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EPOCH-MAKING PAPERS

IN

UNITED STATES HISTORY

EDITED WITH INTRODUCTION AND NOTES

BY

MARSHALL STEWART BROWN

PROFESSOR OF HISTORY, NEW YORK UNIVERSITY

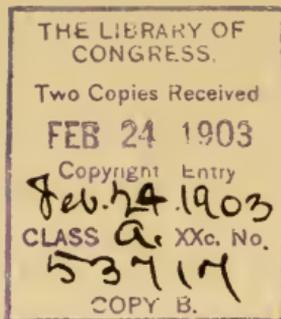
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PREFACE

It is the aim of the editor of this little book to contribute, even if but slightly, to the remarkable movement for the betterment of the teaching and study of history in the schools of the United States which has gained such impetus during the past decade. Several excellent but more extensive collections of documents are already in very general use among more advanced students, and several series of extremely valuable leaflets containing single documents are at the disposal of students.

It was thought that a collection embracing the more important constitutional and political papers of our national period, published with short historical introductions and with notes, in a form and at a price that would make the book available for pupils in the public schools, would meet a need that neither of the collections of documents above mentioned succeeds in filling.

The editor has taken the liberty, which in a volume intended for more mature students would not be par-

donable, of modernizing capitalization, spelling, and punctuation, with the exception that, for obvious reasons, the punctuation of the Constitution has been left as in the original.

Lincoln's Gettysburg Speech has been included, because, while not of the same class of papers as the other documents, it sums up in a masterly manner the issues of the greatest constitutional and political struggle this country has undergone.

M. S. B.

NEW YORK UNIVERSITY.

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INTRODUCTION

A DISCIPLE of the great French thinker, Voltaire, gives the following expression to his master's epoch-making idea concerning the scope and nature of history, "Why should history be only a recital of battles, sieges, intrigues, and negotiations, and why should it contain merely a mass of petty facts rather than a great picture of the opinions, customs, and even inclinations of a people?"

To Voltaire's conception of history as an account of the life of the people rather than a chronicle of the acts of king and court, the nineteenth century added the idea of growth, development, or evolution. A recent German definition of history well expresses this modern view, "History is the science of the development of men in their activity as social beings." The state is a living organism, and is subject to the same laws of growth that control and determine the development of any other living being. This being true, society politically organized on a given territory

as a state must be studied from the point of view of growth, if the real meaning of its history is to be ascertained. No lasting constitution of a country is ever a spontaneous development. Such a constitution is the concrete manifestation, in written form, of the gradually evolved customs and practices of the society which it is meant to govern.

American history is no exception to this general rule. Any given period or event is the child of its past and the father of its future. Every great occurrence of our national life has been the result of causes, some of them operating perhaps for centuries; and in its turn it has affected future history, it may be for ages to come. The greatest of our constitutional papers, the Constitution itself, was not the creation of a body of eminent men, known in our annals as the constitutional convention; it was rather the application to new conditions of the political principles and practices that had been worked out by the people, in colony and mother-country, during a period extending over many centuries. The success of the Constitution has been largely due to the fact that its great features were not inventions, but were completely in accord with race precedent and with the genius of the American people. The one great feature of the Con-

stitution which had not been thoroughly tested in the school of experience, the relation of the federal government to the states, likewise demanded time and progressive trial and tests by generations before the people of the United States as a whole would accept a practical and necessary interpretation of that all-important relation. Nearly seventy-five years of bitter sectional and political strife and one of the mightiest conflicts of armed forces that the world has ever seen were found necessary to atone for the lack of race experience before 1787 upon this fundamental problem of American federal government.

What is true of our most famous constitutional document is also true of the other principal political papers that are monuments of our national progress. Each was a concrete expression of the life and thought of the people of the time. Each, in a more or less extended sphere of state activity, summed up the achievements of the past, and was in its turn a foundation for subsequent growth. This conception of the meaning of history has been one of the chief factors in the elevation of its study to a position of equality with other studies in the more progressive schools of this country.

The fight that history has made in the American

college for equal recognition with the older subjects has been won. No longer is the course in history given to the professor whose time schedule permits the addition of another course. The educational value of history has ceased to be the subject of debate in college faculties, while students show their appreciation of its worth to them by electing historical courses more largely than almost any other.

In the school, however, the struggle still continues, but no doubt exists as to which will eventually be victorious. Since the Madison Conference of 1892 there has been a revolution in ideas concerning the teaching and study of history in the schools of this country. Of necessity, theory has outrun practice. Time is necessary to bring teachers and schools to a realization in practice of the accepted educational thought of the time. It is still possible to find schools, though fortunately their number is rapidly decreasing, in which a teacher, without knowledge of history, is asked to instruct in that subject, although in the same schools it would be regarded as an utter absurdity to allow one ignorant of modern languages to teach French or German.

History regarded merely as a culture study, although its value as such is very great, would not merit the

place that has been given it in the school curricula of to-day. Properly taught, it is one of the best studies for mental discipline. It develops the highest power of the human intellect, that of judgment; for evidence must be weighed, values estimated, and data analyzed. By far the most important mental characteristic in the practical affairs of life is the ability to draw correct conclusions from available data and to trace the proper relation between cause and effect; history, efficiently taught, trains more than almost any other study this power of the mind, for the problems of every-day life require for their solution just such mental processes as the study of history demands. Proper methods of historical study develop the ability to gather and use information, a power which is of the greatest practical importance and the possession of which is peculiarly the mark of an educated man. A well-trained memory is one of the chief aids to, and at the same time one of the products of, historical study, but it should never be made the main end of such study; the function of memory is to furnish the facts upon which the judgment bases its conclusions. No real appreciation of what history means can be acquired unless the historical sense is a part of the student's mental equipment. By historical

sense is meant the ability to place one's self, through the exercise of the imagination, one of the very highest qualities of the human mind, which the study of history calls for and strengthens, in sympathy with the life and events of the period which is the subject of study.

Next to the sacred and fundamental relations of the family, much the most important that the individual is called upon to enter in life, are those of politically organized society, the state; that is, those pertaining to the privileges and obligations of citizenship. Enlightened patriotism in the citizen is essential if the state is to be preserved or if it is to be worth preserving, and enlightened patriotism is dependent upon a knowledge, not only of what the state is, but also of how it came to be. Its value is best realized by an appreciation of what its creation, development, and maintenance have cost. Hence the history of one's own country ought to form a part of the training of every public school pupil.

It is obvious that the benefits to be derived from the study of history, which have been thus briefly and far from exhaustively stated, can be conferred upon the pupil only when the subject is taught after approved methods by well-equipped instructors. It



JOHN HANCOCK

cannot be too strongly emphasized that a knowledge of history is by far the most influential factor in the successful teaching of history. The knowledge of how to teach is of great value, but it must always take a place second to the knowledge of what to teach. In other words, mastery of the subject should in the mind of the teacher greatly outweigh what, in the language of pedagogy, is known as method.

The teacher who is called upon to teach a course in history, without having obtained previously a thorough knowledge of the subject, should read and study, as exhaustively as time will permit, the leading secondary authorities. Wide reading is not, however, sufficient; the information obtained should be carefully analyzed and thoroughly digested. A firm grasp of essentials is of far greater value than a mass of unrelated information. Recent bibliographies place at the disposal of the teacher of American history lists of the best authorities to which reference should be made. Next to the possession of information comes the knowledge of where such information can be found. The teacher should learn to know and to use books, the tools of his trade. Where limitations of time do not permit one to read all or even a part of the volumes referred to, it will be found useful to

handle them and to look over their tables of contents. Such an inspection of books is by no means an evidence of superficiality. A book thus examined at once acquires individuality, and hence leaves a more lasting impression upon the mind than the mere reading of a title; moreover, a general idea of its contents has been obtained which may prove of great future benefit.

While there is a difference of opinion as to the value of original sources to the young student, all authorities are agreed that the teacher should obtain the inspiration which comes to the one who goes to the very founts of knowledge. It is manifestly impossible for the teacher to consult sources for the whole period covered by his subject, yet the use even of a limited number of sources will give to him an understanding of the processes of history writing, a means of testing the conclusions of the secondary authorities, and the self-confidence and sense of power which comes to the possessor of first-hand information, that are indispensable to the thoroughly efficient teacher.

The material equipment needed for good teaching in history, until very recently lacking, is at the present time fortunately procurable and within the reach

of nearly every school. While much improvement is still hoped for in text-books for younger students of history, it is no longer necessary to use utterly inadequate manuals; good ones are obtainable. Maps and a school library of a few well-selected books are absolutely necessary to supplement the use of the text-book. The teacher of ability will develop his own method of using the school library to advantage; such teachers are, however, very generally agreed upon the value of the written exercise, based upon a limited amount of outside reading, and of the report upon an assigned topic prepared after reading in more than one book upon the subject. The preparation of such exercises and reports arouses the pupil's interest, excites his powers of criticism, teaches him how to acquire information, and develops the power of using the information thus acquired. It may well happen that differing or conflicting opinions of the authors may lead the pupil to question the statements made in the books he has just read; if it is possible to place in his hands the original source which settles the matter, that boy will at once acquire an insight into the way history is written that will awaken a new and livelier interest in the study of the subject.

This suggests the question of the advisability of

adopting the so-called source-method in schools. It is the opinion of the present writer that the source-method is emphatically not adapted for graded schools, and that its use is of doubtful benefit in secondary schools. Such a system is unquestionably better fitted for more advanced students, and while, in ways like that indicated above, sources may be of benefit to the younger pupil, they should be used as supplementary to the main work of the course and not as the basis for such work.

There is, however, a certain class of the most important sources which should be read and studied by the pupil in the documents themselves, not so much because they are sources from which the historian derives his information, as that they are themselves the great epoch-making acts of the nation with which every student of his country's history should familiarize himself. While it is a truism to say that pupils of the secondary schools are better fitted to use documents in their study of history than those of the graded schools, the same can be said of the graduate student in the university as compared to the college student. The statement in either case is not an argument against their use in the lower grade. Pupils of the eighth grade are mature enough, especially when

assisted by intelligent instruction, to use profitably a few of the most decisive constitutional and political documents. The pupil, by their use, will better appreciate the fact that the history studied is a portrayal of real events and of human actors. History thus vivified will take on a new interest, and the text-book will be seen to be an account of men and of forces that actually had a part in making our country what it is.

Wholly aside from their value as aids in the general study of American history, such documents as the Declaration of Independence, the Constitution, the Farewell Address, and the Proclamation of Emancipation should be read and studied first-hand, as a part of the education of every American citizen, man or woman. The great majority of children do not pursue their studies beyond the highest grammar grade, and it is highly important, both for themselves and for the state, that before graduation all pupils should acquire a comprehensive knowledge of the state papers that have exerted the greatest influence upon the growth and national policy of the country in whose government they are to participate.

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NOTE. — For books on special periods consult Channing and Hart, *Guide to the Study of American History.*

EPOCH-MAKING PAPERS

THE DECLARATION OF INDEPENDENCE

HISTORICAL NOTE. — The Second Continental Congress which assembled in Philadelphia on the 10th of May, 1775, was obliged, owing to the outbreak of actual war with Great Britain, to take upon itself the character of a national government. This revolutionary government stepped into the place formerly occupied by the mother country, assumed the powers which it deemed necessary for the prosecution of the war, and finally, as the culmination of a long series of revolutionary acts, declared the thirteen colonies free and independent States.

Congress, on the 10th of May, 1776, recommended the several colonies to establish governments for themselves to supersede those under which they had been living as British dependencies. Throughout the month of June the subject of a declaration of independence was seriously discussed. While a majority of the delegates were in favor of independence, it was thought wise to defer action until the course of events should convince the waverers, especially in the middle colonies, that the step was necessary and inevitable. On the 10th of June, a committee, consisting of Thomas Jefferson, John Adams, Benjamin

Franklin, Roger Sherman, and Robert R. Livingston, was appointed to draft a declaration "That these United Colonies are, and of right ought to be, free and independent states." Thomas Jefferson, at the request of the committee, prepared a form of declaration which, after a few changes in committee, was presented to Congress on the 28th of June. Several days of debate followed, and on the 4th of July, 1776, the Declaration of Independence was formally adopted.

This remarkable document created a new nation among the powers of the world, or rather it did not create, it affirmed the independence of a state already brought into existence by revolution. It did not establish a framework of government, but it solemnly declared to the world that the United States of America had a right to determine for itself its own government. It did not constitute a body of laws, but it laid down the fundamental principles upon which a free government ought to be based.

THE DECLARATION OF INDEPENDENCE

In Congress, July 4, 1776

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 °inalienable 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 10 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 10 for light and transient causes ; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right them- 20 selves 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.

10 °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.

20 He has called together legislative bodies at 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 10 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 neighboring 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 complete the works of death, desolation and tyranny, already begun with circum- 10
stances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has excited domestic insurrection among 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.

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, 20
to become the executioners of their friends and brethren, or to fall themselves by their hands.

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 injuries. 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 attention 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
10 justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connection 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.

°We, therefore, the representatives of the United States of America, in General Congress, assembled,
20 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.

10

JOHN HANCOCK.

New Hampshire — JOSIAH BARTLETT, WILLIAM WHIPPLE, MATTHEW THORNTON.

Massachusetts Bay — SAMUEL ADAMS, JOHN ADAMS, ROBERT TREAT PAINE, ELBRIDGE GERRY.

Rhode Island — STEPHEN HOPKINS, WILLIAM ELLERY.

Connecticut — ROGER SHERMAN, SAMUEL HUNTINGTON, WILLIAM WILLIAMS, OLIVER WOLCOTT.

