

Unit Plan

The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789



**Stephen McCarthy for:
Teaching American History
"A More Perfect Union; Origins and Development
of The U.S. Constitution"**

Unit Plan Strategy

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

For this unit plan I wanted to start with the theme of “Cause and Effect”. Nothing happens in a vacuum. Therefore I start with the story of “Easy Eddie and Butch O’Haire”. I want the class to get the idea of how one action causes a reaction. History is a never ending series of actions and reactions. I think “The Easy Eddie” story is a nice way to get the point across. Al Capone’s lawyer turns his life around so his son is left with a worthy name. His son then goes off to save hundreds of sailors in World War II. Would Butch O’Haire have saved those lives if his father did not show him the proper way to live? How many lives would have been impacted if all those sailors had died? Much like George Bailey’s life in “It’s a Wonderful Life” one person can effect many, many others. I want the students to realize the Constitution did not spring up out of nowhere. There were people events and ideas preceding it that made it what it is today. The other point I try to drive home early is from the Dan McCullough columns - don’t worry about grades, worry about learning.

From there it is a series of actions/ideas and reactions/ideas. The Scientific Revolution led to the Enlightenment. The ideas of the philosophes led to the Declaration of Independence, American Revolution and The United States Constitution. The ideas of our founding fathers we live with today. Issues that were debated back then are still debated today with things such as where should the power of the government rest –with the state or the federal government. Where should government get involved (health care?) and when should government get out of the way (Hello Adam Smith did you see the takeover of General Motors? Did that get you spinning in your grave?).

Unit Plan

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Audience: College Prep Sophomores

Objective: To cover the fundamental principles and causes that drove the founding fathers to produce our two greatest documents, The Declaration of Independence and The United States Constitution. To research how those principles were developed, negotiated, embellished or minimized in the process of building the United States.

Evaluation Tools: Homework, papers, presentations and tests.

Texts: “Triumph of The American Nation” (Todd/Curti)

“World History Connection To Today” (Prentice Hall)

“We The People/The Citizen & The Constitution” (Center For Civic Education)

Essential Questions:

How was The Constitution shaped? What events and principles led to the final document? How does The Constitution impact our lives today?

The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

USI.1 Explain the political and economic factors that contributed to the American Revolution.

- A. the impact on the colonies of the French and Indian War, including how the war led to an overhaul of British imperial policy from 1763 to 1775

USI.2 Explain the historical and intellectual influences on the American Revolution and the formation and framework of the American government.

- A. the political theories of such European philosophers as Locke and Montesquieu

Seminal Primary Documents to Read: Mayflower Compact (1620)

USI.3 Explain the influence and ideas of the Declaration of Independence and the political philosophy of Thomas Jefferson.

Seminal Primary Documents to Read: the Declaration of Independence (1776)

USI.4 Analyze how Americans resisted British policies before 1775 and analyze the reasons for the American victory and the British defeat during the Revolutionary war. (H)

USI.5 Explain the role of Massachusetts in the revolution, including important events that took place in Massachusetts and important leaders from Massachusetts.

- A. the Boston Massacre
- B. the Boston Tea Party
- C. the Battles of Lexington and Concord and Bunker Hill
- D. Sam Adams, John Adams, and John Hancock

Seminal Primary Documents to Consider: the Massachusetts Constitution (1780)

USI.6 Explain the reasons for the adoption of the Articles of Confederation in 1781, including why its drafters created a weak central government; analyze the shortcomings of the national government under the Articles; and describe the crucial events (e.g., Shays's rebellion) leading to the Constitutional Convention. (H, C)

USI.7 Explain the roles of various founders at the Constitutional Convention. Describe the major debates that occurred at the Convention and the "Great Compromise" that was reached. (H, C)

Major Debates

- A. the distribution of political power
- B. the rights of individuals
- C. the rights of states
- D. slavery

Founders

- A. Benjamin Franklin
- B. Alexander Hamilton
- C. James Madison
- D. George Washington

Seminal Primary Documents to Read: the U.S. Constitution

USI.8 Describe the debate over the ratification of the Constitution between Federalists and Anti-Federalists and explain the key ideas contained in the Federalist Papers on federalism, factions, checks and balances, and the importance of an independent judiciary. (H, C)

Seminal Primary Documents to Read: Federalist Paper number 10

Seminal Primary Documents to Consider: Federalist Papers numbers 1, 9, 39, 51, and 78

USI.9 Explain the reasons for the passage of the Bill of Rights. the influence of the British concept of limited government

- A. the particular ways in which the Bill of Rights protects basic freedoms, restricts government power, and ensures rights to persons accused of crimes

Seminal Primary Documents to Read: the Bill of Rights (1791)

Lesson Plan #1

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

- 1) What were the ideas of The Enlightenment?
- 2) How did the ideas of the philosophes influence the rise of democracy in the American colonies?
- 3) How did the ideas of the physiocrats influence the rise of capitalism in the American colonies?

