

# THE STORY OF OUR CONSTITUTION

By  
EVA MARCH TAPPAN

*ILLUSTRATED*

*"The American Constitution is the most wonderful  
work ever struck off at a given time by the brain and  
purpose of man."—GLADSTONE.*



BOSTON  
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INDEPENDENCE HALL, PHILADELPHIA

## PREFACE

IT is a thrilling story, the tale of four million people deliberately choosing a form of government for themselves and promising to live in obedience to its laws. It is a story of dreaming of union, but dreading to be bound; of dreaming of separation, but fearing to be free; a story of peering into the future like the seers of old, and of balancing sordid advantages and disadvantages like the most penurious of misers. And what of that noble group of men, unconsciously great, who without a thought of their own gain moved quietly about the task of saving a nation from lawlessness and anarchy? Why is it that histories which are elsewhere interesting become so often dry and dull when the wonder-story is touched upon?

It is from such thoughts as these that this book has grown.

EVA MARCH TAPPAN.

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## CHAPTER I

### THE DAYS OF WEAKNESS AND CONFUSION

There was once a family of boys who were somewhat inclined to quarrel. One day the father called them together and handed the youngest a bundle of short sticks. "See if you can break that," he said. The boy tried, but he could not even crack them. Then the next boy tried, and the next, and finally the oldest of the four, but the bundle was tied closely together and remained as firm as ever. While the boys stood wondering what their father was trying to do, he untied the string and gave each boy a stick. Even the youngest could break one, and the father said, "You boys are like the sticks. If you quarrel and each one stands alone, you are weak; but if you are good friends and stand together, no one can ever harm you.

It is a pity that the Americans could not have read this old fable every morning of the first years following the Revolutionary War. They had had a severe struggle, and they had won the victory. Naturally, they were somewhat puffed up and just a bit proud of themselves. No one should step on their toes, whether he were George III or a man from a neighboring State.

They had opinions of their own, and every man was prodigiously sure that his were correct. Some of these opinions, whether correct or not, were certainly remarkable. One sturdy Vermonter fled to the newspapers with a wrathful declaration that nothing but luxuries ought to be taxed, that lawsuits were luxuries and served chiefly for the entertainment of idle, quarrelsome people, and therefore lawsuits ought to be taxed. Another went even farther, for he was much aggrieved that any of the tax money should go to the support of the courts. "I never had a case in court," he declared virtuously, "and why should I be taxed to help pay the costs of settling other people's quarrels?"

About the Society of the Cincinnati there was a real tempest in a teapot. This society was formed of the surviving officers of the Revolution. It was merely an association of friends who agreed to help one another if any need for help should arise. At the death of each member, his oldest male descendant was to have the right to take his place. There does not seem to be anything especially alarming in this, but in the eyes of many worthy Americans of the day, it was fraught with awful danger to the democracy of the country. Hereditary honors and a "hereditary nobility" were bad enough, but much worse was the fact that foreign officers who had fought in the war were actually allowed to become members; and from this there was no knowing what evils might arise. Even the fact that Washington was president of the Cincinnati did not soothe the fears of the apprehensive people.

Another alarm arose at the demand of Congress for a standing army, although it does not seem as if its proposed size need have startled any one. According to the treaty of peace with England, the confiscated property of the Tories, or those who had been on the English side during the war, was to be returned to them and all private debts were to be paid. Congress asked the different States to do this, but they paid no heed to the request. England refused to give up the western forts till it was done, and a motion was introduced in Congress to requisition some nine hundred men as a defense in case of necessity. The people were angry and alarmed. What right had Congress, they demanded, to require an army to be furnished by the States in time of peace? There was no knowing where this might end. If Congress once had armed troops at its command, who could foresee what it might do? This storm was at length quieted by the change of a single word; Congress no longer "requisitioned," it "recommended," and quiet was restored.

So it was that everything that Congress did or proposed to do was watched, not only by the people as individuals, but as States. Every State was jealous of every other State. New

York on the one side and New Jersey and Connecticut on the other, almost came to blows. New Jersey served New York as a great truck farm. Whenever market day came around, fleets of boats weighed down with fruit, vegetables, fowls, cheese, and butter, sailed from New Jersey to the wharves of New York; and from Connecticut came almost as many piled up with great loads of fire-wood.

New York began to take heed of the amount of money that was going from the pockets of her citizens into those of her thrifty neighbors. It was highly improper, she thought, for so many good pounds and shillings to be carried off to rival States. That she was getting a fair return for her money did not affect the matter; and her assembly passed a decree that all boats over twelve tons must be entered and cleared at the custom house; that is, they must pay their neighboring State as large dues for selling to her citizens as if the vessels had been foreign craft.

The Jersey folk meditated on how to strike back. They could raise the price of wood and vegetables, of course, but the probabilities were that the New Yorkers would then refuse to purchase. There was one way, however, in which New Jersey could get her revenge. New York, it seemed, needed a lighthouse on Sandy Hook, and some time before this had bought of its New Jersey owner four acres of ground and had put up a light-house. Nothing was simpler than for the New Jersey assembly to increase the taxes on that four acres; and New York was promptly notified that her annual tax would be \$1,800, a sum worth far more than it is now. As for Connecticut, a league of business men agreed not to sell one article to New York for a year.

Each State was looking out for itself. Kentucky and Tennessee, for instance, wished to trade with New Orleans; but Spain held the land about the lower Mississippi, and she refused to allow American vessels to use that part of the river. New England wished to have a commercial treaty with Spain, and Spain replied, "Very well, I will agree to such a treaty,

provided all American vessels are forbidden to enter the lower Mississippi." Kentucky and Tennessee and the Southern States were indignant at being shut off from the mouth of the river; New England was indignant at the "obstinacy and selfishness" of the South. Both groups of States threatened to leave the Union. "What I buy and sell and how I buy and sell it is my own business," was the claim of each and every State.

So it was that the different States contended at home, and when the question arose of sending goods to Europe, there was even more trouble. Most of the imported articles that were wanted in America came from England. England was ready to sell, but she would not buy any American goods in return unless they had been brought in English vessels. Of course any State that chose could refuse to receive goods that were not brought in American vessels; but that would not trouble England in the least, for some neighboring State was always ready to accept the goods. In the same way, a State could put as high a tax as she chose upon any articles brought to her ports; but that made little difference to the sellers, for some other State was always ready to admit them free of duty. In matters of trade, then, America was like a house with thirteen doors. It made no difference whether any one door were closed or not, since some of the others would always be open.

America was buying of England five times as much as England was buying of America; and moreover, America was paying in coin. The result was that coin was becoming very scarce on this side of the ocean, so scarce that many places were almost without any, and people had to go back to the old fashion of barter. If a man wanted to buy a sheep, for instance, he had to pay for it in vegetables or hay or some other product, or in work, rather an inconvenient system of trading. One of the Massachusetts newspapers advertised that it would take pay in salt pork for subscriptions.

What coin there was in the land was as confused as a nightmare. Here were nearly four million people who had been successful in a contest with the most powerful country of

Europe, and they used only second-hand coins, which had come to them from England, France, Spain, Germany, and other countries. Their names and their mottoes were in half a dozen different languages. There were great copper pennies and golden guineas from England; francs and sous from France; big, heavy silver dollars and golden doubloons from Spain, the Spanish Indies, and the mouth of the Mississippi River; and there were golden johannes, or "foes," from Portugal and Brazil. There were bits and half-bits, ducats, halfpence, picayunes, fips, and at least a dozen others. Merely to learn the face value of these coins was no trifling matter; but this was only a small part of the knowledge required to buy and sell so as neither to be cheated nor to cheat any one else.

It would not have been so hopeless if these coins had been of the same value in different parts of the country, or had even remained of the same value in any one place, or if counterfeiters and coin-clippers had not been constantly at work. Their business paid well. A copper coin with a wash of silver would often make its way in the world as an English sixpence. A French sou, worth about half a cent, could be nicely gilded and would then sometimes pass for a gold Portuguese coin worth \$6.50. Even worse than this was the clipping of coins. A French livre, for instance, was not required to weigh as much in America as in France. Therefore, clipping this coin was especially common. Indeed, it was once done by Congress itself when hopelessly short of funds; for when a loan arrived from France in livres, each coin was promptly cut down to the American weight. Dishonest folk of the day did not stop at that, but clipped away diligently as far as they could and still hope to pass the coins. Indeed, matters became so bad that when a debt was to be paid, the creditor had to bring out his scales and weigh every coin to make sure of getting the amount due him. It was ten years after the Declaration of Independence before our simple and easy decimal system of coinage was adopted. Up to that date the United States coined nothing but copper cents.

Both the United States and many of the separate States issued paper money, however—promises to pay with nothing to back them up! At first people were delighted. It was such a fine thing to have money plentiful! Why vote for taxation when nothing but a printing-press and some paper were necessary? Little by little, this money began to lose even its imaginary value until, near the end of the Revolutionary War, it took, as Washington said, "a wagon-load of money to buy a wagon-load of potatoes."

## CHAPTER II

### KEEPING THE UNION TOGETHER

No government can be carried on without money and power. As to money, Congress needed it badly. The pay of the soldiers was long overdue. The salaries of officers and employees of the Government at home and of representatives abroad were in arrears. Forts were needed to protect from the Indians the settlers in what was then the "far West." Americans who had lent their savings to the Government had not received even the interest on their loans. France in the darkest days of the Revolution had helped with men and treasure to win the war, and had continued her generosity even after the contest had come to an end. Holland and Spain were also our creditors. The Union was grateful, but it could not pay.

What could be done? No more money could be borrowed, and it was very difficult to raise any by taxation. Sometimes a State declared that the amount required of it was unjust, and refused to pay. Sometimes a State refused unless Congress would oblige some other State to grant it a desired privilege. Some States issued notes to serve as money, as has been said; but this did not make matters much better, for while the legislature of a State could oblige its citizens to accept the notes of their own State, it could not force them to accept those of any other. Sometimes merchants stopped carrying on business rather than accept payment in such notes. The agreement under which the States lived, the Articles of Confederation, as it was called, formed a "league of friendship" and nothing more; for the colonists had been so anxious to be "free" that they had given Congress no power to enforce its decrees. The lawless, who are in every land and who delight in disorder and opposition to any control, were constantly at work trying to overthrow what government there was.

Europe, and especially England, were watching the course of events in America. "That Union will never stand," they said. "It will soon fall to pieces, and the Americans will be glad enough to beg England to take them back under a government strong enough to rule and protect its people." Indeed, Europe had good warrant for such belief, for scattered all over the country were groups planning to cut loose from the Confederation, and some of them thinking of calling upon England for protection.

The Union had held together while its people were struggling for independence; but now that they had won their independence, there was nothing to keep them united, or rather, there was only one thing, namely, the Northwest Territory. This was the land lying between the Mississippi and the Ohio Rivers. Four States had claims upon it, but one by one they finally gave up their claims into the hands of the general Government. This was between 1780 and 1786. Congress made treaties with the Indians of the Territory, made fair laws for its government, and threw it open to immigrants. It was valuable enough to pay the whole cost of the war and more, too. If a State left the Union and set up for herself, she would lose her share of this wealth. At last there was something in which every State was interested.

The compact by which the States had agreed to be governed, the "Articles of Confederation," was quite a lengthy document. It emphasized the independence of each State, and declared that the object of the Union was that these States might assist one another. It promised that any citizen of one State should have the same rights of trade and commerce in any other as if he had been an inhabitant of that State. Money needed for the general welfare was to be provided by the States in proportion to their wealth. The decisions of Congress were to be "inviolably observed" by every State.

This sounded well, but if any State did not wish to "inviolably observe," Congress had no power to force it to obey. Another difficulty was in regard to apportioning taxes.

In voting, the State was represented, but the people were not, for each State, large or small, had but one vote. These Americans had fought for seven years to make sure of representation, and they did not propose to be governed without that representation now that they had been victorious.

Of course, long before this the people who thought rather than grumbled had seen that if there was to be any commerce with other countries, Congress must be able to make treaties that would bind every State; if it was to carry on the Government, it must be able to raise money to work with. In short, it must have power. The States must yield some of their "sovereignty, freedom, and independence," as the Articles put it, and consider what was for the best good of the whole Union.

Washington had been especially troubled by the disagreements of the States. He had made many sacrifices for America. By his eight years' absence he had greatly lessened the value of his property. He had risked his life not only in war, but in the certainty of being hanged as a traitor to the Mother Country if the struggle of the colonies should prove to be a rebellion rather than a revolution. He believed that this spacious America might become the land of the free, the land of peace and justice and uprightness; and he saw it a collection of selfish, quarrelsome, and often lawless States. But he did not join the ranks of the grumblers. The States do not understand one another, he said; they must learn to look at matters from the point of view of one another. Instead of being rivals, they must learn that they have interests in common. They must become acquainted. The people of the East and the people of the West must be brought together. The way to bring them together is to make it more possible to go from one to the other.

To lay out even the roughest roads through the wilderness would be an enormous undertaking. Travel by land was at the best extremely slow and full of difficulties. To go from New England to Annapolis, for instance, through the

most thickly settled parts of the country required between two and three weeks. Travel by water was a different matter. To deepen the channels of the Potomac and the James Rivers and clear away obstructions would not be at all impossible or even especially difficult. It would be easy to connect the head waters of the Potomac with those of the Ohio. Vessels going up and down these waters would exchange the products of East and West; and such intercourse would do much to unite the people of the two parts of the country. This was a favorite scheme of Washington's even before the war, and after the war he had made a seven-hundred-mile horseback tour to the Monongahela River and through the wilderness of the Alleghany Mountains into the Shenandoah Valley. A company was formed to carry his plans into effect, and he was chosen president.