New York — WILLIAM FLOYD, PHILIP LIVINGSTON, FRANCIS LEWIS, LEWIS MORRIS. 20

New Jersey — RICHARD STOCKTON, JOHN WITHERSPON, FRANCIS HOPKINSON, JOHN HART, ABRAHAM CLARK.

Pennsylvania — ROBERT MORRIS, BENJAMIN RUSH, BENJAMIN FRANKLIN, JOHN MORTON, GEORGE CLYMER, JAMES SMITH, GEORGE TAYLOR, JAMES WILSON, GEORGE ROSS.

Delaware — CÆSAR RODNEY, GEORGE READ, THOMAS M'KEAN.

Maryland — SAMUEL CHASE, WILLIAM PACA, THOMAS STONE, CHARLES CARROLL of Carrollton.

Virginia — GEORGE WYTHE, RICHARD HENRY LEE, 10 THOMAS JEFFERSON, BENJAMIN HARRISON, THOMAS NELSON, JR., FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.

North Carolina — WILLIAM HOOPER, JOSEPH HEWES, JOHN PENN.

South Carolina — EDWARD RUTLEDGE, THOMAS HEYWARD, JR., THOMAS LYNCH, JR., ARTHUR MIDDLETON.

Georgia — BUTTON GWINNETT, LYMAN HALL, GEORGE WALTON.

ARTICLES OF CONFEDERATION

HISTORICAL NOTE. — This country was governed from the outbreak of the war with Great Britain until March 2, 1781, by the Second Continental Congress, as a revolutionary body. There was no written instrument of government, and Congress assumed the powers that were absolutely essential for the successful conduct of the war for independence. The value of a written constitution to limit and define the powers of government was fully appreciated in the American colonies, and as early as the 11th of June, 1776, Congress appointed a committee, consisting of one member from each colony, to draw up a constitution. This committee, on the 12th of July, 1776, reported a draft of Articles of Confederation, supposed to have been written by John Dickinson of Delaware, which, after a long delay, were finally agreed to by Congress, November 15, 1777, and submitted to the several States. Over three years passed before all the States had instructed their delegates in Congress to ratify the Articles. The document bears the date, July 9, 1778, when the engrossed copy was signed by eight States.

Dissatisfaction with certain provisions of the Articles, disinclination to surrender a portion of their sovereign powers, and above all, the unwillingness of States having claims to western lands to cede them to the Union, were the principal causes of this protracted delay in ratifying the Articles. Maryland, the

last State to ratify, signed the Articles of Confederation on the 1st of March, 1781. On the next day, March 2d, Congress assembled for the first time under a written constitution.

The State thus formed was a loose confederation, in which the confederate government was not given strength enough, as events proved, to enforce the powers granted it by the Articles of Confederation. Six years of the Confederation sufficed to convince the people of this country that a new division of sovereign powers between the State and national governments was absolutely necessary. The very defects of the instrument were blessings in disguise, for without a practical knowledge of their disastrous consequences, the people of the States would never have surrendered to the national government the powers that have made it great and strong.

ARTICLES OF CONFEDERATION

TO ALL TO WHOM THESE PRESENTS SHALL COME,

We, the undersigned, Delegates of the States affixed to our names, send greeting :

Whereas the delegates of the United States of America in Congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union,
10 between the States of New Hampshire, Massachusetts

Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz. : —

Articles of Confederation and Perpetual Union between the °States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

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ARTICLE I. — The style of this °Confederacy shall be, “The United States of America.”

ART. II. — 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 Congress assembled.

ART. III. — The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding them- 20
selves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, °the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of
10 trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them.

°If any person guilty of, or charged with, treason,
20 felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

°Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. V. — °For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, ¹⁰ and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; °nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind. ²⁰

Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

°Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress ; and the members of Congress shall be protected in their persons from arrests and imprisonment during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ART. VI. — °No State, without the consent of the United States in Congress assembled, shall send any
10 embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state ; °nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state ; °nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

°No two or more States shall enter into any treaty,
20 confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may

interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

°No vessel of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defense of such State or its trade, nor shall any body of forces be kept up by any State 10 in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage. 20

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade

such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by
10 the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. VII. — °When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel, shall be appointed by the legislature of each State respectively by whom such forces
20 shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII. — °All charges of war, and all other expenses that shall be incurred for the common defense, or general welfare, and allowed by the United States

in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States in Congress assembled. 10

ART. IX.—°The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people 20 are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land and water shall be legal,

and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting °letters of marque and reprisal in times of peace; °appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

- 10 °The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing,
- 20 notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and

determining the matter in question ; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot ; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination ; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing ; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive ; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or

judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "*well and truly to hear and determine the matter*
10 *in question, according to the best of his judgment, without favor, affection, or hope of reward:*" provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different °grants of two or more States, whose jurisdictions, as they may respect such lands and the States which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to
20 such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

°The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from 10 one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations. 20

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and °civil officers

as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of °president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States,
10 transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United
20 States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise

men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, 10 armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the 20 credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor

shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their
10 proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the legislatures of the several States.

20 ART. X. — The °Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be dele-

gated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. XI. — °Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

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ART. XII. — All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII. — Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless

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such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

AND WHEREAS it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and
10 authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the deter-
minations of the United States in Congress assembled, on all questions which by the said Confederation are
20 submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia, in

the State of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

On the part and behalf of the State of New Hampshire.

JOSIAH BARTLETT,

JOHN WENTWORTH, JR.

August 8, 1778.

On the part and behalf of the State of Massachusetts Bay.

JOHN HANCOCK,

FRANCIS DANA,

SAMUEL ADAMS,

JAMES LOVELL,

ELBRIDGE GERRY,

SAMUEL HOLTEN.

On the part and behalf of the State of Rhode Island and Providence Plantations.

WILLIAM ELLERY,

JOHN COLLINS.

HENRY MARCHANT,

On the part and behalf of the State of Connecticut.

ROGER SHERMAN,

TITUS HOSMER,

SAMUEL HUNTINGTON,

ANDREW ADAMS.

OLIVER WOLCOTT,

On the part and behalf of the State of New York.

JAMES DUANE,
FRANCIS LEWIS,

WILLIAM DUER,
GOUVERNEUR MORRIS.

*On the part and in behalf of the State of New Jersey,
Novr. 26, 1778.*

JOHN WITHERSPOON,

NATHANIEL SCUDDER.

On the part and behalf of the State of Pennsylvania.

ROBERT MORRIS,
DANIEL ROBERDEAU,
JONATHAN BAYARD SMITH,

WILLIAM CLINGAN,
JOSEPH REED,
22d July, 1778.

On the part and behalf of the State of Delaware.

THOMAS M'KEAN,
Feby. 12, 1779.

JOHN DICKINSON,
May 5th, 1779,
NICHOLAS VANDYKE.

On the part and behalf of the State of Maryland.

JOHN HANSON,
March 1, 1781.

DANIEL CARROLL,
Mar. 1, 1781.

On the part and behalf of the State of Virginia.

RICHARD HENRY LEE,	JOHN HARVIE,
JOHN BANISTER,	FRANCIS LIGHTFOOT LEE.
THOMAS ADAMS,	

On the part and behalf of the State of No. Carolina.

JOHN PENN,	CORNELIUS HARTNETT,
July 21st, 1778.	JOHN WILLIAMS.

On the part and behalf of the State of South Carolina.

HENRY LAURENS,	RICHARD HUTSON.
WILLIAM HENRY DRAYTON,	THOMAS HAYWARD, JR.
JOHN MATHEWS,	

On the part and behalf of the State of Georgia.

JOHN WALTON,	EDWARD TELFAIR,
24th July, 1778.	EDWARD LANGWORTHY.

THE ORDINANCE OF 1787

HISTORICAL NOTE.—The territory included in the present States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, now not only the centre of population, but also of political influence of the United States, by 1786 had been ceded to the United States by the original States having claims to them. The Ordinance of 1784, an act of the Confederate Congress, drafted by Thomas Jefferson, first gave to this territory, acquired or to be acquired from the States, a temporary government.

A year before the passage of this ordinance, General Rufus Putnam and a large number of army officers applied to Congress for a grant of land in the West which might eventually be formed into a State of the Union. The grant was not made at this time, but the project of western settlement on a large scale was not abandoned, and in 1786 the Ohio Company was formed in Boston for the purpose of acquiring land and settling the district of Ohio with New Englanders. Manesseh Cutler was sent to New York as the agent of the Ohio Company, with full powers to purchase from Congress a large tract of land in Ohio, provided Congress would establish a suitable and permanent form of government for the territory. He arrived in New York in time to suggest a number of changes in the draft of "An Ordinance for the Government of the Territory of the United States Northwest of the Ohio," of which Nathan Dane

of Massachusetts was the author. Cutler ably championed the bill, and its final passage, July 13, 1787, was due largely to his effective labors in its behalf. Two weeks later he secured the passage of an ordinance by Congress, selling to the companies he represented about five million acres of land in the new territory.

Early in the next year General Rufus Putnam led out a company of emigrants under the auspices of the Ohio Company which made, at Marietta, the first settlement of importance in Ohio, and within a year twenty thousand people had found homes for themselves in the Northwest Territory.

The ordinance of 1787 deserves to rank among the greatest and most beneficent legislative acts in history. By prohibiting slavery it preserved an imperial domain for the cause of human freedom and forged the most important link in the chain of events that finally led to the abolition of slavery in the United States. By providing for the eventual admission of portions of the territory as States of the Union, it laid the foundations for the sound territorial (colonial) policy that has made possible a union of forty-five States in one great federation. And by establishing a territorial government, which, while preserving the rights and liberties of the individual and securing social well-being and economic prosperity, at the same time reserved to the national government that degree of control necessary for federal interests, it furnished the model for all subsequent acts of Congress for the government of federal territories.

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

10 *Be it ordained by the authority aforesaid,* That the °estates, both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them. And where there shall be no children or descendants, then in equal parts to the next of kin in equal degree; and, among collaterals, the children
20 of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood; saving, in all cases, to the widow of the intestate her

third part of the real estate for life, and one-third part of the personal estate; and this law, relative to descents and dower, shall remain in full force until altered by the legislature of the district. And, until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, being of full age, and attested by three witnesses; and real estates may be conveyed by lease and release, ¹⁰ or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskas- ²⁰ kias, St. Vincents, and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

°Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a °freehold estate therein in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress. There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a °common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time: which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but, afterwards, the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress. 10

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of the magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor. 20

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be
10 made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the general assembly: *provided*, that, for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right
20 of representation increase, until the number of representatives shall amount to twenty-five; after which, the number and proportion of representatives shall be regulated by the legislature: *provided*, that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United

States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: *provided, also*, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

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The representatives thus elected, shall serve for the term of two years; and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. °The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: as soon as representatives shall be elected, the governor shall appoint a time and place for them to

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meet together; and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names
10 to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make
20 laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act

whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not of voting during this temporary government. 10

And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early 20

periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit:

ART. 1st. No person, demeaning himself in a
10 peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2d. °The inhabitants of the said territory shall always be entitled to the benefits of the writ of °*habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be
20 bailable, unless for capital offences, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common

preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. °And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, *bona fide*, and without fraud, previously formed.

ART. 3d. Religion, morality, and knowledge, being necessary to good government and the happiness of 10 mankind, °schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall, from time to time, be made for preventing wrongs being 20 done to them, and for preserving peace and friendship with them.

ART. 4th. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such

alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be
10 made on the other States; and the taxes, for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the
20 title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and, in no case, shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be com-

mon highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty, therefor.

ART. 5th. °There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents, to the Ohio; by the Ohio, by a direct line, drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *provided, however,* and it is further understood and declared, that the

boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. °And, whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the
10 Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *provided*, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the
20 State than sixty thousand.

ART. 6th. °There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *provided, always*, that any °person escaping into the same, from whom labor

or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed and declared null and void.

Done by the United States, in Congress assembled,
the 13th day of July, in the year of our ¹⁰
Lord 1787, and of their sovereignty and
independence the twelfth.

THE CONSTITUTION OF THE UNITED STATES

HISTORICAL NOTE. — The disastrous and humiliating experiences through which the country passed under the weak government of the Articles of Confederation convinced thoughtful men that one of two alternatives was inevitable ; the dissolution of the Union, or the formation of a stronger federal government capable of dealing with the problems that had proved too difficult for the confederate Congress to solve.

Alexander Hamilton, as early as 1780, had pointed out the defects of the Articles of Confederation, and had recommended a convention of delegates from all the States for the purpose of formulating a new plan of government. The subject of a constitutional convention was frequently broached during the closing years of the confederation. A plan proposed in the Virginia legislature for the purpose of regulating commerce upon waters bordering on both Virginia and Maryland was developed, under the influence of Madison, into an invitation to all the States to send delegates to a conference at Annapolis, in September, 1786, to devise and submit to the States a scheme for the federal control of commerce. As commissioners from five States only appeared, the convention simply adopted a resolution urging that delegates be appointed by the several States to meet in Philadelphia the following May to “ take into consideration the

situation of the United States, to devise such further provision as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union, and to report such an act for that purpose to the United States in Congress assembled, as, when agreed to by them, and afterwards confirmed by the legislatures of every State, will effectually provide for the same."

After some delay Congress passed the desired action, and on the 25th of May, 1787, the convention assembled in Philadelphia, organized itself with George Washington as President, and continued in session until the 17th of September, 1787. The States had followed the example of Virginia, and had sent their ablest citizens as delegates. Washington, Madison, Hamilton, Franklin, Wilson, Gouverneur Morris, King, C. C. Pinckney, and Edmund Randolph were the principal leaders of this remarkable body of fifty-five men.