Massachusetts Frameworks:

USI.1 Explain the political and economic factors that contributed to the American Revolution.

USI.2 Explain the historical and intellectual influences on the American Revolution and the formation and framework of the American government

Student Objectives (s.w.b.a.t.):

- Understand the concepts of The Age of Reason and where they came from
- Know the individual philosophes and their beliefs
- Know the fundamental concepts of "free market", "laissez faire" and "supply and demand"
- Understand the importance of critical thinking for this unit and the year

Materials:

Handouts.

"World History Connections To Today" (Prentice Hall)

"We The People/The Citizens of The Constitution"

| Time | Content | Notes |
|------------|---|-------|
| 20 minutes | Pass out handout Story Number One (Easy Eddie), Story Number Two (Butch O'Haire). Ask the class to read this to themselves. After 10 minutes ask them to write their opinion on the connection of the 2 stories. Once they realize they were father and son they should write how this applies to History. (Cause and Effect). Discuss the theme of cause and Effect and how one person, one event effects another in a continuous cycle. | |
| 20 minutes | PowerPoint Lecture: Review material from World History II (Absolutism, Scientific Revolution, Age of Reason, Ptolemy, Copernicus, Hobbes, Locke, Rousseau, Voltaire, Montesquieu, Wollstonecraft, Adam Smith) | |
| 26 minutes | Pass out copy of newspaper column "The difference between facts and knowledge" by Dan McCullough. Ask the class to read this to themselves. After 10 minutes have them write the meaning of the article and how this might apply to History class. Discuss with class the importance of "thinking" in this class not "memorizing". | |

Assessment Check for Understanding:

- Collect the 2 writing assignments from each student
- During lecture continuously ask questions on material they studied previous year

Homework:

Read Chapter 18, Sections 1 and 4 from "World History Connections To Today"

Section 1: Pg. 460 answer questions 1 – 5

Read handout "How Did The Enlightenment Inspire The American Founders" from "We The People"

Take Notes

Lesson Plan 2

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

- What is the connection (Cause and Effect) between Absolutism, The Scientific Revolution, The Enlightenment and The American Revolution?
- How would different individuals (monarch, philosophes and physiocrats) in the 1600's differ in their views on the role of government and individual freedom?

Massachusetts Frameworks:

USI.1 Explain the political and economic factors that contributed to the American Revolution.

USI.2 Explain the historical and intellectual influences on the American Revolution and the formation and framework of the American government

Student Objectives (s.w.b.a.t.):

- Understand the proper way to take notes for the year
- Understand the difference between knowledge based question, analysis questions and primary source/critical thinking questions

Materials:

"World History Connections To Today" (Prentice Hall)

Handout "Taking Notes"

Analysis and Primary Source test questions

| Time | Content | Notes |
|---------------|--|-------|
| 20 minutes | Review Chapter 18, Section 1 questions Review Chapter 18, Section 4 review important items, big picture and theme of section. Distribute "Taking Notes" handout as the prototype for taking future notes. Collect homework. | |
| 30 minutes | Enlightenment "Meet The Press". Ask for volunteers to play Louis XIV, John Locke, Rousseau, Montesquieu, Voltaire, Mary Wollstonecraft, Thomas Hobbes, Adam Smith. Each participant is asked to make a statement on their "world" views. Then they are urged to debate and question each other as well as take questions from the class. Test grade based on Speaking and Critical Thinking rubrics. | |
| 16 minutes | Review for test tomorrow. Review all the information that will be needed for the 50 Knowledge based questions and distribute the Analysis and Primary Source questions so students can prepare for these as homework. | |

Assessment Check for Understanding:

Homework collected

Participation in "Meet The Press" with rubrics

Homework: Prepare for test tomorrow

Lesson Plan #3

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

Where were the ideas for the American Revolution developed?

What were the political and economic causes of The American Revolution

Massachusetts Frameworks:

USI.1 Explain the political and economic factors that contributed to the American Revolution.