Here was a matter in which four States, Virginia, Maryland, Pennsylvania, and Delaware, were interested. They would have to meet and agree upon questions of duties; why not, then, invite the other States to send commissioners for informal talk about desirable laws for trade? So said the Virginia legislature, and in the name of the governor of Virginia an invitation was sent to the other nine States. When the day came, Washington and the others who were most interested must have been badly disappointed, for besides Virginia, Delaware, and Pennsylvania, only two other States were represented. Massachusetts, New Hampshire, Rhode Island, and North Carolina had indeed made appointments, but their commissioners had not arrived. Maryland had not taken the trouble even to name commissioners.

There was only one thing to do, and that was to adjourn and start for home. But of course the men who were there had informal consultations together, and they decided to ask all the States to send delegates to a convention to be held in Philadelphia some eight months later, with the object, they said frankly, of planning how to make the Government strong enough to meet the needs of the Union.



Everybody had been so independent, so afraid of "oppression," that no one had ventured to say much about giving more power to Congress; but people were beginning to feel alarmed and doubtful whether a weak Congress was after all what they really wanted. Even the most independent among them were questioning whether bankruptcy, rebellions, disputes with Spain, threats of separation and of appeals to England for protection, together with a general and increasing lawlessness were just what they had been struggling for.

Of course there were all shades of opinion. Some of those who opposed giving power to Congress had not had enough of monarchy, and would have been glad to set up a king. Some thought that the country was entirely too large for a single republic. The men of the East were chiefly fishermen or merchants, they said, and these would form one republic. The men of the South were farmers and planters. Their wishes and needs were quite different from those of the New Englanders, and so they would form a second republic. The people of New York and the other Middle States would form a third.

Massachusetts was won for the convention by a rebellion that took place on her own soil. There was little coin to be had, and the State had refused to issue paper "notes." People who owed money could not pay, and as the law was then, they could be put into prison for non-payment. One Daniel Shays led a company of debtors against the courthouses in several Massachusetts towns, and prevented the laws from being carried out. Barns were burned, houses robbed, and the arsenal at Springfield attacked before the rebellion could be subdued.

Part of this trouble was caused by the fact that Congress could not raise money to pay debts which were due to Massachusetts people. This set the Bay State citizens to thinking. They began to realize that a country with no way to enforce its laws was a poor place in which to live. Perhaps this proposed convention would better the condition of affairs.

While they were discussing the matter, news came from Virginia that George Washington had been named as the first delegate. This settled the question, for where he led, no true patriot need hesitate to follow. Before this, Massachusetts had opposed every attempt to strengthen Congress. Only a few months earlier she had actually formed a scheme to separate New England from the rest of the country. She had now seen for herself that a stronger power than that of the State was sometimes required, and from that moment Massachusetts was one of the most earnest friends of a strong central government.

Connecticut just escaped a similar uprising. The farmers could not pay their taxes, and more than five hundred farms were advertised for sale. These must be sold for cash, and as cash was so hard to get, their prices were put very low. Often a farmer whose farm was sold for taxes received only one-tenth of its real value. Just who was to blame for this was not clear, but the orders came from the courts and were made out by the lawyers; therefore the people turned upon the courts and the lawyers. The country was not only in confusion, but was on the verge of anarchy. It was time for a convention.

Five or six States had already chosen their delegates, but here and there was a feeling that it was not quite according to law for such a convention to be called by any other authority than that of Congress. At length a motion was made in Congress that this body itself should call a meeting at Philadelphia on the date named, that is, should formally adopt the plan already formed. This motion was carried, and now the greatest stickler for legality might feel his mind at rest.

## CHAPTER III

### THE COMING OF THE DELEGATES

Delegates were chosen by the legislatures, and the legislatures of the different States did not all meet on the same date. Traveling was, as has been said, difficult and full of dangers. When a man set out on a journey he could only guess at the time of his arrival. Most of the delegates came to Philadelphia on horseback. Several of those from Virginia came by boat. The treasury of New Hampshire was empty, and there was some delay before "real money" for the expenses of her delegates could be raised. Rhode Island would have nothing to do with the convention. She was repudiating debts and issuing large quantities of paper money. "They are afraid of everything that may become a control on them," Madison wrote to his father of her citizens.

Washington had hesitated about accepting his appointment as delegate. The Cincinnati were to meet at the same time and in the same city and wished him to accept a second term as their president. He had refused on the ground of private business, and now felt that he could not properly accept this later appointment. Moreover, as he said, he did not wish to be swept back into the tide of public affairs. His life since the close of the war had been as fully occupied as it was during the struggle. He had taken leave of his officers with great affection, and with tears in their eyes they had silently watched him while he entered the barge that was to carry him to Paulus Hook, New Jersey, on his way to Mount Vernon. For his services as commander-in-chief of the army he had refused any compensation, but had agreed to keep an account of his expenses. This account he now presented to the comptroller of the treasury, in Philadelphia. In Annapolis, where Congress was then in session, he formally laid down his sword. "I here

offer my commission," he said, "and take my leave of all the employments of public life."



WASHINGTON LAYING HIS COMMISSION AT THE FEET OF COLUMBIA.

So it was that he returned to beautiful Mount Vernon, which he had not seen for eight years; but the peace and quiet for which he had longed he could not find even there. Guests came in a constant stream. Everybody wrote to him. Some sent him inquiries which, as he said, "would require the pen of a historian to satisfy." People applied for favors of all sorts. One requested the loan of his private papers to assist in writing a history of the events of the war. One asked him to write to Europe for a wolf-hound. Another wished permission to dedicate an arithmetic to him. The Empress of Russia begged him to collect for her the vocabularies of some of the Indian tribes—and he did. Little Mademoiselle Lafayette, eight years old, wrote him a letter, which received a prompt reply. Those who could think of nothing else to write about, sent him pages

of compliments. Everybody who had ever wielded a paintbrush wanted him to sit for his portrait.

And all this while he was longing to give his time to his family and his estate. That his place should have some attention was very necessary. During his long absence he had received weekly reports from his overseer; but for eight years Mount Vernon had missed its master's hand, and it was sadly in need of care. This was the "private business" which demanded his presence.

His finances were troubling him. For two years his crops had failed. He could not collect debts that were long overdue. His living expenses were much increased by the numerous visitors. He wrote his mother that he had no idea where he could get a shilling toward the taxes that were due; he would not be in debt, and he feared lest he should have to sell part of his estate. His country was not ungrateful; but when he learned that through Congress the whole nation was to be invited to unite in a gift to him, he gratefully declined it in advance; he would take no rewards for serving his own land. Even when the companies formed to connect the Virginia rivers with the Ohio wished to present him with shares worth many thousands of dollars, he refused to accept the gift, because he believed that he could arouse the interest of the people in the undertaking more surely if they knew that he had no selfish concern in it.

Surely, no one could have blamed Washington if he had left public business to others and had spent a little time in attending to his own affairs. When he left the army, he said that he hoped to pass the remainder of his life "in a state of undisturbed repose," and he felt sure that becoming a delegate would be the beginning of a return to public life. But duty to his country came first with him, and when Shays's Rebellion showed so plainly the lawlessness of the land, he laid aside all thoughts of his own advantage and accepted the appointment.

Washington never accepted any position without preparing himself as thoroughly as possible to fill it well. Now

that he had agreed to be present at the convention, he set to work to make his presence of value. He read the standard books on politics, and he read also the history of a number of the modern and ancient confederacies. He pondered over these; he made outlines of what he read; and he noted in each case its good points and its bad ones and why it was a success or a failure.

The convention was to meet on Monday, the 14th of May, 1787. Five days earlier, Washington set out from Mount Vernon in his carriage. Of course he could not make his appearance anywhere in the country without receiving all the honors that the people could show him. Fourteen miles from Philadelphia he was met by the speaker of the Pennsylvania Assembly and a number of officers and prominent men of the State, who rode beside his carriage. At Gray's Ferry, two miles from the city, stood the Philadelphia Light-Horse drawn up ready to escort him into town. As they entered, the bells on all the churches rang in joyful greeting, and the crowd that lined the streets shouted their welcome. He had intended to stay at a boarding-house, but, as he wrote in his diary, "Being again warmly and kindly pressed by Mr. & Mrs. Robert Morris to lodge with them, I did so, and had my baggage removed thither."

Robert Morris had come to this country from England when he was only thirteen. He soon found a position in a business house, and from that day his rise to fame and fortune was quite like that of some of the heroes of the *Oliver Optic* books, for at twenty he and the son of his employer formed a partnership, and twenty years later they were at the head of the largest business house in Philadelphia. When war broke out, he was made a delegate to the Continental Congress, and he was one of the signers of the Declaration of Independence. He was the "financial backer" of the Revolution, and at the times when it seemed as if for the lack of money the cause must fail, he always came to the rescue.

One of those times was six months after the signing of the Declaration, when Washington was trying to recruit his army. This he could not do without money for bounties, good hard money in coins of gold and silver. Morris had been made financial agent of the United States, and to him Washington appealed to raise the sum needed. Morris felt that he must do it—but could he? The story is told that he was walking away from his office, wondering how to get that money, when he met a wealthy Quaker and told him of the trouble. "Robert, what security canst thou give?" the Quaker asked. "My note and my honor," Morris replied. Both stood high, and the Quaker said cordially, "Thou shalt have it." The following morning, \$50,000 went to the anxious commander-in-chief. So it was that Robert Morris pledged his wealth and his honor for the cause of the States.

One day some five years later three men with troubled faces and troubled hearts stood talking together. They had just heard that the French fleet could not leave the West Indies, and without the fleet the proposed campaign against the British in New York would fail. But a campaign against Cornwallis could be entered upon "if—" They all knew what that "if" meant. "What can you do for me?" Washington asked, and the secretary of the board of war replied gravely, "With money, everything; without it, nothing." "Let me know what you want," said Morris. The result of this little talk was that thousands of barrels of flour and everything else needed were supplied, and Morris gave his own notes for \$1,400,000. It was because of these supplies that Washington was able to pursue Cornwallis, and it was Cornwallis's surrender that practically put an end to the war. How much Morris and Washington must have had to talk over that Sunday evening in Morris's home in Philadelphia!

Benjamin Franklin was then president of Pennsylvania, and of course Washington had called on him as soon as he reached town. Franklin's life, like Washington's, had been devoted to his country, but in an entirely different way. It is

true that he went into the field, and was urged to let himself be made commander of an expedition; but he was wise enough to see that he could do more for the colonies in other ways than by using his sword. Indeed, what the country would have done without him is a question. Some one has called him "the incarnated common sense of his time." He founded the University of Pennsylvania and the Philadelphia Library. He was the first postmaster-general. He published the famous *Poor Richard's Almanac*, full of wise advice put so amusingly that people remembered it and followed it whether they meant to or not. "The sleeping fox catches no poultry," was a better argument for early rising than the time-worn advice to "get up early." "Help, hands, for I have no lands; or if I have, they are smartly taxed," would catch every one's attention at a time when every one was groaning over taxation.

As a scientist, nothing was too large and nothing was too small to interest him; and just as soon as he discovered a new fact, he set to work to make it useful. He invented the Franklin stove, which, he said, "kept him twice as warm with one-fourth as much wood." He studied the Gulf Stream, and when he was postmaster-general, he arranged to send mails by the routes which took advantage of it. He was equally interested in how to cure smoky chimneys and in the effects upon the waves of the ship cook's greasy water thrown out through a porthole.

The discovery that brought him most fame was that lightning and electricity are one and the same. So little was known of electricity in those days that it was quite an exciting experience to "take a shock." Six young Germans called on Franklin one day. They had not much confidence in the reports of the power of electricity, and they had "come to see whether there was anything in it." "Give us a thumper," they said, and he did. In a moment they lay side by side on the floor like so many ninepins. They admitted that there was "something in it."

Franklin was famous throughout Europe for his scientific discoveries. Indeed, he had been famous before the majority of the delegates could remember. Twenty years before the Revolution, he had received honorary degrees from Oxford and St. Andrews. He had been made a member of the Royal Society, and the greatest men of Europe were proud to be counted his friends.

It was this wise, shrewd, famous American who had been sent to England to speak for the colonies, and to France to win friends and money for them. Wherever he went, he was always the same sensible, level-headed man. No amount of praise could sweep him off his feet, and no blame ever made him lose his bearings. When he was to be formally received at the court of France, he did not think it proper for a plain American citizen to follow the elaborate French fashions in dress. Then, too, it was cold weather, and it would be somewhat dangerous to change his woolen stockings for fine silk. On this momentous question King Louis himself was consulted. He replied that Dr. Franklin was welcome to come to court in any dress he pleased. So the blue yarn stockings made their appearance at the sumptuous court of France; and the conversation of their wearer was so brilliant that the courtiers forgot to look at them. Paris ran wild over him, his learning, his charming talk, his simple, independent ways, and his perfect tact. Wherever he went, he was followed by crowds of admirers. He was both witty and dignified, and not in the least elated by his glory. He was so popular in France that even if King Louis had been inclined to refuse aid to America, he would hardly have ventured to arouse the wrath of his people by refusing it to Franklin.

When the time came for a treaty to be made between England and the United States, Franklin was at his best. With apparent expectation of getting just what he wanted, he calmly proposed that, since England had injured the colonies by the war, the Mother Country should cede Canada and Nova Scotia to the United States by way of reparation. This would pay the

American losses, he said serenely, and it would enable the United States to make good the property of the Tories which had been confiscated. Of course Franklin knew fully as well as King George and his friends that this would never be agreed to; but the bold stand of the American commissioner gave the Americans something to bring forward by way of compromise when the English commissioners with equal coolness requested compensation for giving up several American cities then in the hands of the British troops. There were many complications in making this treaty, but the tact and clear-sightedness of Franklin and the ability of his two associates made it a great success.