Although the delegates were only authorized by their States to propose amendments to the existing instrument of government, they assumed the responsibility of adopting an entirely new constitution. The task was a difficult one. State interests conflicted with national, large States were arrayed against small, slave States against free, and agricultural States against commercial. The final adoption of the Constitution was made possible only by the spirit of concession and compromise.

Congress, on the 28th of September, 1787, ordered the submission of the proposed constitution to the States, in order that they might be acted upon by conventions elected by the people in each State. The campaign for ratification was a long and severe one. Delaware (December 7, 1787) was the first to

ratify, and New Hampshire (June 21, 1788), as the ninth State, completed the number which it had been decided should be necessary before the Constitution could go into effect. Virginia and New York ratified five days later, North Carolina and Rhode Island failing to do so until after the inauguration of the new government.

The Constitution thus adopted created a federal State in which the people are sovereign, and in which the functions of government are apportioned between the national and State governments by the sovereign people. The federal government was given powers ample for its own preservation. Clothed with these powers it has successfully met every danger which has threatened its life. Planned for a State of less than four million people, the Constitution has wonderfully adapted itself to the needs of a rapidly growing nation, and now gives to eighty million freemen peace, prosperity, and enlightened government.

°THE CONSTITUTION OF THE UNITED STATES

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

ARTICLE. I

10

SECTION. 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 shall be composed of members chosen every second year by the people of the several States, °and the electors in each State shall have the °qualifications requisite for electors of the most numerous branch of the State legislature.

20

No person shall be a Representative who shall not

have attained 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.

°Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such °enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

When vacancies happen in the representation from

any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION. 3

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

10

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

20

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.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. °When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

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

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.

°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.

10

SECTION. 5

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.

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

20

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.

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

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.

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

SECTION. 7

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.

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 10 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 20 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 adjourn-

ment prevent its return, in which case it shall not be a law.

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
10 House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION. 8

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and °general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and
20 among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of

foreign coin, and fix the standard of weights and measures;

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

To establish post-offices and post-roads;

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;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

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

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

20

To provide and maintain a navy;

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

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

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;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles
10 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

°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
20 the Government of the United States, or in any department or officer thereof.

SECTION. 9

°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.

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

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

No capitation, or other direct, tax shall be laid, 10 unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in 20 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.

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

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but
10 gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States;
20 and all such laws shall be subject to the revision and °control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage

in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE. II

SECTION. 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

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. 10

°[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 government of the United States, directed to the President of the Senate. The Presi- 20

dent 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 choose by ballot one of them for President; and
10 if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the 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
20 the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

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

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

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 10 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.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within 20 that period any other emolument from the United States, or any of them.

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 faith-

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

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
20 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 in-

ferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

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

He shall from time to time give to the Congress information of the state of the Union, and recommend 10 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

20

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

ARTICLE. III

SECTION. 1

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION. 2

The judicial power shall extend to all cases, in law and equity, 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;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of 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.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases 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.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held ¹⁰ 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 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 ²⁰ on confession in open court.

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

ARTICLE. IV

SECTION. 1

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

SECTION. 2

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

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

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

SECTION. 3

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.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the 10 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

The United States shall guarantee to every State in this Union a °republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened) against 20 domestic violence.

ARTICLE. V

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
10 by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, °provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that °no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE. VI

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

This Constitution, and the laws of the United

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

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 10 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 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 20
September in the year of our Lord one thousand seven hundred and eighty-seven and of
the independence of the United States of

DELAWARE

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

MARYLAND

James McHenry	Daniel Carroll
Daniel of St. Thomas Jenifer	

VIRGINIA

John Blair	James Madison, Jr.
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NORTH CAROLINA

William Blount	Richard Dobbs Spaight
Hugh Williamson	

SOUTH CAROLINA

John Rutledge	Charles Pinckney
Charles Cotesworth Pinckney	Pierce Butler

GEORGIA

William Few	Abraham Baldwin
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Attest: William Jackson, *Secretary*.

°AMENDMENTS

°ARTICLE I

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

ARTICLE II

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

ARTICLE III

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.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable
20 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 person or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, ¹⁰ without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

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 con- ²⁰fronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, 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.

ARTICLE VIII

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

ARTICLE IX

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

°ARTICLE X

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
20 people.

°ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, com-

menced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

°ARTICLE XII

°The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President,¹⁰ and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be °counted:—The person having the greatest number of votes for President,²⁰ 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
10 right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—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
20 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.

°ARTICLE XIII

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

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

°ARTICLE XIV

SECTION 1. All persons born or naturalized in the 10
United States, and subject to the jurisdiction thereof,
are citizens of the United States and of the State
wherein they reside. No State shall make or enforce
any law which shall abridge the privileges or immu-
nities of citizens of the United States; nor shall any
State deprive any person of life, liberty, or property,
without due process of law; nor deny to any person
within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned 20
among the several States according to their respective
numbers, counting the whole number of persons in
each State, excluding Indians not taxed. But when
the right to vote at any election for the choice of elec-

tors 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
10 male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. 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
20 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. 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 the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this 10 article.

°ARTICLE XV

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

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

WASHINGTON'S FAREWELL ADDRESS

HISTORICAL NOTE. — Washington had accepted the presidency of the United States with great reluctance and, as his first term of office drew near its close, he planned to retire from public affairs and to take up again the congenial life of a country gentleman. He determined to issue a farewell address to the American people which should contain his matured ideas on governmental policy and an exhortation to his fellow-citizens to follow certain principles and to avoid dangers which he saw threatened the State. In 1792 he wrote to Madison asking his assistance in embodying ideas, noted in the letter, in a written address to the citizens of the United States. Great pressure was brought to bear upon Washington to accept another term as President, and believing that his refusal might work injury to the country, he consented to stand for a second election.

During the middle of his second term Washington recurred to the idea of a farewell address. This time he sought the advice and assistance of Hamilton. On the 15th of May, 1796, he sent a rough draft of his proposed address to Hamilton with the request that he very carefully revise, add to, or if he thought advisable, entirely rewrite the paper.

On July 30th Hamilton submitted a revised draft to the President and, on the 10th of August, a second revision, which in its turn he further altered in accordance with Washington's suggestions. The President very carefully revised Hamilton's

final draft and on the 17th of September, 1796, gave the message to the editor of the *Daily Advertiser* for publication. Hamilton's aid was of great value in the preparation of the address, yet the ideas were largely Washington's own and all expressed his matured opinions and profound convictions. Because others aided him with pen and counsel, it would be unfair and childish to withhold from its great author full credit for the masterly production.

The extraordinary influence exerted by the Farewell Address in American political history is due, not alone to the reverence felt for the opinions of the august author, but also and primarily to the fact that the principles advocated are so important and so essentially correct that successive generations of American statesmen recognize in them rules of public conduct necessary to the continued prosperity and safety of the American nation.

WASHINGTON'S FAREWELL ADDRESS

TO THE PEOPLE OF THE UNITED STATES

Friends and Fellow-Citizens:

The period for a new election of a citizen to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public 10

voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply,
10 I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently
20 with motives, which I was not at liberty to disregard, to return to that retirement, from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and criti-

cal posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice, that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty, or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

10

The impressions, with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied, that, if any circumstances have given peculiar value to my services, they were temporary, I have the con-

20

solution to believe, that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment, which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude, which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with
10 which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances
sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently
20 want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave,

as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this 10 blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation, which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, 20 and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to

bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The °unity of government, which constitutes you one people, is also now dear to you. It is justly so: for it is a main pillar in the edifice of your real inde-
10 pendence, the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty, which you so highly prize. But as it is easy to foresee, that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,
20 it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the °palladium of your political safety

and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion, that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate 10 your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts, of common dangers, 20 sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds

the most commanding motives for carefully guarding and preserving the Union of the whole.

°The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its
10 commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find, a valuable vent for
20 the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence,

and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in Union, all the parts combined in the united mass of means and efforts 10 cannot fail to find greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from Union an exemption from those broils and wars between themselves, which so frequently afflict neighbouring countries not tied together by the same 10 governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate 20 and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that

your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in
10 such a case were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who in any quarter may endeavour to weaken
20 its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations, *Northern* and *Southern*, *Atlantic* and *Western*; whence designing men

may endeavour to excite a belief, that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings, which spring from these misrepresentations; they tend to render alien to each other those, who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a 10 useful lesson on this head; they have seen, in the negotiation by the executive, and in the unanimous ratification by the Senate, of the °treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic States unfriendly to their interests in regard to the MISSISSIPPI; they have been witnesses to the forma- 20 tion of two treaties, that with °Great Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the UNION by which they were pro-

cured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions, which all alliances in all times have experienced. Sensible of
10 this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own
20 amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of

government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and °associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action 10 of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent 20 and wholesome plans digested by common counsels, and modified by mutual interests.

However combinations or associations of the above descriptions may now and then answer popular ends, they are likely, in the course of time and things, to

become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines, which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority,
10 but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard, by which
20 to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that, for the efficient management of your common interests, in a

country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprise of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property. 10

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of °party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or re- 20
pressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to

party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to
10 the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the com-
20 munity with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the

policy and the will of one country are subjected to the policy and will of another.

There is an opinion, that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. °The spirit of encroachment tends to consolidate the powers of all the

departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has
10 been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which
20 free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield.

Of all the dispositions and habits, which lead to political prosperity, religion and morality are indis-

pensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of 10 investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species 20 of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge.

In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is, to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel
10 it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts, which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen, which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should coöperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that
20 towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised, which are not more or less inconvenient and unpleasant, that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought

to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people °always guided by an exalted justice and benevolence. Who can doubt, that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it 20 rendered impossible by its vices?

In the execution of such a plan, nothing is more essential, than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of

them, just and amicable feelings towards all should be cultivated. The nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when
10 accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives.
20 The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real

common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens, (who devote themselves to the favorite nation,) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation. 10

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, 20

towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of °foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be
10 avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to for-
20 eign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us

have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period 10 is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by our justice, shall counsel.

Why forego the advantages of so peculiar a situa- 20
tion? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary
10 and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural
20 course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present

circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that 'tis folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not 10 giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course, which has hitherto marked the destiny of 20 nations. But, if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the

impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

10 In relation to the still subsisting war in Europe, my °Proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

20 After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations, which respect the right to hold this conduct, it is not necessary on this occasion to

detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that con- 10
duct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavour to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think 20
it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope, that my country will never cease to view them with indul-

gence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man, who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat, in
10 which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

UNITED STATES, September 17th, 1796.

THE MISSOURI COMPROMISE

HISTORICAL NOTE. — The first two decades of the nineteenth century saw a marked change in the attitude of the people of the United States towards negro slavery. On account of the increased financial returns of cotton culture, slavery was, in 1820, deemed by the South economically profitable and necessary to its continued prosperity. The North had abolished slavery and, wedded to the system of free labor, had adopted a position of pronounced antagonism to further slave extension.

The Ordinance of 1787 had preserved the old Northwest States for freedom, while the new States, south of the Ohio, had all become slaveholding. Seven of the original thirteen States had abolished slavery, while six had retained the system. Four of the nine new States were free and five were slave. Thus there were, in 1819, eleven free and eleven slave States. The territory acquired by purchase from France in 1803 was, by French law, affirmed by Congress, open to slavery throughout its whole extent. As the equal division of States between free and slave interests made impossible any amendment to the federal constitution restricting or abolishing slavery, its opponents hoped to accomplish their ends by imposing freedom from slavery, as a condition of admission, upon all States to be received, in the future, into the Union, and thus eventually to obtain the three-fourths majority necessary for the passage of a constitutional amendment.

The great struggle between the North and South was precipitated by the Tallmadge amendment of February 13, 1819, to a bill admitting Missouri as a State of the Union, which provided for the eventual abolition of slavery in the proposed State. The House passed the bill thus amended, but the amendment was rejected in the Senate, and the measure was lost. At the next session of Congress the contest was renewed, and after a long and bitter struggle a compromise was agreed to forbidding slavery in all the Louisiana purchase, excluding Missouri, north of 36° 30' north latitude. Maine was, at the same time, admitted as a free State to preserve the balance between the two sections.

A clause in the Missouri constitution, imposing upon the State legislature the duty of prohibiting mulattoes and free negroes from acquiring residence in the State, brought about a renewal of the great controversy when that document was presented to the next Congress for its approval. This clause was considered contrary to the Constitution of the United States; and by a second compromise, proposed by Henry Clay, Missouri was finally admitted to the Union only on the condition that the above-mentioned clause should be virtually nullified.

By the Missouri Compromise the North won the advantage from the material point of view, as she obtained a far greater area of territory capable of division into future free States, while the South won the main constitutional points involved. The struggle over the Compromise taught the South that the security of their system lay in a strict construction of the Constitution, and confirmed them in their support of the "States Rights" theory of the Constitution. The settlement has been often and

bitterly assailed as a national recognition of a great evil, but its alternative — secession of the Southern States — could not, in all probability, have been prevented by the North in 1820. It unquestionably delayed for a generation the great struggle between the sections, and when the issue was again clearly joined, the balance of power had definitely inclined to the northern side.

THE MISSOURI COMPROMISE

An Act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of that portion of the °Missouri Territory included within the °boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union, upon an °equal footing with the original States, in all respects whatsoever.