A. the impact on the colonies of the French and Indian War

Student Objectives (s.w.b.a.t.):

- Display knowledge gained last year by doing well on review test
- Understand the impact economically and politically of The French and Indian War

Materials:

Enlightenment Review Test

| Time | Content | Notes |
|------------|---|-------|
| 25 minutes | Take Enlightenment/Philosophe Review Test | |
| 20 minutes | After each student finishes the test they can read the handout "Confrontation on The Ohio" from "The War That Made America/A Short History of The French and Indian War" | |
| 21 minutes | After students finish reading lecture on the Imperialist desires toward North America by the British and the French. Explain how the French and Indian War was a cause of both The French Revolution and The American Revolution because of deficit spending. | |

Assessment Check for Understanding:

Enlightenment Test

"Confrontation on The Ohio" questions

Homework:

"Confrontation on The Ohio" questions

Lesson Plan #4

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

Where role did Massachusetts play in The American Revolution?

Who were the revolutionary leaders from Boston? What were their contributions? How were their human frailties?

Massachusetts Frameworks:

USI.5 Explain the role of Massachusetts in the revolution, including important events that took place in Massachusetts and important leaders from Massachusetts.

- E. the Boston Massacre
- F. the Boston Tea Party
- G. the Battles of Lexington and Concord and Bunker Hill
- H. Sam Adams, John Adams, and John Hancock

Student Objectives (s.w.b.a.t.):

- Students will understand how the Boston area was central to the action in The American Revolution
- Students will understand that the great founding fathers were also human beings
- Students will understand there were documents relating to rights in Massachusetts before The U.S. Constitution was created

Materials:

Handout from "We The People"/"How Did the Colonists Organize to Resist British Control"

History Channel Video: "The Founding Fathers"

Mayflower Compact (1620)

Massachusetts Constitution (1780)

| Time | Content | Notes |
|------------|--|---|
| 60 minutes | Distribute "We The People" handout Watch History Channel Video: "The Founding Fathers" Disc "Rebels With a Cause" Students take notes on Sam Adams, John Hancock and John Adams. What were their backgrounds? What made them revolutionaries? What made them great men? What were their Human frailties? | Stop the video to emphasize the important points. |
| 6 minutes | Distribute copies of The Mayflower Compact (1620) and the Massachusetts Constitution (1780) Distribute questions for homework. | |

Assessment Check for Understanding:

Stop video to make students are following and taking notes

Homework:

Mayflower Compact and Massachusetts Constitution questions

Lesson Plan 5

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

What was the purpose of The Declaration of Independence?

What were the main ideas and arguments in The Declaration of Independence?

Massachusetts Frameworks:

USI.3 Explain the influence and ideas of the Declaration of Independence and the political philosophy of Thomas Jefferson. (H, C)

Seminal Primary Documents to Read: the Declaration of Independence (1776)

Student Objectives (s.w.b.a.t.):

- Understand the purpose and goals of The Declaration of Independence
- Understand the process and people who wrote the Declaration of Independence

Materials:

Copy of Declaration of Independence

| Time | Content | Notes |
|------------|---|-------|
| 15 minutes | Activator: Write at least 2 opening paragraphs on the following: What natural rights do we have? Are there any natural rights that we do not have that we should have? Do you believe as a teenager in Bourne that you are oppressed by any individual or group? Discuss and collect | |
| 40 minutes | Divide into 4 groups Distribute The Declaration of Independence Pick someone from each group to read one of the four parts (Preamble, Declaration of Natural Rights, List of Complaints, Conclusion) Each group then has to paraphrase their section so that it can be understood by your average 15 yr old BHS student. Each group should write out one paraphrase document. Each group presents their paraphrased document section to the class and class discusses each one. Turn in papers. | |
| 11 minutes | Explain homework: YouTube video – Jefferson, John Adams and Ben Franklin discuss Jefferson's Declaration of Independence draft http://www.youtube.com/watch?v=T1TXi1687wo Answer the following questions: Why is Thomas Jefferson's work just a draft? What problems does Franklin have with the draft? What role does Franklin play in this discussion? How does Jefferson respond to the critique? Why was it important that the entire Continental Congress gave input into Jefferson's draft? | |

Assessment Check for Understanding: Activator and Paraphrase document
 Homework: See YouTube Exercise above

Lesson Plan 6

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

How can you relate The Declaration of Independence to your own life?