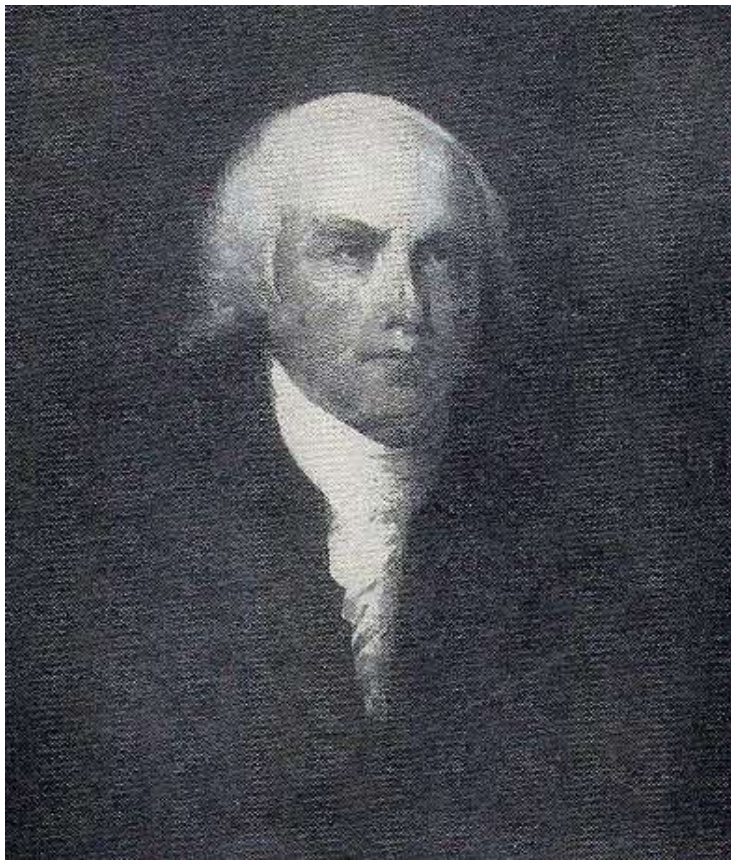
In 1785, Franklin returned to America, almost eighty years of age. Like Washington, he would gladly have had a little time of quiet, but Pennsylvania at once demanded him as president of the State; and he held this position for three years. It was during his third year that he was made delegate to the convention.

These delegates were what Daniel Webster would have called a "respectable "[that is, worthy of respect] body of men. Six of them had signed the Declaration of Independence. Out of fifty-five, more than half were graduates of either American or English universities. There were lawyers, financiers, clear-headed thinkers, men of genius, men who could make masterly speeches, and men who only listened, thought, and voted. Some had been officers in the army, governors of States, or congressmen. Some were plain, honest men with no brilliant record behind them, but with a sincere love for their country and a strong resolution to do for her the very best that was in them.

Not many of the delegates were so punctual as Washington. Some had been delayed by storms. Some had been slow in starting. Some were not even appointed until it was too late for them to reach Philadelphia on time. The delegates from Virginia and Pennsylvania, however, were all on the minute. Indeed, some of them arrived several days



earlier than Washington. It was eleven days before a quorum of States was present. There had been no waste of time, however, for the hours were filled with informal talks in little groups of two or three; and every afternoon all who had reached the city met for a general discussion. The Virginia delegates were especially glad to have this time together. The suggestion of the convention had come from their State, and so her delegates felt themselves bound to have a definite plan to propose to the others. These conversations enabled them to learn the point of view of one another and made it possible for them later to vote as a unit.



JAMES MADISON

The leader of the Virginians was James Madison, a man whose knowledge and thoughtful opinions had come to be looked upon with great respect. He had been a quiet, scholarly boy, so fond of study that, after Princeton had given him a diploma, he stayed at college another year in order to work on Hebrew. He came home, and still he studied—history, law, theology, constitutional law—everything was grist that came to his mill. When he was in college, he had once for several months given only three hours out of the twenty-four to sleep; and it is hard to see how he could have been much more generous with himself at home, for he had eleven brothers and sisters, and he acted as their tutor. He was only twenty-two years old, but probably they looked upon him with the utmost veneration, and supposed he was at least a hundred.

In 1774, when people began to see that there would be trouble with England, the student was aroused. Even if he had spent his twenty-three years apart from public affairs, he was a true American, and when he was put on the committee of safety—possibly because of his father's reputation—he accepted promptly. Some of his neighbors had declared that he was too much of a student to be of any value on the committee; but evidently his neighbors were mistaken, for although he was the "baby member," he was made a delegate to the State convention two years later. He was pale and slender. His light hair was combed straight back and braided in a queue tied with a black ribbon. He looked like a particularly shy young minister, rather alarmed at the possibility of having to preach before so many older folk. Indeed, he made a motion only once, and then he did not venture to make a speech to support it.

Everybody knew that the quiet young man had knowledge, and somehow they must have found out that he had ability and statesmanship, for he was made a delegate to the Continental Congress in 1780. He attended strictly to the business of being a delegate, whether this agreed with his

convenience or not. It was hardly a paying occupation, for although Virginia voted her delegates a generous allowance for their maintenance, it was, in the lack of money, seldom paid. They made common cause, and when any one of them was so lucky as to receive a check, he shared it with the others. Checks came seldom, however, and at length Madison found himself so deeply in debt that he had to borrow money of a broker, a Polish Jew. This Jew was a good American, for when his debtor spoke about the interest, he said, "But I take no interest from any member of Congress."

Madison held one public position after another, doing excellently well in all, and showing such wisdom and sound judgment that people began to call him "Colonel," which was used as a title of supreme respect fully as often as one of military distinction. It was quite to be expected that he would be one of the delegates from Virginia to the convention at Philadelphia. Indeed, he was the leader of the delegation. He no longer appeared the "shy young minister" of his earlier years. He had become accustomed to people, and they liked him and respected him. He had a keen sense of humor and was an agreeable companion.

The eleven days were also useful socially, if all the delegates were as much sought after as Washington. He ate a "family dinner" at Mr. Morris's and "drank tea in a very large circle of ladies." On one day he was present at a wedding feast, and on another he dined "in great splendor," as his diary declares. In short, he was invited somewhere every day, and apparently enjoyed himself everywhere.

By the 25th a quorum had arrived, and the delegates came together. Washington was unanimously elected president. A committee was chosen to prepare rules of order for the convention, and the meeting was adjourned until Monday, the 28th.

When Monday came, delegates from two other States had reached the city. At the appointed hour, they all assembled in a simple, dignified brick building on Chestnut Street, the

State House, but now known as Independence Hall. In this building, the Second Continental Congress had held its meetings. Here Washington was elected commander-in-chief of the Continental forces. Here the Declaration of Independence was adopted and signed, and in the belfry overhead hung the bell that had rung out the news of freedom to the waiting city. Many of the delegates had been present on some of these occasions, and they must have realized that the work in which they were about to engage was quite as important as any that had been done within those walls. What they were to accomplish during the next four months would show to the world whether the freedom for which they had risked their lives was freedom indeed or only the beginning of anarchy. They entered the house and the doors were shut. Fifty years were to pass before the discussions that went on behind those closed doors were to become known.

## CHAPTER IV

### A NEW CONSTITUTION

When the convention met, on May 28th, the rules of order were presented by the committee, and proved to be simple and sensible. A complicated motion was to be divided into its parts, and each part voted on separately. If the delegates of any State preferred to postpone a vote to the following day, this was to be done. How voting was to be carried on in the sessions was a difficult question to decide. Naturally, as the larger States represented more people, they thought they ought to have more votes; and quite as naturally, the smaller States did not agree to this. Indeed, the delegates from Delaware had been absolutely forbidden to submit to anything of the kind. The Virginia delegates very wisely concluded that it would be better to avoid the opposition of the smaller States and make no objection to their having an equal vote, trusting to their being reasonable and yielding if this was at any time about to interfere with forming a strong, trustworthy government.

The rules for attention were as strict as those of any schoolroom, for while a member was speaking, no one was allowed to talk or read "book, pamphlet, or paper, printed or manuscript"—they were nothing if not definite, those makers of the Constitution, and they left no loopholes. They looked out for the manners of their members, too, for it was positively forbidden to walk between the president and the person speaking; and on adjournment every member was commanded to stand in his place until the president had passed him.

A letter was presented and read, signed by a number of the substantial citizens of Rhode Island, regretting that the upper house of their legislature had refused to appoint delegates, and promising to do their utmost to have the conclusions of the convention adopted by their State.

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The convention then adjourned, but at the next meeting the lines of good behavior were drawn even more strictly, for it was voted that no member should be absent without leave, that no committees should sit "while the house shall be, or ought to be, sitting." Evidently, there was to be no wasting valuable time in that convention. Members were to attend strictly to business.



INTERIOR OF INDEPENDENCE HALL.

It was also decided that no word spoken in the house should be repeated beyond its walls. But Madison, the student of ancient republics, knew well that, while the convention would pass, the day would surely come at some future time when every word of the constitution that he hoped to see formed would be closely scanned, and when details of how it was formed would help to interpret its meaning. Therefore he took his seat with quill and inkhorn directly in front of Washington, where he could hear every word, and took notes of what was said. He never missed a session, and each day, after he went home to his lodgings, he wrote out his notes. Half a century later, Madison died. He was the last survivor of the fifty-five makers of the Constitution. There was no longer any reason for secrecy, and the notes were then published.

There was one point, the most essential of all, upon which it was certain that the members would not at first agree. This was, as has been said, whether to patch up the old ship and try to keep it afloat by pumping, or to build a new one. That is, should they try to amend the old Articles of Confederation by which they had been governed—or rather, not governed—or should they form a new constitution?

Now was the time for the Virginia delegates to bring forward their plan. Edmund Randolph, of their number, governor of Virginia, was an experienced speaker; and therefore this had been left to him. He spoke first of the Articles of Confederation, and pointed out their weakness so forcibly that the listeners must have wondered how they had ever lived under them a single day. If enemies come to our shores, he said, Congress can do nothing to protect us. Congress cannot raise an army, neither can it raise money; and no army of volunteers can be raised without money. It cannot even settle a quarrel between States or a rebellion against its own authority. Congress has no power to impose duties; in short, it is far less strong than the constitution of many of the States. The whole country is in danger of anarchy, and Congress is so feeble that it can do nothing but advise and suggest.

Governor Randolph then read the fifteen resolutions that the Virginia delegates had agreed upon. These gave an outline of a government as they believed it should be. He made it perfectly clear that he was not aiming at patching up the old Confederation in the hope that it would somehow get along; but at establishing a strong government in which the Union and not the individual State should be the supreme power. "This is the opportunity," he said, "to establish peace, harmony, happiness, and liberty. I beg that you will not suffer it to pass away unimproved."

Then there was discussion indeed. What do you mean by "supreme power?" was asked. It was explained that it meant a government above that of the separate States; a

government of such authority that if its decrees clashed with those of the States, the States were to yield. To some of the members the suggestion to put such power into the hands of Congress seemed as momentous as it would seem to-day if it were proposed to take away most of the powers of Congress and put them into the hands of the separate States.

Everybody talked and everybody questioned. Do you mean to abolish the State governments altogether? Have we any right even to discuss a new government in a convention called by the old government? Is it wise to pass amendments that the States will never agree to? When the question was put: "Resolved, *That a national government ought to be established, consisting of a supreme legislative, executive, and judiciary,*" it was passed by a vote of six to one. It was a strenuous day, and it is no wonder that Washington was glad to go to a party that evening.

The New York vote was divided, Alexander Hamilton voting for the Constitution, the other delegate present voting against it. New York had played a shrewd game. It was certain that a new constitution would be proposed, and New York did not wish to have any "supreme power" making changes in her commercial regulations; so she had sent with Hamilton two other delegates who would be sure to vote against giving up the Articles of Confederation.

There would be a new constitution, that was now settled—if the separate States accepted the work of the convention. It was decided that the "national legislature," that is, Congress, should consist of a lower and an upper house [the House of Representatives and the Senate]. This vote would have been unanimous had not Pennsylvania, probably out of respect to the opinion of Franklin, who thought a single house better, voted against it.

The next question was how the States should be represented in Congress. That touched a sensitive point. The wealthy States would, of course, have preferred to have representation based upon the taxes which were paid to the

government; the Southern States would have liked to base it upon the number of inhabitants; the Northern States would have preferably counted only the free inhabitants. Virginia had generously suggested that it might be based upon either property or free inhabitants. The tactful course was to let the matter rest for a while. It would be enough for the time being to agree that some change in the old system of representation should be made. Later, they could settle details.

There was no reason, however, why the question how Congress should be elected should not be considered; but here, too, there was a decided difference of opinion. The lower house was first discussed. Some thought that members ought to be elected by the legislatures of the States.

"I expect our federal pyramid to rise high," said one member, "and therefore I wish to give it as broad a base as possible. I believe that the whole people should choose their representatives in the lower house."

"But the great body of the people are not well informed in matters of government; they are easily misled," objected a third; and one who had just passed through the experience of Shays's Rebellion in Massachusetts agreed with him. "The people are often dupes," he said. "Men who have something to gain by it go about among them with their false stories, and there is no one at hand to show their falseness."

"Still, the lower house is to be our House of Commons," said another thoughtfully. "It ought to know and sympathize with all kinds of people. We must look out for the rights of all, high or low."

Then Mr. Madison made one of his quiet, reasonable speeches and turned the plan to elect by legislature into a sort of "House that Jack built." "In some of the States," he said, "the people choose electors, and the electors choose the legislators. Now if these legislators choose the lower house, and the lower house chooses the upper house, and the upper house chooses the executive, the people will be lost sight of. I

believe that our great fabric to be raised will be more stable if it rests on the solid foundation of the people themselves, rather than on the pillars of the legislatures." It was "Resolved: *That the members of the lower house be chosen by the people.*"

The convention had now decided that there should be a new constitution, with legislative, executive, and judiciary powers; that Congress should be made up of two houses, and that the lower house should be elected by the people themselves. It had passed over details and unimportant matters, and had also put one side for the time questions that would have led to "irritating discussions." They had set to work wisely, those makers of the Constitution. They had not tried to find out in what they differed, but in what they agreed. When that was done and they had the substance of a constitution before them, some of the points on which they now disagreed would not seem so important, and it might be easier to yield to one another.