SEC. 3. *And be it further enacted,* That all free white male citizens of the United States, who shall

have arrived at the age of twenty-one years, and have resided in said Territory three months previous to the day of election, and all other persons qualified to vote for representatives to the General Assembly of the said Territory, shall be qualified to be elected, and they are hereby qualified and authorized to vote, and choose representatives to form a convention, . . .

SEC. 4. *And be it further enacted*, That the members of the convention thus duly elected, shall be, and
10 they are hereby, authorized to meet at the seat of government of said Territory, on the second Monday of the month of June next; and the said convention, when so assembled, shall have power and authority to adjourn to any other place in the said Territory, which to them shall seem best for the convenient transaction of their business; and which °convention, when so met, shall first determine, by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and State government,
20 for the people within the said Territory, as included within the boundaries above designated; and, if it be deemed expedient, the convention shall be, and hereby is, authorized to form a constitution and State government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing

representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, as they shall designate; and shall meet at such time and place as shall be prescribed by the said ordinance; and shall then form for the people of said Territory, within the boundaries aforesaid, a constitution and State government: *Provided*, That the same, whenever formed, shall be °republican and not repugnant to the Constitution of the United States; and that the Legis- 10
lature of said State shall never interfere with the primary disposal of the °soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers; and that no tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents.

SEC. 7. *And be it further enacted*, That, in case a constitution and State government shall be formed 20
for the people of said Territory of Missouri, the said convention or representatives, as soon thereafter as may be, shall cause a true and attested copy of such constitution, or frame of State government, as shall be formed or provided, to be transmitted to Congress.

SEC. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, °slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any
10 person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully claimed and conveyed to the person claiming his or her labor or services as aforesaid.

Approved, March 6, 1820.

THE RESOLUTION OF MARCH 2, 1821

RESOLUTION PROVIDING FOR THE ADMISSION OF MISSOURI INTO THE UNION ON A CERTAIN CONDITION

Resolved, by the Senate and House of Representatives
20 *of the United States of America in Congress assembled*,
That Missouri shall be admitted into this Union on an equal footing with the original States, in all re-

spects whatever, upon the fundamental condition, that the °fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the States in this Union, shall be excluded from the enjoyment of any of the °privileges and immunities to which such citizen is entitled under the Constitution of the United States: *Provided*, That 10
the Legislature of said State, by a solemn public act, shall declare the assent of the said State, to the said fundamental condition, and shall transmit to the President of the United States on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union shall be considered as complete. 20

Approved, March 2, 1821.

THE MONROE DOCTRINE

HISTORICAL NOTE. — The allied monarchs of Europe, after the downfall of Napoleon, entered into an agreement called the Holy Alliance, the purpose of which was to unite these powerful rulers in the interest of the peace and religious and moral welfare of Europe. This, or more properly speaking, a succeeding alliance, soon became a league of the great continental monarchs for the purpose of repressing liberal or constitutional movements and of maintaining everywhere the principle of absolute monarchy.

In 1820 revolutions broke out in southern Europe which occasioned armed intervention by Prussia, Austria, and Russia for the purpose of overthrowing liberalism and of reëstablishing the legitimate sovereigns on the thrones from which they had been driven. France, supported by the three powers above mentioned, sent an army into Spain in 1822, put down the revolution, and restored the absolutist Ferdinand. An intimation that the powers meant to go farther, and assist Spain in recovering her revolted provinces in America, which had long maintained their practical independence, led President Monroe to issue his famous message declaring that such an attempt would be considered an act unfriendly to the United States. The protest was decisive, and no further attempt was made by the allied powers to extend their system to America or to interfere in transatlantic affairs. The weakness of the Spanish-American States, which constantly invited conquest or control by ambi-

tious European powers, and the advantages which we derived from our unique position on the American continents and from the absence of great military powers in America, induced President Monroe to go farther and declare, as a cardinal feature of American state policy, that we would oppose the attempt of any European power to conquer or control the independent States of North and South America.

The principles of the Monroe Doctrine had been for twenty-five years slowly taking shape at the hands of American statesmen. The Monroe Doctrine is a logical development of Washington's policy of non-intervention in European affairs. Washington, Hamilton, John Adams, Jefferson, Madison, and John Quincy Adams all contributed to its development.

The Monroe Doctrine was a statement of policy which bound only the executive department of government for the time being. Subsequent governments have been free to act as the interests of the country dictated. It is not the law of the land. Its binding force has arisen from the belief of successive presidents that it furnishes a safe and necessary rule for governmental action. The fact that so many administrations have guided their action by its principles, successfully enforcing them against foreign powers, have given it great prestige. European nations do not recognize the doctrine as a part of international law, hence its observance by them is due, and due only, to our power to enforce the doctrine.

THE MONROE DOCTRINE

MESSAGE OF THE PRESIDENT OF THE UNITED STATES AT
THE COMMENCEMENT OF THE FIRST SESSION OF THE
EIGHTEENTH CONGRESS

Fellow-citizens of the Senate and House of Representatives:

Many important subjects will claim your attention during the present session, of which I shall endeavor to give, in aid of your deliberations, a just idea in this
10 communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every portion of our Union. I enter on it with zeal, from thorough conviction that there never was a period since the establishment of our Revolution when, regarding the condition of the civilized world and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union in our constituents.

20 Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that in

this respect I shall comply more fully with the sound principles of our Government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects to enable them to exercise that high power with complete effect.

* * * * *

A precise knowledge of our relations with foreign powers, as respects our negotiations and transactions with each, is thought to be particularly necessary. . . . It is by rendering justice to other nations that 10 we may expect it from them. It is by our ability to resent injuries and redress wrongs that we may avoid them.

* * * * *

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange, by amicable negotiation the respective rights and interests of the two nations 20 on the northwest coast of this continent. A similar proposal has been made by his Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United

States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are in-
10 volved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for °future colonization by any European powers.

* * * * *

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different
20 from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators.

The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes 10 which must be obvious to all enlightened and impartial observers. The °political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, 20 to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their °system to any portion of this hemisphere as dangerous to our peace and safety.

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose °independence we have, on great consideration and on just principles, acknowledged, we could not view °any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than
10 as the manifestation of an unfriendly disposition towards the United States. In the war between these new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that
20 Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have °interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same

principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the Government *de facto* as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power; submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must

be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

JAMES MONROE.

WASHINGTON, Dec. 2, 1823.

THE COMPROMISE OF 1850

HISTORICAL NOTE. — The acquisition of a vast territory from Mexico as the result of the war with that country precipitated a struggle between the slave and anti-slave interests of the United States that aroused sectional passion to a degree never before shown and threatened to disrupt the Union. The Wilmot Proviso was a clear and concise statement of the anti-slavery position. It was to the effect that slavery should not exist in the territory to be acquired from Mexico. The southern position was that Union was based upon a solemn compromise between the sections, and that the preservation of the Union depended upon a faithful adherence to the spirit of the compromise which demanded that new territory, acquired by the nation, should be divided equally, as to its status respecting slavery, between the two sections. On no other basis, the slave owner said, could Union be preserved, or would it be worth preserving. On the other hand, the Wilmot Proviso was the expression of a public opinion which had been rapidly gaining ground in the North, and a large party demanded that slave extension should be prohibited, where Congress had the undoubted right to legislate.

Meanwhile the interests of the inhabitants of the region in dispute were suffering greatly from the failure of Congress to provide some form of government for them. The rapid influx of settlers into California, as a result of the discovery of gold, made some action by Congress an imperative necessity. The

thirty-first Congress found that the Californians, acting upon the advice of President Taylor, had taken the matter into their own hands, had held a convention, had adopted a state constitution, and were knocking at the doors of Congress for admission as a State.

Henry Clay thought that by combining all the important points at issue between the sections in one great measure, in which by mutual concessions and fair compromise substantial justice would be done to each side, a permanent solution of the great problem would be reached, and the Union he so dearly loved would be saved. It was found impossible to pass an omnibus bill, as Clay desired ; but by dividing his measures, the more important of them were finally passed as separate bills. By the series of acts which constituted the Compromise of 1850, California was admitted as a free State, the remaining territory acquired from Mexico was given regular territorial organization without congressional restriction as to slavery, the dispute concerning the boundary of Texas was compromised, ten million dollars being paid her in compensation for the claims surrendered, slave trade in the District of Columbia was abolished, and a rigorous fugitive slave law was passed.

The hope of the framers that the Compromise would allay sectional strife was made impossible of fulfilment by the last of these provisions. Instead of removing the occasion for controversy or discussion, it increased the agitation in the North. The enforcement of the Fugitive Slave Law so outraged public sentiment in the North that great numbers, who were formerly indifferent, decided to oppose by every means in their power a system that was thus in its worst features brought to their very doors.

THE COMPROMISE OF 1850

EXTRACTS FROM THE SERIES OF ACTS WHICH TOGETHER FORM THE COMPROMISE OF 1850

CHAP. XLIX. *An Act proposing to the State of Texas the Establishment of her Northern and Western Boundaries, the Relinquishment by the said State of all Territory claimed by her exterior to said Boundaries, and of all her Claims upon the United States, and to establish a territorial Government for New Mexico.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following propositions shall be, and the same hereby are, offered to the State of Texas, which, when agreed to by the said State in an act passed by the general assembly, shall be binding and obligatory upon the United States, and upon the said State of Texas: *Provided,* The said agreement by the said general assembly shall be given on or before the first day of December, eighteen hundred and fifty: 10

First. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from 20

Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two degrees of north latitude to the °Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

- 10 Second. The State of Texas cedes to the United States all her claim to °territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement.

Third. The State of Texas relinquishes all claim upon the United States for liability of the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, custom-house revenue, arms and munitions of war, and public buildings with their
20 sites which became the property of the United States at the time of the annexation.

Fourth. The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of ten millions of dollars in

a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the treasury of the United States.

* * * * *

SEC. 2. *And be it further enacted*, That all that ^oportion of the territory of the United States bounded as follows: Beginning at a point in the Colorado River, where the boundary line with the republic of Mexico crosses the same; thence eastwardly with the said boundary line to the Rio Grande; thence following the main channel of said river to the parallel of the 10 thirty-second degree of north latitude; thence east with said degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with the said degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with said parallel to the summit of Sierra Madre; thence south with the crest of said mountains to the thirty-seventh parallel of north latitude; thence west with said parallel to its intersection with the boundary line of the State of California; thence with 20 said boundary line to the place of beginning — be, and the same is hereby, erected into a temporary government, by the name of the Territory of New Mexico; *Provided*, That nothing in this act contained shall be

construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State: *And provided further* That, when admitted as a State, the said Territory, or any portion of the same shall be received into the Union, °with or without slavery, as their constitution may prescribe at the
10 time of their admission. . . .

APPROVED, September 9, 1850.

CHAP. L. *An Act for the Admission of the State of California into the Union.*

Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States by message dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of
20 government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of °California shall be one, and is

hereby declared to be one, of the United States of America; and admitted into the Union on an equal footing with the original States in all respects whatever.

APPROVED, September 9, 1850.

CHAP. LI. *An Act to establish a Territorial Government for Utah.*

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That all that part of the °territory of the United States included within the following limits, to wit: bounded 10
on the west by the State of California, on the north by the Territory of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, be, and the same is hereby, created into a temporary government, by the name of the Territory of Utah; and when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission: *Provided, That* nothing 20
in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner

and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

APPROVED, September 9, 1850.

CHAP. LX. *An Act to amend and supplementary to, the Act entitled "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters," approved February twelfth, one thousand seven hundred and ninety-three.*

10 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the persons who have been, or may hereafter be, appointed commissioners, in virtue of any act of Congress, by the Circuit Courts of the United States, and who, in consequence of such appointment, are authorized to exercise the powers that any justice of the peace, or other magistrate of any of the United States, may exercise in respect to offenders for any crime or offense against the United States, by arrest-
20 ing, imprisoning, or bailing the same under and by virtue of the thirty-third section of the act of the twenty-fourth of September seventeen hundred and eighty-nine, entitled "An Act to establish the judicial

courts of the United States " shall be, and are hereby, authorized and required to exercise and discharge all the powers and duties conferred by this act.

* * * * *

SEC. 4. *And be it further enacted*, That the °commissioners above named shall have concurrent jurisdiction with the judges of the Circuit and District Courts of the United States, in their respective circuits and districts within the several States, and the judges of the Superior Courts of the Territories, severally and collectively, in term-time and vacation; and shall grant 10 certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or Territory from which such persons may have escaped or fled.

SEC. 5. *And be it further enacted*, That it shall be the duty of all °marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive 20 such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of such claimant, on

the motion of such claimant, by the Circuit or District Court for the district of such marshal; and after arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive °escape, whether with or without the assent of such marshal or his deputy; such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugi-
10 tive in the State, Territory, or District whence he escaped: and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the °Constitution of the United States and of this act, they are hereby authorized and empowered, within their countries respectively, to appoint in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them
20 in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or °*posse comitatus* of the proper county, when necessary to ensure a faithful observance of the clause of the

Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run, and be executed by said officers, any where in the State within which they are issued.

SEC. 6. *And be it further enacted,* That when a person held to service or labor in any State or Territory 10 of the United States has heretofore or shall hereafter escape into another State or Territory of the United States the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized by power of attorney, in writing, acknowledged and certified under the seal of some officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners afore- 20 said, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, when the same can be done without process, and by taking, or causing such person to be taken, forthwith before such

court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take deposition under the laws of the State
10 or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from
20 which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory

in which such service or labor was due, to the State or Territory, in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence, and the certificates in this and 10 the first (fourth) section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons, by °any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or 20 any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid, or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claim-

ant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the authority herein given and declared; or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest
10 of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offenses, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which such offense may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States; and
20 shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars, for each fugitive so lost as aforesaid, to be recovered by action of debt, in any of the District or Territorial Courts aforesaid, within whose jurisdiction the said offense may have been committed.