Massachusetts Frameworks:

USI.3 Explain the influence and ideas of the Declaration of Independence and the political philosophy of Thomas Jefferson. (H, C)

Seminal Primary Documents to Read: the Declaration of Independence (1776)

Student Objectives (s.w.b.a.t.):

- Understand The Declaration of Independence's relevance to today's world

Materials:

Copy of the Declaration of Independence

Computer lab

| Time | Content | Notes |
|------------|---|-------|
| 66 minutes | <p>Take all students in class to the computer lab. Refer to the individual or group that you wrote about yesterday as being a current day oppressor. Write a "Teen Declaration of Independence" from this oppressor.</p> <p>Write the Declaration in the style of The Declaration of Independence with 4 sections including a Preamble to announce to an audience; a declaration of teenager's rights; a list of at least 12 specific complaints; and a conclusion.</p> <p>Declaration should follow the Writing Rubric with 12 point type and double spaced.</p> | |

Assessment Check for Understanding: Review everyone's work at the computer to make sure they are on task

Homework: Edit and complete the Teen Declaration of Independence for an oral presentation next class.

Lesson Plan 7

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

Thomas Jefferson believed the Declaration of Independence was designed to be performed. Its words spoken not just read. What additional things do you learn from listening to the 2 performances of The Declaration of Independence?

Massachusetts Frameworks:

USI.3 Explain the influence and ideas of the Declaration of Independence and the political philosophy of Thomas Jefferson.

Seminal Primary Documents to Read: the Declaration of Independence (1776)

Student Objectives (s.w.b.a.t.):

Understand the impact of listening to The Declaration of Independence
Communicate their own Declaration of Independence to an audience

Materials:

YouTube for videos

Podium for speeches

"We The People/The Citizens of The Constitution" handouts

| Time | Content | Notes |
|------------|--|-------|
| 15 Minutes | Read handouts from "We The People". "What Was The Purpose of The Declaration of Independence?" and "What Were the Main Ideas and Arguments of The Declaration?" | |
| 6 minutes | Watch John Adams Miniseries video on the passing of The Declaration of Independence – http://www.youtube.com/watch?v=nrvpZxMfKaU Includes a reading of The Declaration of Independence | |
| 15 minutes | Watch a video of Hollywood stars (Michael Douglas, Whoopie Goldberg etc.) read The Declaration of Independence http://www.youtube.com/watch?v=jYyttEu_NLU | |
| 30 minutes | All students read their individual Teen Declaration of Independence | |

Assessment Check for Understanding: BHS Critical Thinking Rubric

Homework: Read handout: "We The People" Chapter 8: What Were The Articles of Confederation and Why Did Some Founders Want To Change Them?" Answer 1 -6 on page 66

Lesson Plan 8

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

- Why was it necessary for the individual colonies to organize new governments during the Revolutionary War?
- What issue delayed ratification of the Articles of Confederation? How was this issue resolved?
- What powers did the Articles of Confederation give to the central government?
- What were the 3 major weaknesses of the central government under the Articles of Confederation?

Massachusetts Frameworks:

USI.6 Explain the reasons for the adoption of the Articles of Confederation in 1781, including why its drafters created a weak central government; analyze the shortcomings of the national government under the Articles; and describe the crucial events (e.g., Shays's rebellion) leading to the Constitutional Convention. (H, C)

Student Objectives (s.w.b.a.t.):

- Understand why the former colonies created new state governments
- Understand why the states united under the Articles of Confederation
- Understand why the Confederation lacked the power to solve important problems

Materials:

Handout: "Creating a Government"

Handout: "We The People" Chapter 8: What Were The Articles of Confederation and Why Did Some Founders Want To Change Them?"

Handout: "We The People" Chapters 9 and 10. "How Was the Philadelphia Convention Organized?" and "Why Was Representation a Major Issue at The Convention?"

and

| Time | Content | Notes |
|------------|--|-------|
| 5 minutes | Collect homework from "We The People" Articles of Confederation questions | |
| 36 minutes | Break down in to 6 groups. Using the homework notes each group is responsible for answering one question from the "Creating a Government" handout. Spend 10 minutes creating your answer. Then we will spend 20 minutes as each group reports to the class on their answer. Collect homework. | |
| 25 minutes | PowerPoint lecture: "Forming a Confederation", state constitutions, separation of church and state, slavery issues, problem of unity, the "land" problem, government of new lands, Confederation weakness, lack of finance and military powers, Shay's Rebellion, threat of civil war, a need to change, prosperity returns. | |

Assessment: Check for Understanding: BHS Speaking Rubric, BHS Critical Thinking Rubric

Homework: Read handout from "We The People" Chapters 9 and 10. "How Was the Philadelphia Convention Organized?" and "Why Was Representation a Major Issue at The Convention?"