The legislative department would make the laws, but who would see that they were carried out and punish any who might not obey them? That would be the work of the executive division of the government, and of how many persons should this consist? Now that for nearly a century and a half we have had one man, a president, for chief executive, this does not seem a difficult question to decide; but it was a real puzzle to the honest men who were trying to do their best for the country in all the years to come. They had grown up under the rule of a king, but they had made their country into a republic, and they had no experience to guide them.

One speaker came out boldly in favor of a single person. There was a dead pause. "Shall I put the question?" the chairman asked. "This is a point of great importance," said Franklin, "and I hope that before the question is put, the gentlemen will deliver their sentiments on it."

"Deliver their sentiments" they did, now that the ice was broken. Everybody had something to say. It was almost as if some one was thinking aloud somewhat like this: "One man



would feel the responsibility more than several. He need not stand alone, for a council could be appointed to aid and advise him. Or, there might be three executives; but it would be rather difficult in military matters to have a general with three heads!

"And how should he be chosen? Some States had been in the habit of choosing their chief magistrate by vote of the people. This had proved to be successful, but it might not be successful when tried throughout the country. The national legislature makes the laws, and perhaps it would be best for that body to choose the executive to enforce them. Would three years be too short a term of office? Would seven years be too long? If the executive does not approve of any law passed by Congress, shall he have the right of veto? If he neglects his duties or acts contrary to law, how can he be deposed? Ought he to be paid a salary?" Franklin thought not, that the honor should be sufficient reward; and he spoke of the great commander-in-chief who had served his country for eight years with no salary. If the House of Representatives were chosen directly by the people, would it be well for the legislature to choose the Senate, and so represent the States as States? If so, how should it be chosen?" Realizing how weighty a question any one of these is, it is a wonder that the brains of these men did not whirl. Perhaps they did.

So the discussion went on. From time to time a main point was laid aside until the way for it had been made more plain by clearing away some minor points. The rules of order had aimed at giving the delegates as much freedom as if they were thinking aloud. It was quite allowable to pass a motion for the time being in order to clear the road for another, even with the realization that this decision was not final and the matter would come up again later, and that if a member changed his mind during the interval, he could change his vote without being called fickle and inconsistent.

The question of the equality of the States was always cropping up in one form or another. The small States took the ground that a State was a State, and one should have the same

rights as another. The large States felt that the desires of many should carry more weight than the desires of a few. One member declared that the only satisfactory method of treating the matter would be to spread out a map of the United States and divide it into thirteen equal parts. Another said that if a large State was to have more votes than a small one, a rich man ought to have more votes than a poor man.

Here were two parties, the supporters of the small States and the supporters of the large States. Neither party could understand why the other could not see the matter from their point of view. They were all getting a little nettled and out of patience. One of the New Jersey members had declared that neither he nor his State would ever "submit to despotism or to tyranny"; and a Pennsylvania delegate had suggested that the citizens of Pennsylvania were equal to those of New Jersey. This was the time for Franklin to make some of his tactful remarks. He reminded the members that no one was ever convinced by a man's declaring positively that his mind was made up and he would never change it. "We are sent here," he said, "to consult, not to contend with each other." He smiled at the notion that the large States would swallow the smaller ones, and declared it to be fully as likely, under the Articles of Confederation, that the small States would swallow the large ones. Quite in Franklin's own fashion he went on to prove his point mathematically. "Suppose, for example," he said, "that seven smaller States had each three members in the House, and the six larger to have, one with another, six members; and that, upon a question, two members of each smaller State should be in the affirmative, and one in the negative, they would make affirmatives, fourteen; negatives, seven; and that all the larger States should be unanimously in the negative, they would make, negatives, thirty-six; in all, affirmatives, fourteen; negatives, forty-three. It is then apparent that the fourteen carry the question against the forty-three, and the minority overpowers the majority, contrary to the common practice of assemblies in all countries and ages." It was not very probable that such a case would occur, and the

delegates must have smiled at the idea; but the smile cleared the air, and things went on more smoothly.

The fifteen resolutions of the Virginia plan had now been acted upon or postponed, and Judge Gorham, of Massachusetts, had prepared a report summing up the action that had been taken. Just at this point New Jersey and several other States asked for more time to consider this plan, and also to present another, which they called "purely federal."

## CHAPTER V

### THE CONSTITUTION IS COMPLETED

This "purely federal" plan had been prepared by the delegates from Connecticut, New York, New Jersey, and Delaware. All four opposed a strong national government, but not for the same reason. Connecticut and New York did not wish to have their State decrees interfered with by any "supreme government," and New Jersey and Delaware, two small States, had no idea of agreeing to any government that would give the large States more representatives than the small. They wanted a Congress of one house, and that house made up of the same numbers from each State, no matter what its size. They were willing to give Congress a few more powers, but no real power. The old question was brought up, whether they had any right to form a new constitution, when they had been sent there by Congress to revise the old one. This had been gone over again and again, and it is little wonder that one member declared, maybe just a little scornfully, "Give New Jersey an equal vote, and she will dismiss her scruples." The New Jersey plan seemed at first reading to give Congress all necessary power. It did not cut loose from the Articles, but proposed merely to modify them to suit the changed circumstances. Congress should have the right to impose and collect taxes and make laws for commerce. It could oblige the States to be obedient to its orders. The weak point was that Congress was to consist of one house, representing not persons, but States; and all States, whether rich or poor, with many citizens or few, were to have the same number of representatives. Power can come only from the people, not from the States. The New Jersey plan would throw the country into the same old troubles. Congress would have powers, but no power.

Madison now took the floor, and showed how one State after another had broken the Articles of Confederation. Georgia had made treaties with the Creek Indians; Massachusetts had even then a body of troops—a standing army—in her pay. Several States had issued paper money with no coin behind it. New Jersey herself had not been too obedient to refuse to obey a requisition of Congress. It would be easy to crush a small State, he said, and force her into obedience, but what about the large States? Would it be easy for such a Congress to oblige them to obey? Again, if no plan could be agreed upon, either each State would be independent of the others, or they would unite in several confederacies. Who would then protect the small States from their stronger neighbors? New States which would later come in from the West, would have at first few inhabitants; but supposing all States had the same number of representatives, a minority might easily become the rulers of the whole land.

The convention was near coming to an abrupt end. The speakers became more and more angry. They began to declare that they "would never consent," that there were foreign powers ready to take them by the hand. "Gentlemen, I do not trust you," shouted wrathfully one of the Delaware members.

Everybody made a speech, and no one's speech influenced any one else. It began to look as if the convention would surely dissolve, and each man would put on his hat and start for home. Would a compromise be possible? Two of the Connecticut delegates thought it might. They proposed that the lower house should be national and the upper house be federal; that is, that the House of Representatives should represent the people, and the Senate the States. Franklin always enjoyed a simple, everyday illustration, and now he said, "When a broad table is to be made, and the edges of the planks do not fit, the artist takes a little from both, and makes a good joint."

No one was very enthusiastic about the compromise, but from sheer helplessness they at length put it to vote whether each State should be allowed to send one

representative to the upper house. One State after another voted, one in favor, one against; and so it went on until the vote of five States had been recorded for the motion and five against it. Ten States were represented, and all but one, Georgia, had voted. Mr. Houston, of Georgia, voted no. Then everybody's gaze turned upon his colleague, a young man named Abraham Baldwin. He was a Yale graduate, a Connecticut man, but now a lawyer of Savannah. His vote would decide the fate of the motion. He did not agree with it, but if he said no, the compromise would fail. Probably the convention would dissolve; and it must be kept together. He voted yes. It was a tie, and the motion was lost. If New Hampshire and Rhode Island had been present, they would doubtless have voted for a compromise; therefore it was not given up, but a committee was appointed to draw up a form of compromise.

Three days they had for this piece of work, for the delegates took a recess of three days, so they could celebrate the Fourth of July if they wished. It cannot have been a very festive celebration for Washington, if we may judge from his diary, for he gave a sitting to an artist, went to see some "anatomical figures," attended a meeting of an agricultural society, heard a law student deliver an oration on the "Anniversary of Independence," and dined with the Cincinnati.

The committee on the compromise had rather a stormy time, but they finally came to an agreement to bring in a report in its favor. After all their struggles, they must have felt discouraged when they came to present their report to the convention, for a whole crop of new arguments had come to life, and eleven full days of talk passed before that compromise really came to a vote and was passed. Even then, it was somewhat different in form from the one originally presented. It now stood that the Senate should consist of two members from every State, elected by the legislature of the State; and that the House of Representatives should consist of one member for every 30,000 of the population. "In the course

of one hundred and fifty years, one for every 30,000 will make a House rather unmanageably large," some one remarked. One or two disrespectfully smiled at the idea that any system of government which they could work out would last so long; but it has already lasted nearly that length of time. Our present House consists of one member for every 211,877 persons. If the original ratio of one for every 30,000 had been continued, our Capitol would have to be enlarged, for seats would have to be provided for about 3,700 members.

This is the lengthy story of the making of one of the three great compromises of the Constitution. It had taken a full month's discussion to come to a settlement; but this settlement was a real stroke of policy. "Give New Jersey an equal vote, and she will dismiss her scruples," turned out to be an excellent prophecy. New Jersey and the other small States were made sure of their equal vote in the Senate, and now they were willing that Congress should have all the power that any one might choose to give it. The second compromise was also on the question of representation. Should slaves be counted as persons or as property? The North declared that in the South they were considered property, and that they should therefore be taxed as property and not counted as persons. The South admitted that they were property, but declared that they were also persons. Counting them as property would increase the taxes of the Southern States; counting them as persons would increase the number of Southern representatives in Congress.

Another question was closely connected with this: How shall the States be taxed? There was a long discussion, and at length it was agreed that it should be according to population. This did not help so very much, for it brought them back to the first question, namely, whether slaves should be counted as persons in computing the State tax. The North said yes; the South said no. Should they be counted in deciding upon the number of representatives for a State? The North said no; the South said yes. This began to seem like another deadlock, but each side yielded. The North agreed that

slaves should be counted in settling the number of representatives and the South agreed that they should be counted in computing the State tax. Both agreed that not all the slaves, but only three-fifths of their number should be counted.



CONSTITUTIONAL CONVENTION AT PHILADELPHIA, 1787.

According to this arrangement, five men in Massachusetts counted as five in apportioning representation in the House of Representatives. If those five men moved to South Carolina and each bought a slave, they would count as eight. In South Carolina it was not long before there were more slaves than free men, and although the slaves were not "represented" in any way, they were counted in the representation for the white men. This was why the Southern States had so much power in Congress. The war had been fought to uphold the principle that all citizens should count equally in representation, and this compromise was directly against it. Nevertheless, if it had not been agreed to, the Constitution would probably not have been formed; anarchy would have prevailed; and it is quite possible that the country would have been divided and that perhaps part or all of it would have fallen into the hands of some foreign power. Compromises are never absolutely fair to either side, but they sometimes seem necessary in order to avoid worse things.

The third compromise was on the slave trade. New England was determined that Congress should have the right to regulate commerce. The South was equally determined that it should not; for the Southern States were afraid that New England would get control of the ocean freight, and that the South would then be at her mercy in sending rice, tobacco, and indigo to Europe. "Commerce" included the slave trade. Nearly all the Southern States had forbidden it, but in the rice swamps of Georgia and South Carolina slaves became rapidly exhausted. To carry on their most profitable business, these States demanded that the importation of negroes should not be interfered with. One of the delegates from South Carolina declared that a refusal to make such allowance would be regarded as shutting South Carolina out of the Union. Another member retorted that if the two States intended, as they had hinted, to give up in a short time this importation of slaves, they would not be so unwilling to have it prohibited; and one member from South Carolina declared boldly that the Carolinas and Georgia would never be such fools as to give up the right to import. The result was the third compromise. To please New England, Congress was to have absolute control over commerce. To please the South, the slave trade was not to be prohibited before 1808—for there was a general feeling that before that date it would be given up.

These were the three compromises that made the Union possible. The first conciliated the smaller States; the second gained the support of the slave States; the third put commerce into the hands of Congress and assured free trade among the States.

The old question how the executive should be elected had been taken up more than once. It was now suggested that the State legislatures should choose electors, who should go to the capital city and vote; but such a journey was not lightly to be undertaken. Some one even hinted that choosing electors by lot among the congressmen might be practicable. Some one else thought that one man might be named by each State, and

from these thirteen either Congress or a board of electors might choose an executive. A month later, still other plans were brought forward. At length the present plan was adopted.

Concerning the judiciary, there was little disagreement. No one doubted that it must have courts, and that the decisions of its courts were not to be questioned. Its noblest task is that of interpreting the Constitution. It not only interprets what has been written; but should a new law be passed, and a case involving this law be brought before the Supreme Court, then, if this Court should declare the law contrary to the Constitution, it is null and void; the highest authority in the land has spoken.

There was much yet to do. There was more than once a disagreement with emphatic opinions expressed on both sides; but the foundations had been laid, and the rest followed. Four months after the day in May when the convention first met the last session was held. A draft of the Constitution was signed by all but three of those present.

The chair in which Washington sat at the meetings chanced to have painted on its back a half-sun, rising or setting. Franklin said, "While I have been sitting here, I have often looked at that without being able to tell whether it was rising or setting; but now at length I have the happiness to know that it is a rising and not a setting sun."

Save for a ten-days' adjournment the convention had been in session five, six, even seven hours a day through the four months of summer in a torrid city. The work was now completed. After dining at the City Tavern, the delegates said a cordial farewell to one another, and made ready to start for their homes. Washington wrote in his diary that he returned to his lodgings "and retired to meditate on the momentous work which had been executed." "I wish the Constitution had been more nearly perfect," he wrote to Patrick Henry, "but I sincerely believe it is the best that could be obtained at this time."