* * * * *

SEC. 9. *And be it further enacted*, That upon affidavit, made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to such 10 claimant, his agent, or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out 20 of the treasury of the United States.

SEC. 10. *And be it further enacted*, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape there-

from, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court, or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attestation of the clerk and of the seal of the said court, being produced in any other State, Territory or district in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to

the claimant. And the said court, commissioner, judge, or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped: *Provided*, That nothing herein 10 contained shall be construed as requiring the production of a transcript of such record as evidence as aforesaid. But in its absence the claim shall be heard and determined upon other satisfactory proofs, competent in law.

APPROVED, Sept. 18, 1850.

CHAP. LXIII. *An Act to suppress the Slave Trade in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress 20 assembled, That from and after the first day of January, eighteen hundred and fifty-one, it shall not be lawful to bring into the District of Columbia any

slave whatever, for the purpose of being °sold, or for the purpose of being placed in depot, to be subsequently transferred to any other State or place to be sold as merchandise. And if any slave shall be brought into the said District by its owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free.

SEC. 2. *And be it further enacted,* That it shall and
10 may be lawful for each of the corporations of the cities of Washington and Georgetown, from time to time, and as often as may be necessary, to abate, break up, and abolish any depot or place of confinement of slaves brought into the said District as merchandise, contrary to the provisions of this act, by such appropriate means as may appear to either of the said corporations expedient and proper. And the same power is hereby
vested in the Levy Court of Washington County, if any attempt shall be made, within its jurisdictional
20 limits, to establish a depot or place of confinement for slaves brought into the said District as merchandise for sale contrary to this act.

APPROVED, September 20, 1850.

THE KANSAS-NEBRASKA ACT

HISTORICAL NOTE.—In the presidential campaign of 1852 both the Democratic and the Whig parties adopted, as the chief plank of their party platforms, what was known as the finality clause. That is, they both agreed to abide by, and honestly live up to, the Compromise of 1850, as the final and equitable settlement of the great subjects of sectional dispute.

In less than two years the struggle broke out again with increased bitterness over the organization of the Nebraska Territory. Stephen A. Douglas of Illinois was the leader of the northern wing of the Democratic party. As chairman of the Senate Committee on Territories he reported a bill which reopened the whole question of slavery extension, was the cause of the formation of the Republican party, and led directly to the War of the Rebellion. The Missouri Compromise had been regarded for thirty-four years as a solemn and binding contract between the North and South. Douglas proposed a measure that violated this agreement, under the plea that it was opposed to the principle of popular sovereignty. He declared that the inhabitants of a territory were as well qualified and had as good a right to choose their own institutions as the citizens of a State. He said that the Compromise of 1850 had adopted this principle in allowing New Mexico and Utah to decide for themselves whether they would adopt slavery or not, and he maintained that he was simply extending this sound principle to the other territories.

While nothing can be more certain than that the Acts of 1850 had not been intended to nullify or repeal the Missouri Compromise, the idea of popular or squatter sovereignty appealed to the democratic instincts of the people of the Northwest, and gained a sufficient number of votes from their representatives in Congress, added to the southern slave votes, to carry the measure.

By this act two new territories were organized, Kansas and Nebraska. The inhabitants of each could choose for themselves whether slavery should exist or not, the general impression being that Kansas would finally adopt slavery, while Nebraska would ultimately become a free State, and thus the balance in the Senate would be maintained. But the Kansas-Nebraska Act contained a fatal defect. No provision was made as to the time when the settlers should decide upon their system of labor or as to the right of a majority to change the system formerly adopted by their opponents. Hence each side rushed settlers into Kansas in the endeavor to obtain immediate control of the government, or to wrest that control from those in temporary possession. Popular sovereignty thus applied soon ended in actual civil war, and the struggle which ensued arrayed North against South in almost complete estrangement. Had Douglas deliberately planned to plunge the nation into a fratricidal war, he could not have adopted a measure better fitted to accomplish that purpose than the repeal of the Missouri Compromise.

EXTRACTS FROM THE KANSAS-NEBRASKA
ACT

CHAP. LIX. *An Act to Organize the Territories of
Nebraska and Kansas.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: 10
beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place of beginning, be, and the same 20
is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said territory, or any portion

of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their

lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.

SECTION 10. *And be it further enacted*, That the provisions of the act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend, and supplementary to, the aforesaid act," approved September eighth, 1850, be, and the same are hereby, declared to extend to and be in full force within the limits of the said Territory of Nebraska.

SECTION 14. *And be it further enacted*, . . . That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise

Measures, is hereby °declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, ° but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any °law or regulation which may have
10 existed prior to the act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

APPROVED, May 30, 1854.

NOTE.—The provisions relating to slavery in Kansas are contained in sections 19, 28, and 32, and, substituting the word *Kansas* for *Nebraska*, are identical with the sections printed above.

THE DRED SCOTT DECISION

HISTORICAL NOTE. — The political departments of the federal government had endeavored to solve the great problem of slavery in the territories by successive laws which, instead of ending, had increased the sectional strife. The judicial department finally essayed an attempt at settlement.

Dred Scott, a negro, had been taken as a slave into the free State of Illinois and later to the Louisiana territory north of $36^{\circ} 30'$, where, by the Missouri Compromise, slavery was forbidden. After his return to Missouri he brought suit in the State courts to obtain his freedom, on the ground that he had become free by virtue of residence on free soil, and that once a free man his return to a slave state would not reduce him to bondage again. He lost his case on appeal to the highest Missouri court, and then brought another case before a circuit court of the United States. The circuit court allowed Scott to appear as a party to the suit, but decided that he had not gained his freedom by residence on free soil. An appeal was then taken to the Supreme Court of the United States, where the point involved in the appeal was decided against Dred Scott. This point was: had the circuit court any right to judge the case, since its jurisdiction was limited by the Constitution to the classes of persons mentioned in that document. The Supreme Court decided that a negro descended from a former slave could not be a citizen of a State, and hence was not entitled to appear before a federal court as a party to a suit. This was strictly all

that was before the court for decision, but the majority of the judges, doubtless hoping that their action would settle once for all the great political question of slavery in the territories, and by so doing would remove the cause of a strife that threatened to disrupt the Union, concluded to add an opinion upon a point of law connected with, but not necessary to, the settlement of the case before them. Such an opinion was contrary to the well-established practice of the Supreme Court. Many able jurists have claimed that it was not an authoritative decision of the court.

Chief Justice Taney, in this portion of his opinion, declared that the Missouri Compromise was opposed to the constitutional right of the slaveholder as the owner of property, recognized as such by the Constitution, to carry his kind of property, that is, his slaves, into any portion of the federal territory, and hence was null and void. By this decision the entire territory of the United States was opened to slavery, and not until a territory became a State could the right to hold slaves therein be denied to citizens of the slave States. The doctrine of popular sovereignty was destroyed, as well as the congressional power of control.

A great moral question is never settled until it is settled right. As the people of the North very generally refused to recognize the decision as finally disposing of the question, the "irrepressible conflict" continued, until laws and judicial decisions alike were silenced in the clash of armed hosts.

THE DRED SCOTT DECISION

EXTRACTS FROM THE OPINION OF CHIEF JUSTICE

TANEY

°The Act of Congress, upon which the plaintiff relies, declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is, whether °Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by that instrument, it is the duty of this Court to declare it void and inoperative, and incapable of conferring freedom upon any one who is held as a slave under the laws of any one of the States. 10

The counsel for the plaintiff has laid much stress upon that °article in the Constitution which confers on Congress the power “to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States;” but in the judgment of the Court, that provision has 20

no bearing on the present controversy, and the power there given, whatever it may be, is confined, and was intended to be confined, to the territory which at that time belonged to, or was claimed by, the United States, and was within their boundaries as settled by the treaty with Great Britain, and can have no influence upon a territory afterwards acquired from a foreign government. It was a special provision for a known and particular territory, and to meet a present emergency, and nothing more. . . .

It was intended for a specific purpose, to provide for the things we have mentioned. It was to transfer to the new government the property then held in common by the States, and to give to that government power to apply it to the objects for which it had been destined by mutual agreement among the States before their league was dissolved. It applied only to the property which the States held in common at that time, and has no reference whatever to any territory or other property which the new sovereignty might afterwards itself acquire. . . .

At the time when the territory in question was obtained by cession from France, it contained no population fit to be associated together and admitted as a State; and it therefore was absolutely necessary

to hold possession of it, as a territory belonging to the United States, until it was settled and inhabited by a civilized community capable of self-government, and in a condition to be admitted on equal terms with the other States as a member of the Union. But, as we have before said, it was acquired by the general government, as the representative and trustee of the people of the United States, and it must therefore be held in that character for their common and equal benefit; for it was the people of the several States, acting through their agent and representative, the Federal Government, who in fact acquired the territory in question, and the government holds it for their common use until it shall be associated with the other states as a member of the Union. 10

But until that time arrives, it is undoubtedly necessary that some government should be established, in order to organize society, and to protect the inhabitants in their persons and property; and as people of the United States could act in this matter only through the government which represented them, and through which they spoke and acted when the territory was obtained, it was not only within the scope of its powers, but it was its duty to pass such laws and establish such a government as would enable those by whose authority 20

they acted to reap the advantages anticipated from its acquisition, and to gather there a population which would enable it to assume the position to which it was destined among the States of the Union. . . .

But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our constitution and form of government. The powers of the government and the rights and privileges of the citizen are regulated and plainly
10 defined by the constitution itself. . . . Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the constitution, which provides, that no person shall be deprived of life, liberty, and property without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular territory of the United States, and who had committed no offense
20 against the laws, could hardly be dignified with the name of due process of law. . . .

The powers of the government, and the rights of the citizen under it, are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated

powers, and °forbidden it to exercise others. It has no power over the person or property of a citizen but what the citizens of the United States have granted. And no laws or usages of other nations, or reasoning of statesmen or jurists upon the relation of master and slave, can enlarge the powers of the government, or take from the citizens the rights they have reserved. And if the constitution recognizes the right of property of the master in the slave, and makes no distinction between that description of 10 property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether it be legislative, executive, or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the government.

Now, as we have already said in an earlier part of this opinion, upon a different point, the right of prop- 20 erty in a slave is distinctly °expressed and affirmed in the Constitution. The right to °traffic in it, like an ordinary article of merchandise and property, was guaranteed to the citizens of the United States, in every State that might desire it, for twenty years.

And the government in express terms is pledged to protect it in all future time, if the slave °escape from his owner. This is done in plain words — too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to °less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and
10 protecting the owner in his rights.

Upon these considerations, it is the opinion of the Court that the Act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory: even if they had been carried there by the owner, with the inten-
20 tion of becoming a permanent resident. . . .

THE PROCLAMATION OF EMANCIPATION

HISTORICAL NOTE. — The Republican party, although it had been elected on the issue of opposition to further extension of slavery, was nevertheless not an abolition party, and Lincoln unquestionably expressed his own honest opinion and that of his party when he stated that the war was being waged to preserve the Union, and not to change the institutions of any section. Policy doubtless confirmed this conviction in Lincoln's mind, as he wished to do nothing to estrange the border slaveholding States, on whose loyalty to the Union cause depended the issue of the war. But as the war progressed many became convinced that slavery as well as Union was the issue of the conflict.

The Confiscation Act of August 6, 1861, is the first of a series of governmental measures which reflected this changed attitude of the North, and led logically to the Proclamation of Emancipation. By this law slaves, bearing arms against the United States, or assisting by their labor in the construction of works of a military character, were to be considered as no longer the property of their former masters. On the 6th of March, 1862, President Lincoln, in a message to Congress, recommended that an agreement be entered into with the loyal slave States whereby those States should emancipate their slaves and the United States should compensate the slave owners. The border States were unwilling to accede to this

agreement. In April, 1862, slavery was abolished in the District of Columbia. In June of the same year Congress passed a law prohibiting slavery in the territories of the United States. In the middle of July a second Confiscation Act was passed, freeing the slaves of rebels and traitors found or coming within the Union lines, and on the 21st of July, 1862, Lincoln read to his cabinet the first draft of the Proclamation of Emancipation. The fear that, in the face of military reverses, the Proclamation might seem to the country at large a measure of desperation, induced Lincoln to delay its promulgation until a Union victory should be won. The battle of Antietam, of September 17th, served Lincoln's purpose, and on the 22d of September, 1862, he issued the preliminary Proclamation of Emancipation which was to be enforced on and after January 1, 1863, as to all States or portions of States then in rebellion.

On January 1, 1863, the famous document was promulgated by Lincoln, by virtue of the war power vested in him as commander-in-chief of the army and navy. Under its provision all slaves were emancipated in States or sections of States then in rebellion against the United States. Practically, the Proclamation could be enforced only where the federal troops were in actual occupation of southern territory. Slavery still remained legal in the loyal border States, and was not finally abolished everywhere in the United States until the passage of the thirteenth amendment to the Constitution.

THE PROCLAMATION OF EMANCIPATION

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state or designated part of a state, the people whereof shall then be 10 in rebellion against the United States, shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons or any of them, in any efforts they may make for their actual freedom.

“That the Executive will, on the first day of January aforesaid, by proclamation, designate the states 20 and parts of states, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any state, or the people thereof, shall on that day be in good faith

represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such state shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state, and the people thereof, are not then in rebellion against the United States."