Answer both Chapter 9 and Chapter 10 Reviewing and Using the Lesson questions (10 altogether).

Lesson Plan 9

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

How was the Philadelphia Convention organized?

Who were the attendees, how were they elected and what were the rules?

What are the advantages and disadvantages of secrecy in government proceedings?

What compromises were reached on representation in Congress, counting of slaves and commerce?

Massachusetts Frameworks:

USI.7 Explain the roles of various founders at the Constitutional Convention. Describe the major debates that occurred at the Convention and the "Great Compromise" that was reached. (H, C)

Major Debates

- E. the distribution of political power
- F. the rights of individuals
- G. the rights of states
- H. slavery

Founders

- E. Benjamin Franklin
- F. Alexander Hamilton
- G. James Madison
- H. George Washington

Student Objectives (s.w.b.a.t.):

- Understand the attendees, rules and atmosphere of the Philadelphia Convention

Materials:

Handout: "We The People"; Chapters 9 and 10

| Time | Content | Notes |
|------------|---|-------|
| 30 minutes | Everyone holds on to homework. Divide the class into 5 groups. Each group picks a spokesperson. The groups all work on the following questions: 1) Define the terms: civil discourse, Constitutional Convention, delegate, federal system, national government, proportional representation 2) How many attended the Philadelphia convention? 3) How were the states represented? 4) Who were the most important attendees and why were they important? 5) What famous leaders did not attend the Constitutional Convention? 6) What rules did the delegates adopt for the convention? 7) What was the Virginia Plan? 8) Why was Rhode Island not represented at the convention? 9) Critical Thinking: If we were to construct a new constitution today how would you select the group of people to draft the new constitution? 10) If we were to draft a new constitution do you believe the proceedings should be secret? Why or why not? | |
| 36 minutes | Round robin select randomly a group to answer each of the first 8 questions. All groups report out on questions 9 and 10. | |

Assessment Check for Understanding: BHS Critical Thinking Rubric, Speaking Rubric (Test Grade)

Homework: Read handout: Chapters 13 and 14 from "We The People" Answer both "What Do you Think" sections from each chapter

Lesson Plan 10

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

What was the disagreement between the Federalists and the anti-Federalists on centralized government?

Massachusetts Frameworks:

USI.8 Describe the debate over the ratification of the Constitution between Federalists and Anti-Federalists and explain the key ideas contained in the Federalist Papers on federalism, factions, checks and balances, and the importance of an independent judiciary. (H, C)

Seminal Primary Documents to Read: Federalist Paper number 10

Seminal Primary Documents to Consider: Federalist Papers numbers 1, 9, 39, 51, and 78

Student Objectives (s.w.b.a.t.):

- Will understand a fundamental argument about federal power that created a Civil War and still is debated on issues today.

| Time | Content | Notes |
|------------|---|-------|
| 6 minutes | Collect the homework. Distribute Federalist Papers. | |
| 30 minutes | Break down into small groups. Half the groups will be Federalists and half will be anti-Federalists. Answer the following in your groups. <ul style="list-style-type: none"> • What were the main arguments of the Federalists and the anti-Federalists? • Who were the main leaders of each side? • Find quotations from at least two members of your assigned argument. • What are the compromises your side may have to agree to? • What will you concede? • List your 5 strongest arguments <p>Using the documents explain why the Federalists were able to succeed and the anti-Federalists did not. Use the documents to show the fears of the anti-Federalists and how the Federalists responded and compensated for those fears.</p> <p>Produce a written document.</p> | |
| 30 minutes | After each group has finished their document answering the above items a debate will take place between the 2 groups. Discussion will emphasize differences between the groups but groups are expected to find commonality of the different issues. Each group turns in a written document. Test grade | |

Assessment Check for Understanding: BHS Critical Thinking Rubric, BHS Speaking Rubric; completed group document (test grade)

Homework: Read handout: "We The People" Chapter 15 "How Have Amendments and Judicial Review Changed The Constitution?" Answer 3 questions from Critical Thinking Exercise on page 110.