## CHAPTER VI

### WILL THE STATES RATIFY?

After the Constitution had been the law of the land for a century, Gladstone said that it was "the most wonderful work ever struck off at a given time by the brain and purpose of man." Nevertheless, it was not altogether easy to get this "wonderful work "adopted in the first place. Nine States must accept it before it would become law, and with some of them the acceptance was decidedly slow.

Whatever Benjamin Franklin had to do was always done promptly, and even if he was eighty-one years old, he was up early on the day following the close of the convention, and at eleven o'clock he with his seven colleagues marched straight to the hall in which the Pennsylvania legislature was assembled, made a little speech expressing his pleasure, and presented a copy of the important paper. It had a warm reception, for no other State was more indignant than Pennsylvania at the lawlessness that prevailed. On the morning of the 28th of September it was moved that a State convention be called to consider the ratification of the Constitution.

This motion stole the powder of the Anti-Federalists, or Antis, as those were called who opposed the Constitution. The assembly was to adjourn on the 29th, and they had never supposed that so near its adjournment it would call a State convention. They had it nicely planned to secure a majority if possible before the assembly met again, and so prevent the Constitution from being laid before the people at all. They declared that until Congress sent the paper, it was highly improper to admit any knowledge of it; and in any case, notice should have been given beforehand, they insisted. Nevertheless, the vote was taken. Forty-three were in favor of the convention; the nineteen Antis were against it. That afternoon, when the assembly came together, the nineteen

were missing. The sergeant-at-arms went in search of them, but they refused to come. There was no quorum, so the assembly had to adjourn.

Then the City of Brotherly Love was wrathful. To form a quorum only two more were needed, and on the following morning crowds burst open the doors of two of the runaways, dragged them to their seats in the State House, and held them there while business went on. The 30th of November was chosen as the day for the State convention.

Now everybody began to write letters to the newspapers, and everybody made speeches. Some objected because the Constitution did not contain a bill of rights. To this James Wilson, delegate from Pennsylvania to the constitutional convention and now its earnest defender, replied that in England such a bill was necessary, because the king was regarded as the source of power, and all rights must come from him; but that in the United States all power came from the people, and any power which they did not definitely give to the general government remained in their own hands. The preamble to the Constitution begins, "We the people of the United States do establish," "and this is in itself a bill of rights," he declared. Some one brought up the criticism of six months earlier, that the delegates had gone beyond their authority in making a constitution at all. Wilson replied that they claimed no authority, that they had framed a constitution which they thought good for the country, and it was now laid before the States for them to ratify or reject, as they might choose.

Not all the Antis presented reasons. Many were satisfied to produce silly doggerel, many mistook ridicule for reason. When the Federalists demanded whether their opponents had no respect for the work of Washington and Franklin, they retorted flippantly that Franklin was a childish old man, that Washington was a soldier, but not a politician; and that the rest of them were mere boys. One went so far as to call Washington a fool from nature and Franklin a fool from

age. There was occasionally a touch of wit, but there was a constant stream of what no one but its originators would have ever dreamed to be wit.

In the midst of this contention, news arrived one morning that little Delaware, the smallest of the States represented at the convention, had "fully, freely, and entirely approved of, assented to, ratified, and confirmed the federal Constitution," and had done it unanimously, too! Evidently there was no mistaking what Delaware's opinions were.

The Philadelphia Federalists were delighted. Thus far, the Antis had done everything in their power to block any action by the convention. They had talked five, seven, nine hours on a stretch—the State paying them a salary for the time that they wasted; they had spent day after day disputing about the meaning of common words, until some of the thrifty Pennsylvanians had begun to wonder how the bill would ever be paid if they kept on.

A great deal of Anti propaganda had been carried on in the western part of the State. The people beyond the Susquehanna were assured that Congress would increase the taxes; that, as members were to be paid from the Federal treasury, they would be independent of their own States; and that therefore the State was to lose all power. From these people a petition was brought in demanding all sorts of "rights" which belonged to them in any case. Pennsylvania had lost her chance to be in the lead, but six days after the Delaware ratification she became, by a vote of forty-six to twenty-three, the second in the procession of States. Twenty-one of the twenty-three prepared an address to the effect that Congress would promptly become a despotism, and that the country was altogether too large for a centralized government.

Not one bit did the Federalists care for this. They were not at all afraid of Congress, and the thought of a large country did not alarm them in the least. On the next day there was a grand procession to the Court House, and there the ratification was formally read aloud. The bells of Christ Church rang

merrily—almost of their own accord—a Federal salute of thirteen guns was fired, and the members of the State convention had a fine dinner together. It is not stated whether the minority were present or not, or whether the feast disagreed with them if they were.

On the very day before the Pennsylvania ratification, the New Jersey convention met in Trenton. Slowly the proposed constitution was read, section by section, with an opportunity to discuss each one. Nothing was done hastily. For a week they debated and deliberated; then, "by the unanimous consent of the members present, agreed to, ratified, and confirmed the proposed Constitution and every part thereof." This was as clear and determined, even if not quite so jubilant, as the ratification of little Delaware, and the emphatic envoi, "and every part thereof," must have cast a gloom over the Antis. Indeed, in western Pennsylvania it was a question whether the people would not take up arms and rebel. The Federalists were carrying on a mild celebration of bonfire and salute, when down upon them came a wild mob of Antis. These new arrivals did no worse than to spike the saucy Federalist cannon and burn the new almanac for 1788, which had audaciously ventured to print the proposed Constitution on its revered pages. The Federalists meant to have their celebration, and so they and some muskets tried again—successfully. Then the Antis burned Wilson and his colleague, Judge McKean, in effigy; which did not injure the two men and possibly did somewhat to soothe the Anti-Federalistic feelings.

The Antis had lost the central States, but the Southern States and New England remained, and it seemed quite possible that even the compromises might not prevent these States from slipping through the fingers of the Federalists. But alas for the hopes of the Antis! Georgia had her two votes in the Senate just the same as Pennsylvania. She had a very small population as yet, but her soil was rich, and she expected to have before long a population that would greatly increase her

number of representatives in the lower house. As it was, the compromise had given her the right to a larger representation than her number of free men entitled her to have, and Georgia saw no reason why she should not be satisfied. Moreover, much of her area was forest, and in this forest were hostile Indians. Spain held the land to her south, extending from the Atlantic to the Mississippi River. Who could say when she might need help against one or the other of these foes? She would have been foolish indeed to toss aside the one friend whom she could so easily and advantageously bind to give her assistance in time of need. Georgia called her convention for Christmas Day. One week later, she unanimously ratified the Constitution. As the last name was signed, a salute of thirteen guns was fired. So Georgia signified her faith in the Union.

Before the Constitution could become the law of the land it must be accepted, as has been said, by nine of the thirteen States; but the Antis were especially strong in New England, and if it should be rejected by the four New England States and one more, it would fail. With the confusion following such a failure, the condition of the country would be worse than ever. It is no wonder that both parties kept close watch of New England.

Connecticut's convention met on the last day of the year. It had a dignified membership, for it was made up of government officials, judges, clergymen, and some sixty veterans of the war. One section of the Constitution was read and debated upon, then another, and so on; but no vote was taken until the whole had been discussed. Connecticut men who had helped to make the Constitution were present to explain it; and as the discussion proceeded, one of them said gravely, "If we reject it, our national existence must come to an end." One of the veteran officers objected to having duties on imports, because he thought this would favor the Southern States; but a delegate replied that Connecticut was a manufacturing State, that the manufacturers were rapidly increasing, and that such a law would be of great benefit. The

veteran objected that a central government ought not to have both sword and purse; it would become a despotism. The delegate replied that the government must have revenues, and it must have power to defend the country, that there could be no true government without sword and purse. When the vote was taken, the Federalists were delighted, for it stood three to one in favor of the ratification.

Now came the tug of war. Massachusetts was in population the fourth State; only Virginia, Pennsylvania, and North Carolina contained more inhabitants. Her vote would strongly influence that of New Hampshire and Rhode Island. Indeed, when her convention met, prominent men from both States went to Boston to watch proceedings, and they said confidently that as went Massachusetts, so their States would go. Madison, the "Father of the Constitution," declared that the decision of Massachusetts would involve that of New York; and that if Massachusetts should reject the Constitution, the minority in Pennsylvania would be aroused and would make a stubborn resistance.

It did not look as if there was much hope that Massachusetts would ratify. Several of the most prominent men were believed to object. Shays's Rebellion had indeed been suppressed, but many of his supporters had not changed their minds, even though they had been forced to yield. The farmers had been hoping for laws that would release them in whole or in part from their contracts; and this new Constitution would have nothing of the sort. The land that is now Maine was then a part of Massachusetts, and its people were eager to cut loose and have a State of their own. The Constitution would tend, they thought, to bind them more closely. Massachusetts as a whole never did like interference with her affairs. She was accustomed to attending to her own business on her own ground. She liked a town meeting and not a long-distance government. It is no wonder that the Antis looked upon Massachusetts as a most hopeful State.

The Federalists had their fears, to be sure, but they also had their hopes. Commerce was an important matter in Massachusetts, and it would be much to the advantage of commerce to have a government strong enough to make commercial treaties with European nations. Therefore, workmen, business men, and the people of the cities generally favored the Constitution.

The convention met, and a good representation of Massachusetts it was. There were clergymen, lawyers, veterans of the war, scholars, substantial farmers, and some of Shays's followers. There was opportunity for everybody to speak, and everybody was listened to. Many of the delegates were terribly afraid of this unfamiliar government which had been proposed to them. No one knew what it might do, or whether it would be wise to trust it with power. It might turn upon them and crush them; who could say?

"But our State legislatures have power," said a New Bedford clergyman quietly. "What hinders them from abusing it? Will not the men whom we choose be in general good men?"

"I would not trust them," declared one, "though every one of them should be a Moses."

One great difficulty was that many of the country people were afraid that the wealthy men and the lawyers were scheming to get in some way the better of them. The best speech on that point was made by a level-headed farmer from the Berkshires. He had obtained a copy of the Constitution, and he had read it and studied it by himself. Now he slowly rose to his feet. "I am not used to speak in public," he said. . . . "I never had any post, nor do I want one. But I don't think the worse of the Constitution, because lawyers and men of learning, and moneyed men are fond of it. . . . Brother farmers, let us suppose a case now. Suppose you had a farm of fifty acres, and your title was disputed, and there was a farm of 5,000 acres joined to yours that belonged to a man of learning, and his title was involved in the same difficulty: would you

not be glad to have him for your friend, rather than to stand alone in the dispute? Well, the case is the same. These lawyers, these moneyed men, these men of learning, are all embarked in the same cause with us, and we must sink or swim together. Shall we throw the Constitution overboard because it does not please us all alike? Suppose two or three of you had been at the pains to break up a piece of rough land and sow it with wheat: would you let it lie waste because you could not agree what sort of a fence to make? Would it not be better to put up a fence that did not please everybody than keep disputing about it until the wild beasts came in and devoured the crop?"

This sensible, reasonable speech contained the real gist of the matter, and had a strong influence; but there was one man for whom everybody was waiting, Samuel Adams, the "Father of the Revolution." Every one trusted him. He would be wise, and he would be faithful to whatever he thought best for the country. Day by day he had listened, but as yet he had not spoken. It was believed that he was not fully in sympathy with the Constitution; but could he not be brought over to the Federal side? There was one argument that would be sure to influence him, namely, what the masses of the people thought, for he had a strong confidence in the common sense of the "plain man." The people knew this well, and the mechanics of Boston determined to take the matter into their own hands. They met at the Green Dragon Tavern, passed resolutions in favor of the Constitution, and then sent a committee to present them to Adams. Their leader was Paul Revere.

"How many mechanics were at the Green Dragon when these resolutions passed?" Adams questioned.

"More, sir, than the Green Dragon could hold."

"And where were the rest, Mr. Revere?"

"In the streets, sir."

"And how many were in the streets?"

"More, sir, than there are stars in the sky."

Samuel Adams was perhaps a little shy of the reasonings of the lawyers, but he trusted the people. He became a supporter of the Constitution.

Gradually the strongest objections came to the front. Like the people of Pennsylvania, the Massachusetts folk did not feel safe without the familiar bill of rights. They wanted to be definitely assured that there would be no interference with their religious belief, that they might send petitions to government if they wished, that they might be sure not to have soldiers quartered upon them in time of peace, and that they might be safe from general search warrants. In short, they seemed to forget that they had advanced from colonial times and had cut loose from a royal government. It was suggested that while the Constitution must be accepted as a whole, these points might be proposed as amendments. President John Hancock brought this before the convention. Samuel Adams upheld it. The result of the vote was that on February 6, 1788, Massachusetts became the sixth State to ratify the Constitution.

The crowds in the streets shouted with delight. The national salute was fired over and over again. Bells rang, bonfires burned all night long. "The Boston people have lost their senses with joy," wrote General Knox. There is a street in Boston known as Federal Street. It used to be called Long Lane, but it ran by the meeting-house where the convention met, and from that day to this it has been Federal Street.

## CHAPTER VII

### COMING "UNDER THE ROOF"

New Hampshire's convention met about the time that the Massachusetts convention adjourned. The Federalists load not felt at all troubled about New Hampshire, for it was expected that she would follow the lead of Massachusetts. It was not a pleasant surprise to find that New Hampshire was not at all decided what to do. Some of her delegates thought that the Constitution permitted too much freedom in religious matters. Some spoke strongly against permitting the slave trade to go on until 1808. New Hampshire ought not to become its guarantor for even a few years, they declared.

Most cities in New Hampshire favored the Constitution, but the delegates from the country places had received their orders to vote against it. Even if they themselves were converted by arguments heard at the convention, they were bound to oppose. For the Federalists to call for a vote then would have been throwing away all chance of success. It would be better to let these men go home for a time; perhaps they would succeed in converting their neighbors, and a later vote might be favorable. New Hampshire was a small State, and the Antis were easily convinced that it might be to her advantage to wait a little and see how the other States went. Therefore the convention was adjourned to meet in June. It looks a little as if there might have been a compromise between Federalists and Antis, for, while this convention was to meet in Exeter, where the general feeling was Federal, the June convention was to meet in Concord, which was decidedly Anti-Federal.