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, by virtue of the power in me vested
10 as °Commander-in-Chief of the army and navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate, as the states and parts of states wherein
20 the people thereof respectively are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana °(except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, Ste. Marie, St. Martin, and Orleans,

including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkely, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And, by virtue of the power and for the purpose ¹⁰ aforesaid, I do order and declare that all persons held as slaves °within said designated states and parts of states are and henceforward shall be free; and that the executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free, to abstain from all violence, unless in necessary self-defense; and I recommend to them that in all cases, when allowed, they labor faithfully for ²⁰ reasonable wages.

°And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States, to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In testimony whereof, I have hereunto set my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of
January, in the year of our Lord one thousand eight hundred and sixty-three, and of
10 [L.S.] the Independence of the United States
the eighty-seventh.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

THE GETTYSBURG SPEECH

HISTORICAL NOTE. — The battle of Gettysburg, fought on the 1st, 2d, and 3d of July, 1863, was one of the greatest and most decisive conflicts of the Civil War. Lee's invasion of the North was stopped, and the southern armies were compelled to fight thereafter on the defensive. The victory of Gettysburg marked the turning-point of the Rebellion. It made the ultimate victory of the Union cause almost a certainty, and although the South struggled bravely on for nearly two years longer, the death knell of the Confederacy was struck.

The governors of the several States whose volunteers had fought in the battle of Gettysburg had, under the leadership of Governor Curtin of Pennsylvania, secured a portion of the battlefield as a place of permanent interment for those who had fallen in the battle. These governors united in inviting President Lincoln to dedicate the burial place as a national cemetery on the 19th of November, 1863.

Edward Everett of Massachusetts was the orator of the dedicatory services. His speech of two hours' duration was a dignified, chaste, and eloquent effort, worthy in every way of the occasion and secure of a permanent place as a classic of English oratory. Lincoln dedicated the cemetery in an address of two hundred and sixty-six words, which will remain, as long as the English language endures, one of its most remarkable examples

of purity of diction, eloquence of expression, and elevation of thought. To the loyal Americans, engaged in that mighty national struggle, it was more than a specimen of oratory of unsurpassed merit. It was the expression of the deepest feelings of a great nation endeavoring, at an unparalleled expenditure of blood and treasure, to accomplish the ends Lincoln so clearly and forcefully stated.

ADDRESS DELIVERED AT THE DEDICATION OF THE CEMETERY AT GETTYSBURG

Fourscore and seven years ago our fathers brought forth upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that °all men are created equal. Now we are engaged in a great civil war, °testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have
10 come to dedicate a portion of that field, as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we cannot dedicate — we cannot consecrate — we cannot hallow — this ground. The brave men, living and dead, who struggled here have consecrated it, far above our power to add or detract. The world will

little note, nor long remember, what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here, to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us,—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, and for the people, shall not perish from the earth. 10

ABRAHAM LINCOLN.

November 19, 1863.

NOTES

Page 3, line 6. **Inalienable rights.** The doctrine of inherent or inalienable rights was developed historically upon American soil. It has been customary to ascribe its adoption in the revolutionary constitutions to the influence of Rousseau. But the Separatists in England and Roger Williams in America first made practical application of the theory, and during the later colonial period it was often invoked to protect the colonists against arbitrary acts of the British government.

Line 12. **The right of revolution.** The so-called right of revolution has been acted on several times in English history, notably in the Revolution of 1688. It has been generally accepted by American statesmen and jurists. See Webster's "Reply to Hayne."

Page 4, line 10. **Veto.** The king had the right to veto the acts of colonial legislatures in all the colonies except Rhode Island and Connecticut.

Line 12. **Reservation for the king's pleasure.** Instructions to the royal governors in certain colonies had commanded that legislative acts should be reserved for the king's assent, and that they should not become laws until signed by him.

Page 5, line 1. **Representative houses dissolved.** *E.g.* in Massachusetts.

Page 5, line 6. **Legislation by the people.** The principle is here enunciated that the colony had an inalienable right to make laws for its own government. A legislature was simply a convenient means of accomplishing that end. If the legislature were abolished, the right to legislate remained unimpaired in the people, the creators of the legislature.

Line 18. **Judges dependent on the crown.** The early colonial practice had been for judges to hold office during good behavior, which was virtually life tenure. A royal order making all colonial judgeships revocable at the king's pleasure had brought about a struggle which lasted from the middle of the eighteenth century to the Revolution. A number of colonial laws, fixing tenure for good behavior, were disallowed by the crown, and in 1762 Governor Hardy of New Jersey was removed from office because he had appointed a judge during good behavior instead of at the king's pleasure. The British government in a recent order had directed that colonial judges should be paid out of the imperial treasury, thus freeing them entirely from colonial control.

Line 21. **Erection of new offices.** There is little evidence that the creation of new offices was in excess of the needs of administration.

Line 24. **Quartering of soldiers.** Soldiers were quartered in Boston under the so-called Quartering Act of the British Parliament.

Page 6, line 3. **Parliamentary control.** This clause reflects the views of a strong party in the colonies which claimed that the government of the colonies was vested in the crown and the colonial legislatures, denying to Parliament the right to pass laws except for imperial interests.

Page 6, line 5. **Assent to legislation.** The Declaration assumed that the king still possessed the power to veto acts of the British Parliament. As a matter of fact, he was responsible for the laws enumerated, not because he had assented to them, he had no power to do otherwise after the acts had passed, but because he had used the parliamentary party, which he had built up, to pass them. The veto was last used by the British crown in 1707.

Line 9. **Military trials.** Soldiers are by the military laws of most nations subject to trial in military, not in civil courts.

Line 12. **Restriction of trade.** The "Navigation Acts" had applied the policy of the *closed door* to the colonies. England's policy was to control colonial trade for the benefit of the English merchant, and the economic interests of the colonists were sacrificed if they conflicted with the supposed interests of England. The Boston Port Act of 1774 had closed that port to the trade of the world.

Line 13. **Taxation without consent.** *E.g.* the Stamp and Tea Acts.

Line 14. **Denial of jury trial.** Trial in vice-admiralty courts had been substituted for jury trial in certain cases.

Line 16. **Trial in England.** The burning of the *Gaspee* led the British government to issue instructions, dated September

4, 1772, to a commission of inquiry appointed to investigate the affair, to arrest and send the offenders to England for trial, thus violating one of the most prized rights of Englishmen.

Line 18. **The Quebec Act.** This act was intended by the British government to grant such liberal privileges to the French Catholics of Quebec that they would remain loyal to England. It was a constitution for the Province of Quebec, which granted to the French inhabitants their French civil law and the free exercise of their religion. It, moreover, added to the Provinces of Quebec the territory between the Ohio and Mississippi rivers and the Great Lakes.

Line 23. **Charters revoked.** As in Massachusetts by the Act of 1774.

Page 7, line 1. **Legislatures dissolved.** As in Massachusetts, New York, Maryland, Virginia, and Georgia.

Page 7, line 9. **Foreign mercenaries.** Not all the mercenaries were Hessians, but all were so called by the colonists. Several German princelings sold their subjects at a fixed sum per head to the king of Great Britain for use as soldiers in America. The use of Hessians exasperated the Americans as almost nothing else did. It decided many who had been waverers to support the cause of independence.

Line 23. **Petitions for redress.** *E.g.* the petitions of the Stamp Act Congress and of the First Continental Congress of October 25, 1774, and the Olive Branch Petition of July, 1775.

Page 8, line 5. **Warnings to British people.** *E.g.* the Declaration of Rights of 1774 by the First Continental Congress.

Line 18. **Independence declared.** The concluding paragraph is, strictly speaking, the declaration of independence ; the preceding portions of the document give the reasons for the momentous step.

Page 13, line 6. **Adoption by States.** It is important to remember that the Articles of Confederation were adopted by the several States, and not by the people of the United States. Compare the enacting clause of the Constitution.

Line 11. **Confederacy.** A confederacy or confederation is a union of States in which the central government is given less power than in a federation. It is a union of sovereign States rather than a single sovereign State formed by the union of a number of component self-governing divisions, each of which by the act of union loses its real independence. A confederation exercises its jurisdiction only over the States, not over the individuals inhabiting the States.

Page 14, line 3. **Citizens entitled to privileges and immunities of the several States.** This provision is repeated in nearly the same words in the Constitution, Art. IV, Sec. 2, § 1.

Line 19. **Extradition.** The Constitution follows closely the language of this clause for the extradition of criminals. See Constitution, Art. IV, Sec. 2, § 2.

Page 15, line 1. **Mutual recognition of legal acts of the several States.** See Constitution, Art IV, Sec. 1.

Line 4. **Congress.** As constituted by this article, Congress partook more of the nature of a diet of ambassadors from sovereign States than of a national legislative body. Before

the American Union the word "congress" was not used as a name for a legislature. It was commonly employed to designate a meeting of diplomats in an international conference, as the Congress of Vienna, and in this sense it was used in the First and Second Continental Congresses. The Second Continental Congress found itself the only body capable of carrying on the Revolution, and by its assumption of legislative powers the word came to be used in this country for a national legislature.

Line 16. **Congressmen not to hold office.** See Art. I, Sec. 6, § 2, of the Constitution, where the provision is repeated.

Page 16, line 1. **Privileges of Congressmen.** Freedom of debate and immunity from arrests, with the exceptions stated in the text, had been won in English and colonial legislatures, and were recognized as absolutely essential to the proper transaction of legislative business. See Art. I, Sec. 6, § 1, of the Constitution.

Line 8. **State treaty-making power.** The control of foreign affairs is the department most often given to the central government, even in very loose confederations. See Constitution, Art. I, Sec. 10, § 1.

Line 12. **Foreign influence guarded against.** There was a great and not unfounded fear of foreign influence in American affairs down to the close of the War of 1812. See Constitution, Art. I, Sec. 9, § 8.

Line 16. **Titles of nobility.** See Constitution, Art. I. Sec. 9, § 8, and Art. I, Sec. 10, § 1.

Line 19. **Alliances between States.** See Constitution, Art. I, Sec. 10, § 3.

Page 17, line 6. **State troops and navies.** See Constitution, Art. I, Sec. 10, § 3, and Art. II of Amendments.

Page 18, line 16. **Officers for State contingents in the army.** See Constitution, Art. I, Sec. 8, § 16. While Congress, under the Constitution, has the power to vest the appointment of officers of a rank lower than colonel in the President when State troops are called into the national service as volunteers, the general practice has been in conformity with this rule of the Articles of Confederation.

Line 23. **No Confederate power of taxation.** No power of taxation, direct or indirect, was given to Congress. By this article the national government was made entirely dependent upon the State for its revenue. This was the most fatal defect of the Articles of Confederation. There was no power given to Congress to enforce payment of the requisitions, and a number of States failed to pay the amounts assessed upon them by Congress.

Page 19, line 13. **General powers of Congress.** The powers granted Congress were in general those which had been exercised by the British government in the later colonial period.

Page 20, line 3. **Letters of marque and reprisal.** Letters of marque and reprisal are commissions issued to privateers allowing them to capture vessels on the high seas. They are no longer issued in time of peace, and privateering has been virtually abolished by the practice of nations.

Line 4. **Admiralty courts.** Admiralty courts were the only regular courts established by the Articles of Confederation.

Cases arising on the high seas had been, during the colonial period, tried in British or imperial courts, and, as there were no State courts for this purpose, Congress was allowed to create them. The lack of a national judiciary was one of the chief defects of the Articles of Confederation.

Line 10. **Disputes between States.** Compare this very restricted grant of power to settle disputes with that given to the judiciary under the Constitution. See Constitution, Art. III, Sec. 2, §§ 1, 2.

Page 22, line 15. **Private land claims.** The kings of England, in their grants of land in America, had been very careless in regranting territory already bestowed in previous charters, thus giving rise to many controversies in the colonial period and making titles to land, in the disputed district, uncertain and insecure in the period after America became an independent nation. The meaning of this clause is, that Congress, upon request, shall decide controversies concerning private ownership of land in a district which had been definitely decided to belong to a certain State, but which, before such decision, was claimed by two or more States, where the claim or claims to the land in question arose out of a grant or grants made before the final adjustment of jurisdiction.

Page 23, line 1. **Special grants of power to Congress.** Compare carefully the powers vested in this and the succeeding paragraph with those given to Congress under the Constitution. See Constitution, Art. I, Sec. 8.

Line 25. **Civil officers.** Note that the civil officers appointed by Congress under the Articles are simply clerks of Congress. They do not constitute an executive department.

Page 24, line 4. **President of Congress.** Not president of the United States.

Page 25, line 25. **Majority of nine States.** The requirement that a majority of nine out of the thirteen States was necessary for the really important business, was a most unwise provision, as it frequently prevented the passage of measures essential to the well-being of the country, which were favored by a majority of the States. As it often happened that the representatives of several of the States were absent from Congress, it was possible for one or two States to block measures desired by all the others. The provision was one of the chief causes of the inefficiency of the Congress as a legislative body.

Page 26, line 20. **Committee of the States.** The limited power granted by the Articles and by Congress to this Committee of the States, prevented it from ever becoming an important factor in the government.

Page 27, line 5. **Admission of Canada.** One of the delusions of the revolutionary statesmen was that the French of Canada, so recently conquered by Great Britain, would welcome the opportunity to free themselves from the rule of England.

Page 28, line 3. **Amendment of the Articles.** The requirement of unanimous consent for amendment makes it practically impossible to change a constitution by legal means. This clause was the immediate cause of the destruction of the Confederation.

Page 34, line 11. **Inheritance of property.** This careful provision against hereditary entailed estates was inserted to pre-

vent the growth of a landed aristocracy. It secured the surest foundation for a social as well as a political democracy, by insuring the ownership of land in numerous hands.

