 7,T(III,3); 8,T(III,7,IV,4); 9,F(II,9-12,IV,10); 10,T(V,2,VI,13,XI,1); 11,O(0); 12,T(V,3); 13,O(VI,6-12); 14,F(VI,7,10); 15,T(VI,10); 16,F(VII,2); 17,T(VII,7); 18,O(IX,5,7,8,X,23); 19,T(IX,12,13,XI,9); 20,F(VIII,9); 21,O(0); 22,O(0); 23,T(VIII,9,X,23); 24,O(IX,7); 25,T(XI,4,5,6,14).