The Antis were jubilant. They hoped that when June came, they would be able to hold New Hampshire. Meanwhile, they strained every nerve to win Maryland. Her convention had met three months earlier, but a decision had



been postponed until a second meeting, to be held at the end of April. How she would be affected by New Hampshire's failure to take action was a question. The Federalists lay awake nights when they thought of that.

When the Maryland delegates came together they had done their thinking beforehand, and their minds were pretty well made up. Neither the eloquence of men of ability nor the influence of State favorites moved them. The Antis said it was a most important matter, and should not be decided too rashly. There was no need of haste; it would be wiser to wait a little until some of the larger States had come to a decision. As in Pennsylvania, these Antis filled up the hours in every way that they could. They knew that the delegates were eager to go home to their plantations and their spring work; so they planned to delay till the members were out of patience and ready to agree to anything to get away, and then a motion to adjourn could be carried and the question left undecided.

This was the only danger, but it had been looked out for in advance. Washington was intensely interested in the ratification of the Constitution. "I never saw him so keen for anything in my life as he is for the adoption of the new scheme of government," said one who visited him; and just before the convention he had written to a friend who was a member, saying that an adjournment would amount to the same as a rejection of the Constitution. Madison had written to the same effect. There was no adjournment, and when the question was put, Maryland, by a vote of nearly six to one, became the seventh State to ratify.

Two weeks later, South Carolina must make her decision. Her real struggle had come in the legislature when the convention was appointed. She had several very definite fears. One was lest this powerful new Congress should interfere with slavery. Another was lest navigation acts should interfere with her trade. Some parts of the State still longed for paper money; and the new Constitution would give no permission for any such thing.

When the convention met, one of the Antis spoke of the Articles in terms of the highest praise, and called them "a blessing from Heaven!" The slave trade he called a religious and humane occupation, and demanded to know why it should be limited to twenty years.

Cotesworth Pinckney, who at the constitutional convention had stood firm for the claims of South Carolina, replied that during those twenty years they could import as many slaves as they wished. The government could never set them free, he declared, and to whatever part of the country they might escape, the legal right to recover them had been won, a right not possessed before. In regard to navigation acts and the fear lest the Eastern States should get all the carrying trade into their hands, and make ruinous charges for their services, Pinckney replied that the East had the ships, and would certainly prefer to use them rather than see them lying idle at the wharves. The South would furnish freight, and the East would furnish vessels. They needed each other, and the two would now be more united than ever before. South Carolina cannot stand alone, he said; she must make friends with the stronger States at the east. The old objection was then brought up, namely, that the Constitution contained no bill of rights. Pinckney replied, "By delegating express powers, we certainly reserve to ourselves every power and right not mentioned in the Constitution. . . . Bills of rights generally begin with declaring that all men are by nature born free. Now, we should make that declaration with' a very bad grace when a large part of our property consists in men who are actually born slaves."

A day was set for the convention. Both Charleston and Columbia wanted it, but Charleston won by a single vote. South Carolina had chosen her delegates from among her noblest citizens. The vote was two to one in favor of the Constitution. Sturdy Christopher Gadsden, patriot tried and true, said reverently, "I shall say with good old Simeon, 'Lord,

now lettest thou thy servant depart in peace, according to thy word,' for mine eyes have seen the salvation of my country."

But what about New Hampshire and her long-delayed convention? Eight States had already ratified, and New Hampshire was now fired with ambition to be the ninth. June 21st, she gave her vote in favor of ratification. Her convention was careful to write in its record that this was done "on Saturday, June 21, at 1 P. M.," for if Virginia's vote should chance to be at two o'clock, they did not mean to lose their honors. Riders were sent off post haste to carry the news to Pennsylvania and Virginia; but travel was slow, and from New Hampshire to Virginia is a long way. Even before the riders reached Alexandria, they heard the ringing of bells and found themselves in the midst of a joyful celebration. Virginia, too, had voted to ratify.

This ratification had not been carried through in Virginia without a severe struggle. For one thing, her people had never forgotten or forgiven that a year or two earlier New England for her own advantage had been more than willing to close the mouth of the Mississippi to Kentucky and Tennessee, if she could only get a commercial treaty with Spain. Now Kentucky was in some degree a district or colony of Virginia, and therefore Virginia felt this a personal grievance, and had no idea of allowing New England a free hand in the government. Indeed, many a Virginian had dreamed about a union of the South, a confederacy that should be in no way subject to the aims of the Eastern States; but this had become impossible now that Georgia and South Carolina had accepted the new government.

Virginia had nearly as many inhabitants as New York and Pennsylvania together. It was the oldest of the colonies and the home of Washington. "The other States cannot do without Virginia, and we can dictate to them what terms we please," Patrick Henry declared. On the other hand, Virginia could not do without the other States, and Madison, John Marshall, who afterwards became chief justice of the Supreme

Court, and Governor Randolph stood firmly for ratification. Patrick Henry opposed with all the might of his fiery eloquence. Fortunately for the Virginia Federalists, he was not a statesman, however brilliant he was as an orator; and the convention was not the place for oratory. It was the place for keen, logical, persuasive reasoning, and quiet, sensible decisions. "What Virginia does, that New Hampshire will do," was the feeling in Virginia; but New Hampshire's post riders had been on the way four days when Virginia put the question in her convention. The vote was close, eighty-nine to seventy-nine, but it was in favor of the Constitution. Virginia had come "under the roof," as people said then.

Nine days later came Independence Day, and never was there such a merry, jubilant, hopeful time as on July 4, 1788. In Philadelphia there was a procession such as America had never seen before. Pioneers with their axes and a car called the *Constitution*, in the form of a great eagle, began the line. In this car sat Judge McKean, who had worked so hard for the Constitution, and ten men followed, each with a silken flag bearing the name of a State. There were consuls of foreign states, each carrying his national flag; a prominent citizen dressed as an Indian sachem, and smoking the pipe of peace; a troop of dragoons; and then came what was called "a most splendid spectacle." It was a dome upheld by thirteen columns, three of them unfinished. On the pedestal of each column appeared the name of one of the States, and above the dome rose a cupola bearing the figure of Plenty. Around the pedestal of the whole structure were the words, "In union the fabric stands firm." This was drawn by ten white horses. It was followed by architects, carpenters, officers of the Cincinnati, the militia, members of the Agricultural Society, farmers with ploughs drawn by four stalwart oxen, and members of the Manufacturing Society with spinning and carding machines, looms, etc., in a wagon, or "float," drawn by ten bay horses. The weavers were at work, and the process of printing cotton cloth was going on. After the Marine Society with flag, trumpets, and spy-glasses, came another float on which \vas

the "Federal Ship Union," a beautiful little vessel thirty-three feet long, which had been captured by Paul Jones as the barge of the *Serapis*. As their course was changed from time to time, her crew of twenty-five men trimmed the sails to the wind. This was drawn by horses—there were no electric motors in those days—but under the vessel was canvas painted to represent the waves of the sea, and this hid the wheels. Then followed boat-builders, sail-makers, ship carpenters, all with silken flags, then rope-makers, merchants, one with a ledger in his hands, shoemakers, gilders, coach-makers, potters, wheelwrights, all with shops wherein men were working at their different trades. The blacksmiths were making ploughshares out of old swords; the printers had a press and printed as they went along a song said to have been written by Franklin, which begins:

"Ye merry *Mechanics*, come join in my song,  
And let the brisk chorus go bounding along;  
Though some may be poor, and some rich there may be,  
Yet all are contented, and happy, and free."

There can hardly be much doubt that Franklin was really the writer of the song, for it sounds so much like him, especially the lines:

"And Carders, and Spinners, and Weavers attend,  
And take the advice of Poor Richard, your friend;  
Stick close to your looms, your wheels, and your card,  
And you need never fear of the times being hard."

The printers tossed handfuls of this song fresh from the press to the crowds as they went along.

About 5,000 men were in this "Federal Procession." Three hours after the start they were on the lawn of Bush Hill, where Hamilton lived. Round tables were arranged in a circle some five hundred feet in diameter, and in the center of the circle was the "Grand Federal Edifice." James Wilson delivered an oration, and then came the feast. Casks of porter, beer, and cider lined the inner circle of the tables; and they

certainly flowed freely, for ten toasts were drunk in honor of the ten States that had ratified. At each toast a cannon was fired; and from the ship *Rising Sun*, lying with ten others in the Delaware, a second cannon was fired in response. In the evening the ships were "highly illuminated." "I did not see the spectacle," said a Philadelphian regretfully, "but it was the talk of my youthful days for years after the event."

To prepare for this elaborate celebration, Philadelphia had just four days!

## CHAPTER VIII

### THE BEGINNING OF THE GOVERNMENT

It was not all smooth sailing, even in the celebrations. The Federalists in Providence did not wait for their State's decision, but were beginning a jubilation with a barbecue of roasted oxen, when down upon them came a mob of lovers of paper money, led by three members of the State legislature. In Albany, the Federalists rang the bells and fired ten guns. The Antis retorted with thirteen guns and burned a copy of the Constitution. They then went to one hotel for dinner, and the Federalists went to another. After dinner the Federalists cut down a tree in the woods, trimmed off the branches, nailed another copy of the Constitution to the top, and planted it in the warm ashes of the Anti-Federal fires. So far, the proceedings hurt no one, but the Antis now set off with all the stones they could carry, and went in pursuit of the Federalists. Then came a real fight, in which the Federalists were the victors.

What was to be done about New York was a question, and an important one. The State stood fifth in number of inhabitants, but her location made her important, for she not only touched the ocean, but by means of her rivers she could easily have excellent communication with the Great Lakes and the West. She had a large commerce with New Jersey and the Eastern States on her own borders. Goods coming in from other States had to pay a five-percent duty, and New York had no idea of giving this up to Congress for the sake of free trade with every State that might wish to sell her things. On the other hand, she had no desire to stand entirely alone, and have to provide her own navy, forts, and representatives abroad. Perhaps New York, Virginia, and North Carolina could unite, she thought, but the news came that Virginia had come "under the roof." This was a blow to the New York Antis. After

considerable delay, they made an offer which many people thought the Federalists ought to accept. They said they would agree to ratify the Constitution provided some amendments that they desired might be made a part of it; and they wanted the right to withdraw from the Union if they chose.

Hamilton and Madison consulted. Madison declared that after a State had once ratified the Constitution, it had no right to withdraw from the Union. They agreed that a conditional ratification was no ratification at all. At length it was moved that New York should ratify the Constitution, as Massachusetts had done, "in full confidence" that needed amendments would be made. This confidence was not so "full," however, that the Antis did not think it necessary to insist upon an agreement that all States should be invited by a circular letter to an immediate convention for taking up all proposed amendments. Even then, the motion to ratify was barely carried, for the vote was only thirty to twenty-seven in favor. At the New York celebration, the "Ship of State" that was drawn through the streets was named Hamilton. The honor was well deserved, for the fact that New York ratified at all was due in great part to this young man whom that State had sent to the constitutional convention in Philadelphia expressly to be beaten by his two colleagues. He had been in a most helpless and embarrassing position; but now he had come to his own.

Hamilton was born in Nevis, one of the British West Indies, came to New York and entered Columbia [then King's] College. He was only seventeen when he spoke at a great mass meeting in New York City in favor of resistance to Great Britain, and wrote two powerful pamphlets on the same subject. In the Revolution he had been on Washington's staff; then he became a lawyer, and at thirty was sent as a delegate to the constitutional convention with the two older men of opposing views. He was now free from all such embarrassment, and he became the leader of the Federalists in the State convention.

Although Hamilton had signed the Constitution, he had not been wildly enthusiastic about it; but now he became its most earnest advocate. To whatever was said in opposition, he had always an answer ready. His most telling work, however, was done in the newspapers. Of course the papers were full of attacks upon the proposed constitution, some of them honest and decent, others scurrilous.



PARADE IN NEW YORK CELEBRATING THE RATIFICATION OF THE CONSTITUTION.

It was by one writer declared to be "as deep and wicked a conspiracy as ever was invented in the darkest ages against the liberties of a free people."

Hamilton had no idea of replying to such writings as these, but he did believe that there were in the land thousands of honest, straightforward Americans who were not accustomed to the terms of documents and conventions and who would therefore be easily influenced by these plausible slanderers. To reach these people he planned a series of articles explaining in simple language the meaning of the Constitution, part by part. Madison and Jay united in this work, but Jay was taken ill, Madison was occupied in Virginia,

and the result was that Hamilton wrote nearly two-thirds of the articles. He wrote simply and clearly, but with dignity and eloquence; and he made an irresistible appeal to just the class whom he wished to reach, the quiet thinkers of the day. These papers had a powerful influence throughout the States, but greatest in New York—where they were most needed. They came out three or four times a week. They were written for a definite purpose, and probably Hamilton never dreamed of their being handed down through the generations; but it was gradually discovered that the *Federalist*, as the collected papers were called, was the clearest and best and most authoritative interpreter of the Constitution.

Neither North Carolina nor Rhode Island was "under the roof." North Carolina had indeed called her convention to meet in July. The members were discussing the Constitution when news came that Virginia, New Hampshire, and New York had ratified it. Now they were in a dilemma. Those whom they represented had bidden them vote against it, and they hardly ventured to act contrary to their instructions. On the other hand, this news put matters in a different light, for North Carolina did not care to stand as the only State between Rhode Island and Florida not belonging to the Union. While they were trying to find a way out of their dilemma, news came of the convention proposed by New York. That gave them an idea; they would send a list of the amendments which they desired to this new convention, to be acted upon, and meanwhile they would adjourn. They made it clear that they had no intention of opposing Congress, for they voted that whatever duties Congress might ordain should be collected in North Carolina by the State "for the use of Congress." November 21, 1789, North Carolina gave her vote in favor of ratification. Rhode Island clung to her paper money and did not ratify until May 29, 1790.