Page 36, line 1. **Three departments of government.** The Ordinance provided for the division of the powers of government into three departments; executive, legislative, and judicial. It was closely modelled after the governments of the colonies, and proved successful largely because its main provisions had been tested by colonial experience, and had been found adapted to the free government of a new country. The territories were in reality colonies. The use of the word "territory," rather than "colony," has caused many to lose sight of the fact that the United States has been the most successful colonizing power in history.

Line 6. **Property qualifications.** Property qualifications for voting and office holding had been the rule during the later colonial period.

Line 21. **Common law jurisdiction.** Common law jurisdiction was such jurisdiction as the law courts of the original States possessed in both civil and criminal matters. It was based upon the English common law, which was adopted as the legal system of the colonies, and which is to-day the legal system of every State in the Union except Louisiana, where French law still obtains.

Page 37, line 17. **Local government.** The Ordinance very wisely allowed the territorial legislatures to finally determine the permanent form of local government in town and county, which should be best suited to the needs and habits of the peo-

ple : an act of wisdom, which has contributed not a little to the success of our system of territorial government.

Page 39, line 19. **Legislative council.** The appointive legislative council was one of the few unsuccessful features of the Ordinance. The opposition to it led to a permanent change in our territorial legislatures, whereby the upper house became an elective body.

Page 42, line 13. **Bill of Rights.** A comprehensive bill of rights. With the exception of the provision concerning proportionate representation in the legislature, the second article deals with civil rights, and may be said to sum up the results of over a thousand years of struggle on the part of the English race for security of life and property against arbitrary and despotic government. It is an epitome of the great charters of English liberty. Compare carefully with the first eight amendments to the Constitution.

Line 15. **Habeas Corpus.** The writ of *habeas corpus* is one of the most important securities of personal liberty. By means of this writ arbitrary imprisonment is rendered impossible and an immediate hearing is insured to any person under arrest.

Page 43, line 3. **Obligations of contracts.** The constitution still further secures the inviolability of contracts by forbidding any State to pass a law impairing the obligation of contracts. See Constitution, Art. I, Sec. 10, § 1.

Line 11. **Public education.** A recognition that the education of the citizen is a duty of the State. In carrying out this, the States, into which the Northwest Territory was divided, have

not only cared zealously for primary and secondary education, but have established great universities wholly maintained by the States.

Page 45, line 6. **States formed from the Northwest Territory.** The five States of Ohio, Indiana, Illinois, Michigan, and Wisconsin were admitted to the Union from the Northwest Territory, from which was also taken a portion of the State of Minnesota.

Page 46, line 7. **States to be formed from the Northwest Territory.** There was a grave constitutional question whether Congress, under the Articles of Confederation, had any authority to bind the States to this compact, and especially to admit new States to the Union on a perfect equality with the old. Under the Articles, Congress could only exercise the powers expressly conferred upon it, and no such power had been granted. To avoid this difficulty, Congress, under the Constitution, at its first session, reënacted the Ordinance of 1787.

Line 21. **Slavery prohibited.** The article prohibiting slavery was the most remarkable one of this great document. A similar provision in the Ordinance of 1784 had been rejected by Congress. The clause was not added until almost the last moment, as up to that time the friends of the measure had seen no hope of its passage. By securing this imperial domain for free labor, the ultimate extinction of slavery on the continent of North America was assured.

Line 25. **Fugitive slave clause.** Compare the Constitution, Art. IV, Sec. 2, § 3.

Page 51, line 1. **Title of the Constitution.** The title does not appear in the original manuscript.

Line 3. **Preamble.** The preamble to the Constitution determines the great question as to where sovereignty lies in the United States. In any State the person or body of persons that can enact fundamental law is the sovereign, "We, the people of the United States, . . . do ordain and establish this constitution." Hence the people are sovereign in the United States. Neither the States nor the federal government are sovereign; they are the agents of the sovereign people for the work of government.

Page 51, line 12. **Legislative, executive, and judicial departments.** See also Art. II, Sec. 1, § 1, and Art. III, Sec. 1. These three clauses taken together determine the division of government into three coordinate departments, and that each shall be supreme and independent within the limits of the authority granted it by the Constitution. No one of the departments can rightfully encroach upon the sphere of governmental action allotted to the others.

Line 18. **State control of the elective franchise.** Modified by the Fourteenth Amendment. See Art. XIV, Sec. 2, of amendments.

Line 19. **Qualification for voting.** The Constitution leaves to the States the sole power to determine the qualifications for voting. The Fourteenth Amendment forbids discrimination on account of race, color, or previous condition of servitude, but with that limitation, the State can extend or narrow the elective franchise as much as it judges proper. Some States allow

women to vote, some permit aliens to vote, while some require a property or educational qualification.

Page 52, line 5. **Basis of representation.** Changed by the Fourteenth Amendment, Sec. 2.

Line 18. **Apportionment of representatives.** A census was taken in 1790, upon the basis of which the temporary apportionment, as provided in this clause, was superseded by one based upon the enumeration of that year.

Page 53, line 3. **Choose.** The spelling of this word in the original was *chuse*.

Page 54, line 12. **Impeachment.** When trying impeachments the Senate is not a legislative but a judicial body, a court which must decide cases upon the evidence submitted and by the law involved. Questions of policy and of politics which may determine the action of the senator as a legislator have, of right, no influence when the senator acts as a judge.

Page 55, line 4. **Time for holding elections.** By federal law elections are held on the Tuesday following the first Monday of November in even years.

Line 7. **Sessions of Congress.** Each Congress has two sessions. The long session lasts from the first Monday of December, of the year following the election, to June, July, or August. The short session begins the first Monday of the succeeding December and ends on the 4th of March.

Page 57, line 2. **Initiation of money bills.** The House of Representatives has successfully asserted its right to originate appropriation as well as revenue-raising bills, following the practice of English parliamentary bodies.

Page 58, line 15. **General welfare clause.** The so-called "general welfare" clause is one of the most frequently misunderstood clauses of the Constitution. It does not give Congress power to provide for the general welfare; on the contrary, it is a limitation of the power of taxation. Its true meaning is that taxation cannot be imposed for private or sectional ends, but only for the general welfare of the whole United States.

Page 60, line 17. **Implied powers.** The doctrine of implied powers derives its chief sanction from this clause. This doctrine means, the right of Congress to exercise a certain power having been ascertained, that Congress may use any methods, means, or agency for giving effect to such power which it, in its discretion, deems wise and needful, provided such use be not forbidden by the Constitution itself.

Line 24. **Importation of slaves.** A temporary provision which, by its own terms, lapsed after 1807.

Page 61, line 5. **Habeas Corpus.** See note on the writ of *habeas corpus*, page 42, line 15.

Line 8. **Bill of attainder.** A bill of attainder is a legislative measure, making an accusation of crime, and upon its passage carrying the penalty of death and forfeiture of property. No legal trial of the accused is permitted, and the legislature acts as a political body, not as a court. The bill passes like any other legislative enactment. Its use was denied both to Congress and to the State legislatures in order that the individual might be protected against the malice of a party or the tyranny of a majority.

Line 8. **Ex post facto laws.** An *ex post facto* law, which both State and nation were forbidden to pass, is, in general, any retroactive law. Under the Constitution it applies only to criminal law. It is a law which punishes, as a crime, an act that was not a crime at the time of its commission, or which imposes a heavier penalty than the penalty that was legal at the time of commission of the crime.

Line 10. **Capitation tax.** A capitation tax is a poll tax.

Page 62, line 21. **Control.** The spelling of this word in the original manuscript was *controul*.

Page 63, line 5. **Grant of executive power.** Note the difference between the grants of executive and legislative power: "The executive power shall be vested in a President." "All legislative powers, herein granted, shall be vested in a Congress." While Congress can exercise only those powers granted, the President has discretionary power to perform any executive act not forbidden by the Constitution. He cannot delegate this power to any other department of government or permit any other department to assume executive functions.

Line 17. **Election of President.** This clause has been amended by the twelfth article of the amendments.

Page 65, line 14. **Succession to the office of President.** Formerly the President *pro tempore* of the Senate succeeded to the powers and duties of President of the United States upon the death or disability of both the President and Vice-President. By the Act of 1886 Congress assigned the succession to members of the cabinet in the order of the creation of the execu-

tive departments over which they preside, viz., Secretary of State, Secretary of the Treasury, Attorney General, Secretary of War, etc.

Line 18. **Increased.** The spelling of this word in the original manuscript was *encreased*.

Page 66, line 16. **Treaty-making power of the Senate.** The power of the Senate in treaty-making is not limited to the acceptance or rejection of treaties submitted by the President. It can make suggestions and advise the President during the progress of negotiations as well as freely amend a proposed treaty after its submission to the Senate by the executive.

Page 68, line 7. **Tenure of office for judges.** Tenure during good behavior is virtually tenure for life. A federal judge can be dismissed only by the process of impeachment.

Page 69, line 7. **Jurisdiction of federal courts assigned by Congress.** All federal courts, except the Supreme Court, are created by Congress and can be abolished by the same authority. Congress also assigns to each court the kind of judicial work it shall do, except that original jurisdiction, in the cases mentioned in this paragraph, is given to the Supreme Court by the Constitution, and cannot be taken from it by Congress.

Page 70, line 18. **The fugitive slave clause.** Abrogated by the Thirteenth Amendment.

Page 71, line 17. **Republican form of government.** A republican form of government is a government by representatives chosen by the people.

Page 72, line 12. **Amendment prior to 1808.** A temporary provision which by its own terms lapsed after 1807.

Line 16. **The State indestructible.** As it is not conceivable that any State would ever consent to its own exclusion from the Senate, this clause is virtually the one non-amendable feature of the Constitution. It guarantees the permanence of the federal form of government. Without this provision securing the integrity and equality of the several States the Constitution could never have been adopted. This provision makes the United States "An indestructible Union of indestructible States."

Page 76, line 1. **Title to the first ten amendments.** In the joint resolution of Congress, submitting the first ten amendments to the people, the following explanatory heading is found; it is not a part of the Constitution, although generally printed with it: "Articles in addition to and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution."

Line 2. **Amendments not numbered.** In the original manuscripts the first twelve amendments were not numbered.

Line 3. **A federal bill of rights.** The first ten amendments constitute a federal bill of rights. It is important to remember that they impose restrictions on the federal government alone and not on the States. Their purpose was to secure the individual against any infringement of his rights by the federal government. For example: Congress cannot establish any national church, but as far as the federal Constitution is con-

cerned a State may make a particular church the State church. Several States retained established churches for many years after the adoption of the Constitution.

Page 78, line 16. **Date of first ten amendments.** The amendments were in force from November 3, 1791.

Line 21. **Date of Eleventh Amendment.** The Eleventh Amendment was proclaimed January 8, 1798.

Page 79, line 4. **Date of Twelfth Amendment.** The Twelfth Amendment was declared in force September 25, 1804.

Line 5. **Necessity for the Twelfth Amendment.** The Twelfth Amendment was made necessary to avoid a recurrence of the deadlock which occurred in the presidential election of 1800, when Jefferson and Burr each received the same number of electoral votes, although Burr was in reality the candidate for Vice-President.

Line 19. **Defect of the Twelfth Amendment.** The amendment was defective in that it did not expressly state by whom the electoral vote should be counted. This defect led to the Hayes-Tilden contested election of 1876, which was only settled by an extra-constitutional electoral commission.

Page 81, line 1. **Date of and necessity for the Thirteenth Amendment.** The Thirteenth Amendment was declared in force December 18, 1865. The Emancipation Proclamation was a war measure, and applied only to States and districts that were in rebellion. The amendment was necessary to abolish slavery in States and districts which were not in rebellion.

Line 9. **Date and purpose of the Fourteenth Amendment.** The Fourteenth Amendment was declared in force July 28, 1868. Its chief political purpose was to confer citizenship upon the recently emancipated negroes, and to protect them against unfair State legislation.

Page 82, line 22. **Political disabilities.** The "General Amnesty Act" of May 22, 1872, removed these political disabilities for all except those who had served in the Confederacy after having held certain federal offices.

Page 83, line 12. **Date and purpose of the Fifteenth Amendment.** The Fifteenth Amendment was declared in force March 30, 1870. Its purpose was to secure to the freedmen equal rights with the whites in voting.

Page 87, line 15. **Organization of government during Washington's Administration.** The Constitution was a mere framework of government. It was the great work of Washington's administration to add flesh and blood to this skeleton and make it a living organism. This was done by creating executive departments, by organizing a complete system of federal courts, by providing revenue ample for the needs of government, by chartering the United States Bank, by funding the national debt, and by determining the mutual relations of the three great departments on principles that secured both their efficiency and independence.

Page 90, line 7. **Danger of disunion.** The emphasis laid upon, and the space given in the Farewell Address to the necessity for union in order to counteract the forces of sectionalism, show that Washington clearly foresaw that the tendency to dis-

union would prove to be the greatest danger to the life of the nation. Compare this portion of Washington's Address with the famous peroration of Webster's "Reply to Hayne."

Line 25. **Palladium.** The Palladium was a statue of the goddess Pallas, on the preservation of which depended the safety of ancient Troy; hence it has come to mean something that affords complete protection and safety.

Page 92, line 3. **Economic advantages of union.** Washington's statesmanship was of the eminently practical kind. He fully appreciated the fact that the economic advantages of union would, in the end, weigh more in the minds of the people than any sentimental or theoretical attachment to the idea of union.