Lesson Plan 11

Unit Title: The Political and Intellectual Origins of the American Nation: the Revolution and the Constitution, 1763-1789

Lesson Plan Essential Questions:

Why were the framers of the Constitution especially interested in protecting civil liberties?

How do the civil liberties protected by the Constitution help to prevent abuses of power?

Which branch of the federal government makes decisions on the limits to an individual's rights?

Why is it the rights of individual's are not unlimited?

Massachusetts Frameworks:

USI.9 Explain the reasons for the passage of the Bill of Rights. (H, C)

- B. the influence of the British concept of limited government
- C. the particular ways in which the Bill of Rights protects basic freedoms, restricts government power, and ensures rights to persons accused of crimes

Seminal Primary Documents to Read: the Bill of Rights (1791)

Student Objectives (s.w.b.a.t.):

- Understand why The Bill of Rights were adopted
- Understand the freedoms covered by the Bill of Rights
- Understand the amendment process

Materials:

Handout: "We The People" Chapter 15 "How Have Amendments and Judicial Review Changed The Constitution?"

Handout: Bill of Rights

| Time | Content | Notes |
|------------|---|-------|
| 30 minutes | PowerPoint lecture on Bill of Rights and amending the Constitution. Review the individual first 10 amendments and what they mean to a BHS student. Describe the process for amending the Constitution. Is it fair? | |
| 36 minutes | Review for 2 tests. Lesson # 12 will be a straight Knowledge based test on The American revolution, The Declaration of Independence and Constitution. Multiple Choice and matching questions on the who, what, when, why. Lesson #13 will be a test on synthesis, analysis, evaluation and primary sources on The American Revolution, The Declaration of Independence and The Constitution | |

Assessment Check for Understanding: 2 Tests

Homework: Study for 2 tests

IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America

W

hen in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefit of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies

For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these united Colonies are, and of Right

ought to be Free and Independent States, that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. — And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

Mayflower Compact

1620

The Mayflower Compact is a written agreement composed by a consensus of the new Settlers arriving at New Plymouth in November of 1620. They had traveled across the ocean on the ship Mayflower which was anchored in what is now Provincetown Harbor near Cape Cod, Massachusetts. The Mayflower Compact was drawn up with fair and equal laws, for the general good of the settlement and with the will of the majority. The Mayflower's passengers knew that the New World's earlier settlers failed due to a lack of government. They hashed out the content and eventually composed the Compact for the sake of their own survival.

All 41 of the adult male members on the Mayflower signed the Compact. Being the first written laws for the new land, the Compact determined authority within the settlement and was the observed as such until 1691. This established that the colony (mostly persecuted Separatists), was to be free of English law. It was devised to set up a government from within themselves and was written by those to be governed.

"In the name of God, Amen. We, whose names are underwritten, the Loyal Subjects of our dread Sovereign Lord, King James, by the Grace of God, of England, France and Ireland, King, Defender of the Faith, e&. Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a voyage to plant the first colony in the northern parts of Virginia; do by these presents, solemnly and mutually in the Presence of God and one of another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid; And by Virtue hereof to enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions and Offices, from time to time, as shall be thought most meet and convenient for the General good of the Colony; unto which we promise all due submission and obedience. In Witness whereof we have hereunto subscribed our names at Cape Cod the eleventh of November, in the Reign of our Sovereign Lord, King James of England, France and Ireland, the eighteenth, and of Scotland the fifty-fourth. Anno Domini, 1620

1) From reading the document, why were the Pilgrims entering into an agreement?

2) Choose 3 words that best describe this document. Explain why you choose each word.

Constitution of Massachusetts

1780

PREAMBLE

The end of the institution, maintenance, and administration of government is to secure the existence of the body-politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life; and whenever these great objects are not obtained the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other, and of forming a new constitution of civil government for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish the following declaration of rights and frame of government as the constitution of the commonwealth of Massachusetts.

PART THE FIRST

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Article I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Art. II. It is the right as well as the duty of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments, provided he doth not disturb the public peace or obstruct others in their religious worship.

Art. III. As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality, and as these cannot be generally diffused through a community but by the institution of the public worship of God and of the public instructions in piety, religion, and morality: Therefore, To promote their

happiness and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies-politic or religious societies to make suitable provision, at their own expense, for the institution of the public worship of God and for the support and maintenance of public Protestant teachers of piety, religion, and morality in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subject an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, That the several towns, parishes, precincts, and other bodies-politic, or religious societies, shall at all times have the exclusive right and electing their public teachers and of contracting with them for their support and maintenance.