The new government set to work promptly. A day was appointed to choose electors who should meet and vote for a President and Vice-President. But Congress had no abiding-

place. It had no city, no capitol, not a building of any kind that it could call its home. This was undignified, to say the least, and must be remedied. In the difficulties of travel, the place must be central. Baltimore, Lancaster, Trenton, Philadelphia, New York, Princeton were all discussed. New York was the best place, but there was strong opposition to giving the honor to a State which had joined the Union almost under compulsion. Finally, after every other name had been discussed, Congress went back to New York, and that city was chosen.

New York now began to clean house and get ready for company. There was no money in her treasury, but some of her wealthy merchants contributed a generous sum. The City Hall was practically made over, and when March 4, 1789, came, it was ready to receive Congress—more ready indeed than Congress was to be received, for of the fifty-nine members only twenty-one were present. One week, two weeks, three weeks passed. The Antis had a fine time making fun of the Congress that had forgotten to assemble. The congressmen who were in town sent messengers to the tardy members to hurry, and a few came straggling in, but March was nearly at its end before the thirty necessary to a quorum had arrived. The ranks of the senators were still thin, and it was the end of the first week in April before they were ready to count the votes for President and Vice-President. The ballots were carried into the Senate Chamber and presented to the presiding officer, John Langdon of New Hampshire, and in the presence of the Senate and the House, he opened them and counted the vote. Washington was unanimously chosen President, and John Adams, Vice-President.

Washington had deeply longed to spend his last years in quiet, but he would not refuse to heed the call of his country. He wrote that he realized keenly how lacking he was in political skill, abilities, and inclination to take such a position. He felt, he said, "like a culprit who is going to the place of his execution."

Charles Thomson, who had been secretary of Congress ever since its first meeting, as the "First Continental Congress," in Carpenters Hall, in Philadelphia, carried Washington the letter of John Langdon announcing his election. Two days later he set out for New York. A large company of his friends and neighbors attended him across the borders of Virginia. At each town on the way he was welcomed and shown every honor that his time would permit.

In Philadelphia he received and answered addresses from the officers of the city and State government. At Trenton, the Jersey bank of the Delaware was lined with people, who greeted him with salutes and huzzas. It was at Trenton that he had captured the Hessians that stormy Christmas night of 1776. At the bridge over the creek where he had repulsed the British army, the ladies of the town had raised a triumphal arch supported by thirteen columns, each wreathed with evergreen. On it was inscribed, "The Defender of the mothers will be the Protector of the daughters." Here stood a group of young girls dressed in white; and as he advanced they strewed flowers in his way and sang:

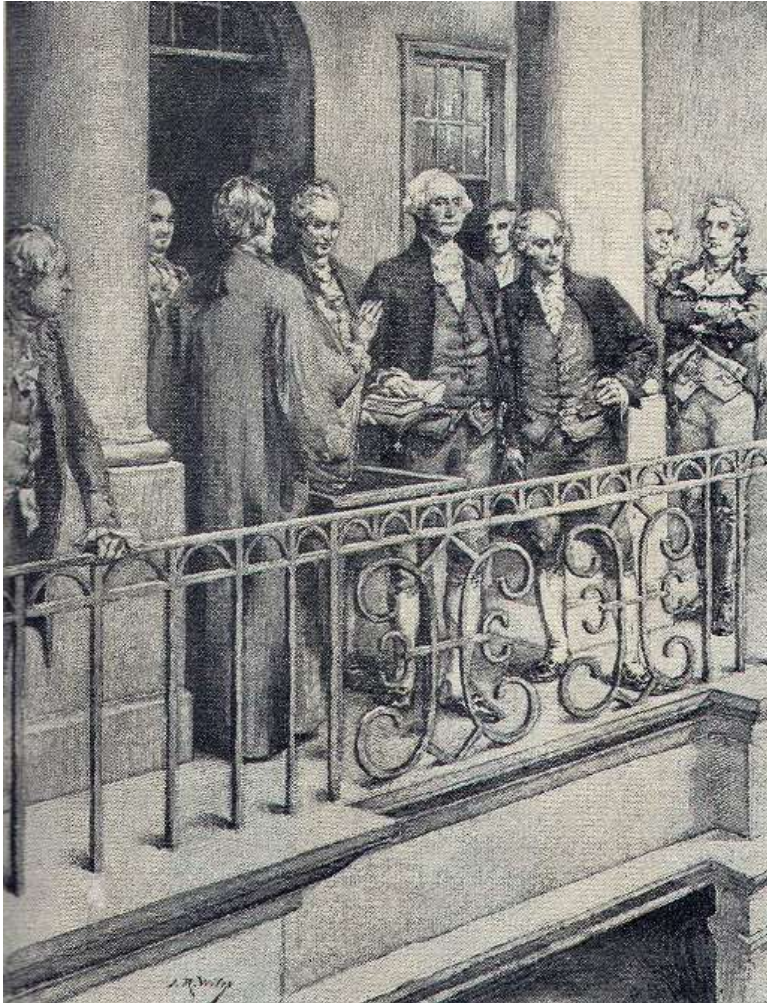
"Virgins fair, and matrons grave,  
Those thy conquering arms did save,  
Build for thee triumphal bowers.  
Strew, ye fair, his way with flowers—  
Strew your Hero's way with flowers."

At Elizabeth Point, Washington embarked in a barge built for the occasion, manned by thirteen sailors in white, and was rowed to the New York shore. Here were the chief officers of State and city. Bells were rung, flags flown, houses were brilliant with banners and flowers and evergreens, and "Washington" in letters of gold. The streets were crowded with citizens, all eager to have a look at his face.

April 30th was the day set for the inauguration. In the morning the churches were crowded with people who had gone to offer up prayers for the safety and welfare of the



president of their republic. At noon, a long procession formed to escort the chosen one of the people to Federal Hall.



INAUGURATION OF WASHINGTON.

After meeting both Houses of Congress, he was informed that the time had come for the administration of the oath of office. Followed by senators and representatives, he went out upon the balcony. This was a kind of recess with high

columns on either side. In the center was a table with crimson velvet cover, and on the table was a Bible resting on a crimson velvet cushion. Here Washington stood in full view of the multitude of citizens. He wore a dark brown suit with white silk stockings and silver shoe-buckles. His hair was powdered. By his side hung a dress sword. The people welcomed him with cheers and the waving of hats and handkerchiefs. He moved forward to the rail and bowed several times, then seated himself.

The great multitude was hushed as the Chancellor of the State repeated slowly and distinctly the words of the Presidential oath: "I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.' Do you swear this?"

Washington stood with his hand laid on the open Bible and said solemnly:—" I swear—so help me God!"

The secretary would have raised the Bible to his lips, but he bowed reverently and kissed it. As he raised his head, the Chancellor cried: "Long live George Washington, President of the United States!"

## THE STATES GUARD THEIR RIGHTS

The United States of America had now a President. It had also a Constitution—an excellent one; but no one could expect 4,000,000 people to accept without criticisms the work of any one group of men, no matter how wise they might be. Even so good a student of the needs of the country as Thomas Jefferson was alarmed because no plan had been made for rotation in office, and feared lest some President might succeed in becoming powerful enough to establish a hereditary monarchy.

North Carolina did not come "under the roof" until more than six months after Washington's inauguration. This State had had rather a hard time under the rule of her English governors, and a year before the Declaration of Independence was signed, she had declared herself no longer under their control, and had begun to make her own laws. Naturally, her sturdy, liberty-loving people were suspicious of any new government and were slow to put themselves into its power. Looking ahead, however, they saw that they could not expect to stand alone when all the other States had united, and they had shrewdly concluded to be friendly with Congress and leave a way open to join the Union at some future time if they should think best. They knew that Congress would lay an impost upon goods imported into the ratifying States; so these canny people recommended their legislature to pass laws for collecting an impost at their ports and then giving over to Congress the resulting money. At the end of 1789, however, they concluded to ratify.

Rhode Island was even slower than North Carolina to accept the new Constitution, and for almost opposite reasons. She had had no tyrannical governors, but had been free and remarkably independent from the first. Her custom of having her own way was well established, and she had no idea of making any change. For some time she refused even to call a

convention to consider the question of ratifying the Constitution. Finally, however, in 1790, more than a year after the inauguration of Washington, she voted for ratification.

This new government could demand money, make peace and war, make treaties with other nations, raise an army and a navy, build roads, establish a post-office system, make laws for commerce. Government was no longer, as in Revolutionary days, obliged to beg for money; it could require, and it had power to enforce its requirements. Remembering that each State had been independent of the others, had made its own laws, and had looked out for its own interests, it is no wonder that there was hesitation in the minds of many as to whether it was well to give up so much of their freedom. It is no wonder that people questioned what this unknown and untried Congress, made up of their own representatives as it was, might choose to do. It is no wonder that of the first eleven States to ratify, six proposed Amendments—105 in all—and one of them a bill of rights in addition. Later, when North Carolina ratified, she presented another bill of rights and called for twenty-six Amendments. Both Virginia and New York petitioned Congress to call another convention to consider the proposed Amendments and report which of them would be for the best good of the country.

Congress had no authority to call a convention save at the request of the legislatures of two-thirds of the States, and could not propose any Amendments unless two-thirds of both Houses deemed it necessary. Five of the States had not demanded Amendments; and the members of Congress were by no means agreed that any were necessary. "Our Constitution is like a vessel just launched, and lying at the wharf," declared one. "She is untried, you can hardly discover any one of her properties. It is not known how she will answer her helm or lay her course; whether she will bear with safety the precious freight deposited in her hold. But, in this state, will the prudent men attempt alterations? Will he em

ploy workmen to tear off the planking and take asunder the frame? He certainly will not." Another member thought that the people whom they represented would be out of patience and distrustful of them if they did not consider the proposed Amendments at once. Still another said rather tartly, "It strikes me that the great Amendment which the Government wants is expedition in the despatch of business." It was proposed that a committee be appointed to report on the matter. "What," cried one, "can we neither see, hear, smell, or feel, unless we employ a committee for the purpose?" Nevertheless, a committee of eleven was appointed, one from each State that had ratified, to examine all proposed Amendments and present a report on their desirability.

Before this report could be considered, however, and quite aside from the substance of the Amendments themselves, there was an important question to be decided, namely, "Should any Amendment adopted be made a part of the original Constitution, or should it be presented as an addition to it?" Mr. Madison thought it would produce a much more "neat and proper" result if it were interwoven with the Constitution. "We might as well endeavor to mix brass, iron, and clay as to incorporate an Amendment with the original Articles," retorted a second member. A third declared bluntly that it would not be honest, that the document produced would not be the one that Washington and the others of the convention had signed. A fourth member said that he agreed with this last speaker, and objected to patching it up until it resembled Joseph's coat of many colors. But still another member said that if the Amendments were not incorporated with the Constitution, this might in years to come read like a paper which he had once seen: "An act entitled an act to amend a supplement to an act entitled an act for altering part of an act entitled an act for certain purposes therein mentioned."

On one point all were agreed, namely, to reduce the Amendments to as small a number as possible; and they set to

work. The House retained seventeen, and the Senate cut down this number to twelve. They were then laid before the separate States, and in the course of the three years following, three-fourths of the States accepted ten of them; and these ten were added to the Constitution.

The ten Amendments are interesting reading, because they show so clearly the thoughts and feelings of the people. The new Government was untried. Congress could make laws; the Supreme Court could interpret them; and the President could call out the army if necessary to see that they were obeyed. There was no chance for escape. These men realized that they were firmly held in the grasp of whatever they now voted for. It is no wonder that they considered the Amendments carefully. Slowly and with much discussion they voted for one after another, emphasizing the rights with which they would brook no interference, and ended with a sturdy declaration to the effect that all rights which the Constitution (did not give to the general Government or forbid to the States should belong to the States respectively or to the people.

But just what rights belonged to the general Government was not always clear. Even the wise framers of the Constitution could not foresee every case that might arise. Evidently there were some rights of the general Government and also some rights of the separate States that were not "set down in writing," but that were reasonably implied. Just what these were could not be determined save as case after case arose.

One of the most important of these cases was that of Alexander Chisholm of North Carolina, who had a claim against the State of Georgia. The Constitution did not declare whether or not an individual had a right to sue a State; and the Court took the ground that no State should be allowed to do injustice to any person. Georgia had sent no one to represent her, and therefore the Court decided in favor of Chisholm, and issued a writ of inquiry, that is, instructions to ascertain what damages were due him from Georgia.

Then the tempest broke forth. Georgia declared that her sovereignty had been invaded, and passed an act making the execution of such a writ punishable by death. The Eleventh Amendment to the Constitution was proposed in Congress and passed, and the Supreme Court gave up all claim to jurisdiction in such cases.

## CHAPTER X

### ELECTING THE PRESIDENT

There is an old story which says that two knights once rode up to a trophy shield from opposite directions. One spoke of it as made of gold; the other declared that it was of silver. They quarreled, then they fought. A third knight stopped the warfare by showing them that the shield was gold on one side and silver on the other.

So with the interpretation of the Constitution. From the very beginning of discussing plans for a union, there had existed two ways of looking at the subject, and gradually two political parties had been formed, one inclined to interpret all cases in such a way as to strengthen the general Government, the other on guard lest the rights of the individual States should not be respected. It began to be a matter of interest to every man not only to have the chief officers of Government men well prepared for their positions, but to have men who were of his own way of thinking on this subject.

At the time of the constitutional convention there were no political parties, and the makers of the Constitution, clear-sighted as they were, had not foreseen what an effect the formation of such parties would have upon the Federal elections. They had planned that when a President was to be elected, each State was to appoint, by whatever method its people might think best, its 'proper number of electors. These were expected to be as a matter of course some of the most eminent men of their State. They were to meet together, and after free discussion, were to select candidates for the presidency.

Each delegate was then to vote for two persons. The person winning the greatest number of votes, provided this was a majority, should become President; the one winning the

next largest number should become Vice-President. In the minds of the worthy members of the convention, there seems not to have been the slightest doubt that this would result in electing the men best qualified for the two offices.