Page 95, line 13. **Spanish Treaty of 1795.** The Treaty of 1795 with Spain secured to our citizens the right of free navigation of the Mississippi, the denial of which, in an earlier proposed treaty with Spain, had led the inhabitants of the western country to threaten separation from the original States and the formation of an independent nation.

Line 20. **The Jay Treaty.** The Jay Treaty of 1795, among other provisions, contained one of especial value to the West, viz., the evacuation of the "Western Ports," which had been retained by Great Britain, notwithstanding the Treaty of 1783.

Page 97, line 8. **Political associations.** Washington meant such associations as the Democratic clubs which had been formed, many of them by the French minister, Genet, in imitation of the Jacobin Club of France. He had declared against

such organizations in his message to Congress of November 19, 1794, and he feared that they might prove as dangerous to law and good government in this country as their prototypes had in France.

Page 99, line 16. **Party government.** Washington had hoped to rule as a man above parties, choosing the best men of each party as his heads of departments, and availing himself of the best skill and wisdom to be obtained. Even he was obliged to rely more and more upon those who believed, in the main, as he did, and his successors have all frankly accepted party government as a necessity. Many of the evils which Washington warned against have, however, constantly manifested themselves in our party system.

Page 101, line 24. **Threefold division of the powers of government.** It was a fundamental principle of the statesman of the revolutionary period that government should be divided into three departments, and that despotism could only be avoided by preventing any one department from absorbing the powers of either or both of the other departments.

Page 104, line 22. **Unpopular taxation.** This reference to "inconvenient and unpleasant" taxation was doubtless inspired by the "Whiskey Insurrection" of 1794.

Page 105, line 12. **Foreign policy based on justice.** Compare the recent statement of the present Secretary of State, Mr. Hay, that the two permanent rules of American foreign policy are the Golden Rule and the Monroe Doctrine.

Page 108, line 3. **Fear of foreign influence.** Washington had good reason to fear foreign influence. America had not as yet

shaken off its colonial attitude of mind. Throughout his administration nearly all men ranged themselves on one side or the other, as either British or French partisans.

Page 112, line 11. **Proclamation of neutrality.** Washington's Neutrality Proclamation of April 22, 1793, was one of the most important papers ever issued by a President of the United States. The Treaty of 1778 with France had bound the United States to defend the colonies of France when that country should be engaged in a defensive war. On the outbreak of war between Great Britain and France, Washington decided that we were not bound to engage in it as an ally of France, as he did not believe the war to be, on the part of France, a defensive one, and so issued the Proclamation of Neutrality, the main idea of which, non-entanglement in European affairs, has been the keynote of our foreign policy.

Page 117, line 10. **Territorial limits of Missouri.** The territory of Missouri included all that portion of the Louisiana Purchase which lay to the north of the northern boundary of Arkansas. Slavery was, in the year 1819, legal throughout this whole area.

Line 10. **Boundaries of State of Missouri.** The boundaries designated are those of the present State of Missouri.

Line 15. **Admission of a State with conditions.** The right of Congress to admit Missouri with powers less than those possessed by the older States was the chief constitutional point at issue in the struggle over the Compromise. The South held and successfully maintained the position that this is a union of equal

States, and that Congress cannot admit a State into the Union with powers different from those prescribed by the Constitution. If Congress could so admit, the Union would be a union of unequal States and hence not the Union created by the Constitution. The Constitution left to each State the power to permit or to forbid slavery ; hence if Missouri, after her admission to the Union, could not exercise this power, she would be inferior to the older States.

Page 118, line 16. **The Missouri convention.** The convention which was elected under the sanction of this act met in June, 1820, and itself framed a State constitution for Missouri.

Page 119, line 9. **Republican in form.** For definition of Republican, see note, page 71, line 17.

Line 12. **Federal land policy.** It was the settled policy of the United States to retain the ownership of the soil and to control its sale and settlement even when surrendering political control to the newly created States. Similar provisions are found in all acts for the admission of new States.

Page 120, line 6. **Power to prohibit slavery.** The power of Congress to prohibit slavery in the territories was not at the time questioned, although it was later, in the Dred Scott decision, declared unconstitutional.

Page 121, line 2. **Immigration of negroes into Missouri.** The Constitution framed by the Missouri convention contained a provision directing the legislature of the State to pass laws prohibiting the immigration of mulattoes and free negroes and their settlement within the State. When the Missouri constitu-

tion was presented to Congress, this provision at once aroused the anti-slavery men, and the struggle over slavery broke out again with increased fury. The clause in question was claimed to be unconstitutional, and the second Missouri Compromise, largely the work of Henry Clay, was with great difficulty finally agreed upon.

Page 121, line 8. **Citizens entitled to privileges and immunities in the several States.** See Constitution, Art. X, Sec. 2, § 1.

Page 125, line 18. **Jurisdiction on the Alaskan coast.** The Czar of Russia in 1821 issued a decree claiming the territory on the northwestern coast of North America as far south as 51° north latitude and exclusive jurisdiction over the seas for one hundred miles from the coast. The United States and Great Britain at once protested, and, as related in the text, treaties for the settlement of the controversy were under negotiation. Final settlement of the dispute was made in a treaty with Russia in 1824, and by one between Russia and Great Britain the following year.

Page 126, line 13. **Acquisition of territory by colonization forbidden.** The plain implication was that any attempt by a European power to acquire title to American territory under the plea of colonization would be opposed by the United States. Monroe simply stated that, as a matter of fact, every foot of soil on the American continents was already under the sovereignty of recognized powers, and hence the earlier method of acquiring sovereignty over uninhabited territory by colonization was no longer possible.

Page 127, line 12. **Political system of allied powers.** The political system of the allied powers was, with the exception of France, that of absolute monarchy, while the American system was republican.

Line 24. **Allied powers prevented from assisting Spain.** The immediate purpose of this portion of the message was to prevent the allied powers from assisting Spain in regaining her sovereignty over the former Spanish colonies. This purpose the message accomplished. Any projects that may have been formed for the subjugation of Spanish-America were effectually stopped.

Page 128, line 5. **Independence recognized.** The independence of the Spanish-American states was recognized by the United States on May 4, 1822.

Line 7. **Permanent provision of Monroe Doctrine.** The alliance of the European powers in the interests of despotism was, as it proved, a temporary one. President Monroe thought it advisable to proclaim a general rule that could apply to future as well as to present conditions, and to warn all European powers that the United States would resent any attempt to oppress or to acquire sovereignty over the independent states of America.

Line 23. **French occupation of Spain.** French armies, acting for the allied powers, restored the despicable despot, Ferdinand VII, to the throne from which the people of Spain had driven him.

Page 129, line 4. **Foreign policy toward Europe.** See note, page 112, line 11, on Washington's Proclamation of Neutrality.

Page 129, line 9. **De facto government.** A *de facto* government is the one which is actually in power, whether its legal claim to power is just or not.

Page 133, line 20. **Texas and the Mexican cessions.** A map is necessary to follow intelligently the boundary lines described in the text.

Page 134, line 7. **The Rio Bravo del Norte.** Commonly known as the Rio Grande.

Line 11. **Claims ceded by Texas.** Claims to portions of what are now Oklahoma, Kansas, Colorado, and New Mexico were relinquished by Texas. This was a concession to the anti-slavery men. As Texas was a slave State, it was for the interests of the opponents of slavery to detach as much territory from her as possible, especially as a considerable portion of the land was north of $36^{\circ} 30'$ north latitude. It was believed that the Missouri Compromise might be extended to cover such territory.

Page 135, line 4. **Limits of New Mexico.** The Territory of New Mexico, as here constituted, comprised the present Territories of New Mexico and Arizona, exclusive of the Gadsden Purchase, together with small portions of Colorado and Nevada.

Page 136, line 8. **Slavery optional in New Mexico.** Douglas, four years later, claimed that this agreement allowing the people of New Mexico, on acquiring statehood, to adopt or reject negro slavery, overthrew the Missouri Compromise and established the principle of popular (squatter) sovereignty. It is certain, however, that there was no understanding in 1850 that the Missouri

Compromise, which was generally taken to refer only to the Louisiana Purchase, was being overthrown.

Line 23. **California forbids slavery.** The constitution submitted to Congress by the California convention had a clause forbidding slavery.

Page 137, line 9. **Limits of Utah.** The Territory of Utah, here constituted, comprised the present State of Utah, nearly all of Nevada, and portions of Colorado and Wyoming.

Page 138, line 5. **Fugitive Slave Law.** This act is commonly known as the Fugitive Slave Law.

Page 139, line 4. **Federal commissioners.** The Supreme Court of the United States had decided that Congress could not impose upon State judges or officials the duty of assisting in the enforcement of the Fugitive Slave Law, thus making it necessary, if the law was not to be a dead letter, to provide for its execution by federal officials.

Line 17. **Marshal.** A marshal is the executive officer of a federal court. He corresponds to the sheriff in the State.

Page 140, line 5. **Responsibility for safe-keeping of fugitive slave.** This clause was designed to make sure of the security of the fugitive, even in the hands of an anti-slavery marshal or in an abolition district.

Line 14. **Fugitive slave clause.** See Constitution, Art. IV, Sec. 2, § 3.

Line 24. **Posse comitatus.** A *posse comitatus* is literally the power of the county, or the good citizens of the community

who have been called upon by a law officer to assist in overcoming resistance to his legal authority.

Page 143, line 15. **Denial of habeas corpus.** This clause denied to the negro, claimed to be an escaped slave, the privilege of the writ of *habeas corpus*. It was believed by the anti-slavery men to have been a direct violation of Art. I, Sec. 9, § 2, of the Constitution.

Page 146, line 25. **Denial of jury trial.** The fugitive claimed as a slave was thus delivered to the claimant upon his oath that the negro was the one certified to in the record. Trial by jury was not allowed him. See Constitution, Art. VI, of amendments.

Page 148, line 1. **Slave trade abolished in the District of Columbia.** The traffic in human beings in the national capital was particularly hateful to the anti-slavery advocate. It seemed to him a national disgrace. The compromise, in all probability, could not have passed had it not provided for the abolition of the slave auction block in Washington.

Page 153, line 9. **Fugitive Slave Law.** See "The Fugitive Slave Law" in the Compromise of 1850.

Line 19. **Missouri Compromise.** The Missouri Compromise declared slavery abolished in the Louisiana Purchase north of 36° 30' north latitude, except in the State of Missouri.

Page 154, line 1. **The repeal of the Compromise.** See note, page 136, line 8, on the Compromise of 1850.

Line 4. **Popular sovereignty.** Douglas invented the phrase popular sovereignty ; the opponents of the principle called it squatter sovereignty in derision.

Line 9. **Slavery legal in Louisiana Purchase.** Before the passage of the Missouri Compromise slavery was by French law, which had been affirmed by Congress, legal through the whole region.

Page 157, line 4. **Act of Congress.** The Missouri Compromise of 1820.

Line 12. **Unconstitutional act of Congress is void.** It is a fundamental principle of interpretation of the Constitution that Congress can exercise only the powers vested in it by the Constitution. If it exceeds this expressly conferred authority, its acts are not law. They are null and void, and it is the duty of the Supreme Court to so declare them when a case involving such acts comes before it.

Line 20. **Congressional control of territories.** See Constitution, Art. IV, Sec. 3, § 2.

Page 161, line 1. **Reserved powers.** See Art. X of the amendments.

Line 21. **Slavery recognized by the Constitution.** See Art. I, Sec. 2, § 3. The use of the word "slave" is avoided, but the existence of slavery is recognized in the apportionment of representatives.

Line 22. **Importation of slaves.** See Constitution, Art. I, Sec. 9, § 1.

Page 162, line 2. **Fugitive Slave Law.** See Constitution, Art. IV, Sec. 2, § 3.

Line 7. **Slavery a local institution.** Justice McLean, in his dissenting opinion, asserted that the slave was property only by virtue of local law, and hence that there was no deprivation of property if a slave owner chose to take a slave to a place where by the local law slavery was not legal.

Page 166, line 10. **Power as commander-in-chief.** The rules of war gave to President Lincoln, as commander-in chief, in time of war, the power to confiscate the property of the enemy under the plea of military necessity. Slaves were enemy's property and hence, like other property, might be confiscated.

Line 22. **Sections of the South excepted in the Proclamation.** The portions of the States of Louisiana and Virginia, excepted in the Proclamation, had submitted to the federal government, and the forty-eight counties of Western Virginia were soon to be formed into the new loyal State of West Virginia.

Page 167, line 12. **Slaves in designated States.** Lincoln had no power to declare negroes in the loyal border States free, and they remained slaves notwithstanding the Proclamation of Emancipation, until finally emancipated by the act of their own State or by the Thirteenth Amendment.

Line 22. **The Negro in the Union Armies.** Negroes taking refuge in Union lines were by the authority of the Confiscation Act of 1862 to be used as laborers on military works. Secretary Welles, in April, 1862, authorized the enlistment of escaped slaves in the navy. In August, 1862, permission was

given to arm five thousand negro volunteers for garrison duty at Port Royal. In January, 1863, Massachusetts was permitted to organize a colored regiment, and shortly after a second black regiment was sent to the front from Massachusetts. No other States enlisted negro regiments; nevertheless the national government made increasing use of the negro as a soldier, enlisting in all, after the Proclamation of Emancipation, 186,017 blacks in the armies of the United States.

Page 170, line 5. **All men created equal.** See the Declaration of Independence, page 3, line 2. This great proposition did not become legally a fact in the United States until slavery had been abolished as a result of the Civil War.

Line 7. **Preservation of the Union.** It should not be lost sight of that the main issue of the war was not the abolition of slavery, but the preservation of the United States as a nation.

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