And all moneys paid by the subject to the support of public worship and of public teachers aforesaid shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any sect or denomination to another shall ever be established by law.

Art. IV. The people of this commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

Art. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are the substitutes and agents, and are at all times accountable to them.

Art. VI. No man nor corporation or association of men have any other title to obtain advantages, or particular and exclusive privileges distinct from those of the community, than what rises from the consideration of services rendered to the public, and this title being in nature neither hereditary nor transmissible to children or descendants or relations by blood; the idea of a man born a magistrate, lawgiver, or judge is absurd and unnatural.

Art. VII. Government is instituted for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any one man, family, or class of men; therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same when their protection, safety, prosperity, and happiness require it.

Art. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall

establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

Art. IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Art. X. Every individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to expense of this protection; to give his personal service, or an equivalent, when necessary; but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Art. XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Art. XII. No subject shall be held to answer for any crimes or no offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself; and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Art. XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Art. XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Art. XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the

parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Art. XVI. The liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this commonwealth.

Art. XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority and be governed by it.

Art. XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observation of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Art. XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Art. XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Art. XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court of place whatsoever.

Art. XXII. The legislature ought frequently to assemble for address of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Art. XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Art. XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Art. XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Art. XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose

excessive fines, or inflict cruel or unusual punishments.

Art. XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not be made but by the civil magistrate, in a manner ordained by the legislature.

Art. XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Art. XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, tht the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Art. XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws, and not of men.

PART THE SECOND

The Frame of Government

The people inhabiting the territory formerly called the province of Massachusetts Bay do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body-politic or State, by the name of the commonwealth of Massachusetts.

CHAPTER I.--THE LEGISLATIVE POWER

Section I.--The General Court

Article I. The department of legislation shall be formed by two branches, a senate and house of representatives; each of which shall have a negative on the other.

The legislative body shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and shall be styled the *General Court of Massachusetts*.

Art. II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in

whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of law; but in all such cases, the vote of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of law.

Art. III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon; to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Art. IV. And further, full power and authority are hereby given and granted to the said general court from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within the said commonwealth, the election, and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth,

taken anew once in every ten years at least, and as much oftener as the general court shall order.

CHAPTER I

Section 2.--Senate

Article I. There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may from time to time be divided by the general court for that purpose; and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein: *Provided*, That the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz: . . . [39 senators]

Art. II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz: There shall be a meetin on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday n April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one year of age and upwards, having a freehold estate of thevalue of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning themeaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district, or plantation where he dwellethor hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectment, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns to the sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of eaach county shall deliver all such certificates, by him received, into the secretary's office seventeen days before the said last Wednesday in May.

And the inhabitants of the plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually, on the same first Monday in April, at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government by assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Art. III. And that there may be a due convention of senators, on the last Wednesday in May, annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by a majority of voters to attend on that day, and take their seats accordingly: *Provided, nevertheless,* That for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Art. IV. The senate shall be the final judge of the elections, returns, and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare who are elected by each district to be senators by a majority of votes; and in case there shall not be the full number of senators returned, elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for, and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may after such vacancies shall happen.

Art. V. *Provided, nevertheless,* That no person shall be capable of being elected as a senator [who is not seized in his own right of a freehold within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Art. VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Art. VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Art. VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and maladministration in their offices; but, previous to the trial of every impeachment, the members of the senate shall, respectively, be sworn truly and impartially to try and determine the charge in question, according to the evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust, or profit under this commonwealth; but the part so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Art. IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

Section 3.--House of Representatives

Article I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Art. II. And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls, may elect one representative; every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Provided, nevertheless, That each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members of the same, agreeably to this constitution.

The expenses of travelling to the general assembly and returning home, once in every session, and no more, shall be paid by the government out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Art. III. Every member of the house of representatives shall be chosen by written votes; and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

Art. IV. Every male person being twenty-one years of age, and resident in any particular town in this commonwealth, for the space of one year next preceding, having a freehold

estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.

Art. V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.

Art. VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

Art. VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Art. VIII. The house of representatives shall have power to adjourn themselves; provided such adjournments shall not exceed two days at a time.

Art. IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.