As long as Washington was a candidate, the elections moved smoothly, for no one would vote against him. But in 1796, after he had refused a third term, the two political parties had come into being. In this election, John Adams was chosen President, and Thomas Jefferson, Vice-President. These two men belonged to different parties. Therefore if Adams should die in office, then for the rest of his term the head of the Government would be a man of the opposite party, that is, the head of the Government would represent not a majority, but a minority of the citizens. Evidently, there was need of reform, and the Twelfth Amendment was passed and ratified.

This remains in force, but, because the country has become so large, the way of carrying out the Amendment has changed; for instance, since, if a political party hopes to succeed, its members must vote for the same candidate, the present custom of nominating him at a great party convention has arisen.

This nomination begins with the "primaries," that is, meetings of the voters in a city ward or a country town or a precinct. Delegates chosen at the primaries are sent to the county or district convention to work for the nomination of some particular candidate for the presidency. From these conventions or districts, delegates are now sent to the State convention. At the State convention delegates are chosen to attend the national convention, and presidential electors are nominated. The business of the latter is not to choose a President by any means, but merely to cast a formal vote, when the time comes, for whatever man their party shall name in the national convention. This convention usually meets in June or July, and then the candidates are nominated. The nominee who is supported by the largest number of delegates

is declared to be the nominee of his party, and the electors are to give him their votes.

All this time the electors have only been nominated, not elected; but in November, at what is spoken of as the presidential election, the electors are formally appointed. Their ballots are opened by the president of the Senate in the presence of Senate and House. This ceremony does not take place until February; but as every one knows how the electors have been instructed to vote, the result of the election is known in November. If an elector chooses, he has the power to vote for an opposing candidate, but this would be a grave breach of trust.

By this method of election, all votes are of equal value. The vote of a foreigner who has just been naturalized has as much weight as that of an ex-president. Indeed, once upon a time a war was brought on by a single vote. A man in Indiana hesitated whether to go to mill or to the polls, but at length decided to do his duty and vote. His district by a majority of one sent its candidate to the legislature, and the legislature elected a United States Senator, also by a majority of one. This Senator became president of the Senate. On the question, Shall Texas be annexed? there was a tie, and the Senator gave the casting vote, a "Yes." The annexation took place and was the cause of the Mexican War.



## CHAPTER XI

### THE WAR AMENDMENTS

After the Twelfth Amendment was declared in force, in 1804, the Constitution remained unchanged for more than half a century. In that time the thirteen States had grown to thirty-four, and the 4,000,000 inhabitants had become 31,000,000. Civil War was raging between North and South. Negro slavery was not then forbidden by the Constitution and was in operation throughout the Southern States. The slaves remaining at home cared for their masters' families and worked for them, leaving the white men of the household free to join the Southern armies. To prevent this would be a valuable military measure, of great help to the forces of the Government.

One morning in July, 1862, President Lincoln called his Cabinet together. He read to its members a paper which he had just prepared, declaring all slaves free in those States which were at war with the Union. It is no wonder that the Cabinet were surprised and almost bewildered. "It will cost you your election," said one member, but this did not move the President. One suggestion, however, he did follow, and this was to postpone issuing the Proclamation until the Union forces should have won some decided victory.

Two months later he felt that the time had come. Again he called his Cabinet together, and read them the Emancipation Proclamation. At the end he said, "I know very well that many others might, in this matter as in others, do better than I can. . . . There is no way in which I can have any other man put where I am. I am here; I must do the best I can, and bear the responsibility of taking the course which I feel I ought to take." The Proclamation was then carried to the State Department, and the great seal of the United States was affixed. The paper was signed by the President that same day,

and on the following morning it was published in the leading newspapers of the country.



ABRAHAM LINCOLN.

This Proclamation declared that on January 1, 1863, just one hundred days later, "all persons held as slaves in the States then at war with the United States should be then, thenceforward, and forever free." It was added that the Government of the United States would maintain the freedom of such persons.

This Proclamation did not free all the slaves, but only those of the States at war with the Union. Several of what were called the Border States allowed slavery, but some of these had of their own accord set their slaves free. Toward the close of the war, the Thirteenth Amendment, which freed all slaves in the United States or in any place under its rule, was laid before Congress. Late in the afternoon came the roll-call and



the registering of each vote. The members on the floor and the spectators in the galleries listened with breathless interest to every name, eager and anxious. After the last name had been called, the speaker announced that the resolve was passed by a two-thirds vote. Visitors in the galleries waved hats and handkerchiefs, while even the members forgot all rules for behavior in a law-making assembly, and joined in the cheers. This Amendment was submitted to the States, and before the close of the year 1865, it had become the law of the land.

One year after the end of the war, Congress passed the Fourteenth Amendment, and in July 1868 this had been ratified by a sufficient number of States to be declared in force. This Amendment gave to Negroes the right of citizenship, and lessened the number of votes to any State denying this right. It forbade, without a special Act of Congress, any one to become a member of Congress or hold any office under the United States or under any State who, having once taken an oath to support the Government of the United States, had taken part in the war.

The Constitution had given to each House of Congress the right to decide who were or were not qualified to become its members, and Congress had refused to receive any man from the seceding States as Senator or Representative who would not take what was called the "ironclad oath," that is, an oath declaring that he had taken no part in secession. As almost every white man in those States had taken part in the secession, few of the white inhabitants of the State had a legal right to vote, while this right was given by Congress to their former slaves. This caused trouble and interference with the Negro vote. To protect the Negroes in their right to vote, Congress now passed the Fifteenth Amendment. This declared that neither the United States nor any State Government could refuse the right to vote to a citizen "on account of race, color, or previous condition of servitude."

## CHAPTER XII

### THE TWENTIETH CENTURY AMENDMENTS

During the years between 1909 and 1919, four Amendments were passed, as different in character as any four Amendments could possibly be. They were concerning the right of Government to impose an income tax; the election of Senators; prohibition; and woman suffrage.

The income tax was brought about because the expenses of the Government had increased and more money was needed to pay the bills. In 1894 Government had imposed a tax of two percent on the excess of all incomes above \$4,000. Whether this was according to the Constitution or not was a question, and the subject was brought before the Supreme Court.

The Constitution declared that all direct taxes must be apportioned among the States according to the number of their citizens respectively. This tax did not deal with States, but with individual citizens, and it might easily happen that a State with a few wealthy citizens would pay larger taxes than a State with many but poorer citizens. The Court decided that this was contrary to the Constitution.

The matter of an income tax affected so large a portion of the citizens that it was discussed by everybody. "It is unfair," some declared, "because it throws a heavy burden upon a small class." "Burdens should be borne by those who are best able," was retorted. "To exempt a certain amount of income for all is not fair," said some, "for a dollar bill will buy more food and pay house rent longer in some parts of the country than in others." "Then, too, the Government will receive the largest returns from places where the living expenses are heaviest." "Is it fair to tax thrift and economy?"

queried some. "Thrift and economy without the protection of a good Government would amount to little," said others.

So the people talked, some with good arguments, and some with poor; but at length, in July, 1909, Congress passed the Sixteenth Amendment, giving Government the right to impose such a tax. It went into power in 1913, and a law for an income tax was promptly passed.

According to the Constitution, United States Senators were to be elected by the legislatures of their respective States, but many persons had come to believe that it would be better for them to be elected directly by the people.

These persons argued as follows: It is much easier to make the power of money and influence felt among the few members of a legislature than among the whole number of citizens of a State. The party in power elects the legislature, and therefore a man belonging to the opposing party loses his vote for Senators. In a State where the two parties are nearly equally divided, a party only slightly in the majority elects the Senators; that is, the deciding power is in the hands of a very few persons, whose vote might perhaps be easily swung to the opposing side. There is sometimes a deadlock in a legislature, and this would be impossible with a direct vote.

Those who were satisfied with their present manner of electing replied: If the people of a State as a whole can elect honorable Senators, there is no reason why they cannot elect honorable legislators. It is not good to weaken the legislature by taking responsibility from it. As to any possible deadlocks, these could easily be prevented if the law would permit elections by plurality rather than by majority. Another point is that some of the men who would best serve the country as Senators would refuse to seek to win the position by entering a political campaign.

So they argued, but when the question came before Congress for a vote, an Amendment in favor of the newly

proposed method was passed, and in 1913 it became the law of the land.

In 1914 the World War broke out, and soon there was great need of conservation of food. Cereals, molasses, etc., were valuable foods, and in 1917 an Act of Congress forbade their being used to manufacture liquor. Some of the States were already "dry," and a few months later, another Act forbade carrying liquor into any dry State.

Those who for many years had been working for prohibition now felt so encouraged that many believed no more spirits would ever be manufactured in the United States for drinking purposes. Near the end of 1917, the Eighteenth Amendment to the Constitution was passed in Congress, forbidding the manufacture, sale, or transportation of intoxicating liquor in any territory subject to the rule of the United States.

This Act was now given to the States for ratification. When January 29, 1919, had come, thirty-six States had ratified the Amendment. Ohio was the thirty-sixth, and at the November elections the people of that State repudiated the vote of their legislature. Luckily for the prohibition Amendment, several other States had ratified it meanwhile, and one year later it became a part of the law of the land. Early in that same year Rhode Island, New Jersey, and a number of brewers and distillers united in suits to test the validity of the Amendment; but it was upheld by the Supreme Court as being according to the Constitution.

Up to 1920 Government had been in great degree in the hands of men; but long before that date there was much questioning as to why women should not have an equal share in making the laws by which they were governed. As early as 1848 a convention met to discuss votes for women, and from that time the subject increased in importance. One association was formed to work for suffrage through State Amendments, and another to try to secure it through a national Amendment to the Constitution.

For a long time it seemed almost hopeless to think of securing a national Amendment, but State Amendments were of course quite a different matter, and the number of "Woman-Suffrage States" increased from the four of 1909 to the eleven of 1917. Numerous other States had also granted partial suffrage to women, and in May, 1919, the House of Representatives passed an Act in favor of full suffrage. Two weeks later this Act, the Nineteenth Amendment, was also passed by the Senate.

The Amendment was put into the hands of the States for ratification. Then came bitter contests. Some States promptly and positively refused to ratify. Some called in vain special sessions of their legislatures to vote on the Amendment. Five refused to vote either for or against it. The year 1920 opened, the year of a presidential election. There was need of haste if the women's vote was to be counted, and in the early months of the year those who favored the Amendment worked zealously. They were successful. A sufficient number of States voted for ratification, and some weeks before the election, the Nineteenth Amendment was proclaimed as law throughout the United States.

So stands the Constitution, a century and a half since the little group of patriots came together in Independence Hall to think and plan for the America of to-day. There have been additions and alterations, for "*New occasions teach new duties,*" but we could ask nothing better than that these changes shall have been in accord with the marvellous paper sent forth to the expectant people who with courage and determination had fought their way to Statehood and Union.

## CHAPTER XIII

# 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 defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

## ARTICLE I.

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.

SECT. 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.

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

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.

SECT. 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.

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.

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 as 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.

SECT. 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.

SECT. 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.

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.

SECT. 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.

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

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECT. 8.—The Congress shall have power:—

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

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and 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 offences 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:

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 square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the

consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, 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 the government of the United States, or in any department or officer thereof.

SECT. 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 case 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, 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 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.

SECT. 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 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 the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of 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 I.—The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:—

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.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates; and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States; the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States; and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But, if there should remain two or more who have equal votes, the Senate shall 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 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 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 faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECT. 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 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 offences 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 the Senate, shall appoint, ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and

which shall be established by law: but the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

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.

SECT. 3.—He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECT. 4.—The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

SECTION I.—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.

SECT. 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 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.

SECT. 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 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 I.—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.

SECT. 2.—The citizens of each State shall be entitled to all 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, 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.

SECT. 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 legislature 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 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.

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

## ARTICLE VI.

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

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 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 convention of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

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

GEORGE WASHINGTON, President, and deputy from Virginia.  
NEW HAMPSHIRE.—John Langdon, Nicholas Gilman.  
MASSACHUSETTS.—Nathaniel Gorham, Rufus King.  
CONNECTICUT.—William Samuel Johnson, Roger Sherman.  
NEW YORK.—Alexander Hamilton.  
NEW JERSEY.—William Livingston, David Brearly, William Patterson, Jonathan Dayton  
PENNSYLVANIA.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris  
DELAWARE.—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.  
MARYLAND.—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.  
VIRGINIA.—John Blair, James Madison, Jr.  
NORTH CAROLINA.—William Blount, Richard Dobbs Spaight, Hugh Williamson.  
SOUTH CAROLINA.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.  
GEORGIA.—William Few, Abraham Baldwin.  
Attest: WILLIAM JACKSON, Secretary.

## **CHAPTER XIV**

### **AMENDMENTS TO THE CONSTITUTION**

#### **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.**

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 searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the person or things to be seized.

#### **ARTICLE V.**

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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 offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; 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 confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

#### **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 fines imposed, nor cruel and unusual punishments inflicted.

#### **ARTICLE IX.**

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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 people.

## **ARTICLE XI.**

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

## **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; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not

exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

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

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## **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.

SECT. 2.—Congress shall have power to enforce this Article by appropriate legislation.



## **ARTICLE XIV.**

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

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

SECT. 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 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.

SECT. 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.

SECT. 5.—The Congress shall have power to enforce by appropriate legislation the provisions of this 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.

SECT. 2.—The Congress shall have power to enforce this Article by appropriate legislation.

## **ARTICLE XVI.**

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

## **ARTICLE XVII.**

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: provided, that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

## **ARTICLE XVIII.**

SECTION 1.—After one year from the ratification of this Article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECT. 2.—The Congress and several States shall have concurrent power to enforce this Article by appropriate legislation.

SECT. 3.—This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

## **ARTICLE XIX.**

The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this Article by appropriate legislation.