Art. X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as point out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and order of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

Art. XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases; *Provided*, That no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above-described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CHAPTER II.--EXECUTIVE POWER

Section I.--Governor

Article I. There shall be a supreme executive magistrate, who shall be styled "The governor of the commonwealth of Massachusetts;" and whose title shall be "His Excellency."

Art. II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion.

Art. III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a voernor to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons foted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

Art. IV. The governor shall authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Art. V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue thesame at any time the two houses shall desire; and to dissolve the same on the day nex preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

Art. VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety

days, as he shall determine the public good shall require.

Art. VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as by sea as by land, within or within the limits of this commonwealth; and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, and ammunititon, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land, and not otherwise.

Provided, That the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafater to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water for the defence of such part of the State to which they cannot otherwise conveniently have access.

Art. VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter or pardon, granted by the governor, with the advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Art. IX. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Art. X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm-list of their respective companies, of twnety years of age and upwards; the field-officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field-officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the

electors, and of collecting votes, and of certifying to the governor the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

And if the electors of brigadiers, field-officers, captains, or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with the advice of council, shall appoint suitable persons to fill such offices.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers, their brigade-majors; and the major-generals, their aids; and the governor shall appoint the adjutant-general.

The governor, with the advice of council, shall appoint all officers of the Continental Army, whom, by the Confederation of the United States, it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia-laws now in force, shall be considered as the proper divisions of the militia in this commonwealth, until the same shall be altered in pursuance of some future law.

Art. XI. No moneys shall be issued out of the treasury of this commonwealth and disposed of, except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon, but by warrant under the hand of the governor for the time being, with the advice and consent of the council for the necessary defence and support of the commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Art. XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small-arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality, and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches, and intelligences of a public nature, which shall be directed to them respectively.

Art. XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his

support; that he should, in all cases, act with freedom for the benefit of the public; that he should not have his attention necessarily diverted from that object to his private concerns; and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws; and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

Section 2.--Lieutenant-Governor

Article I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be "His Honor;" and who shall be qualified, in point of religion, property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualification of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.

Art. II. The governor, and in his absence the lieutenant-governor, shall be president of the council; but shall have no voice in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Art. III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

Section 3.--Council, and the Manner of Settling Elections by the Legislature

Article I. There shall be a council, for advising the governor in the executive part of the government, to consist of nine persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at this discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Art. II. Nine councillors shall be annually chosen from among the persons returned for

councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

Art. III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Art. IV. Not more than two councillors shall be chosen out of any one district in this commonwealth.

Art. V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Art. VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Art. VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: The vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwardss the two houses shall proceed to the election of the council.

CHAPTER II.

Section 4.--Secretary, Treasurer, Commissary, etc.

Article I. The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Art. II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person or by his deputies, as they shall respectively require.

CHAPTER III.

Judiciary Power.

Article I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: *Provided, nevertheless*, The governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Art. II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court upon important questions of law, and upon solemn occasions.

Art. III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Art. IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments the said courts shall be holden at the times and places which the respective judges shall direct.

Art. V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.

CHAPTER IV.

Delegates to Congress

The delegates of this commonwealth to the Congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in Congress for one year, to commence on the first Monday in November, then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

CHAPTER V.--THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

Section 1.--The University

Article I. Whereas our wise and pious ancestors, so early as the year [1636], laid the foundation of Harvard College, in which university many persons of great prominence have, by the blessing of God, been initiated in those arts and sciences which qualified them for the public employments, both in church and State; and whereas the encouragement of arts and

sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other other United States of America, it is declared, that the president and fellows of Harvard College, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy all the powers, authorities, rights, liberties, privileges, immunities, and franchises which they now have, or are entitled to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Art. II. and whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively, it is declared, that all the said gifts, grants, devises, legacies, and conveyances are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

Art. III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year [1642], the governor and deputy governor for the time being, and all the magistrates of that jurisdiction, were, with the President, and a number of the clergy, is the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy governor, and magistrates, it is declared that the governor, lieutenant-governor, council, and senate of this commonwealth are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches int he towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: *Provided*, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late province of the Massachusetts Bay.

CHAPTER V.

Section 2.--The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, adn grammar-schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, and good humor,

and all social affections and generous sentiments, among the people.

CHAPTER VI.

Oaths and Subscriptions; Incompatibility of and Exclusion from Offices; Pecuniary Qualifications; Commissions; Writs; Confirmation of Laws; Habeas Corpus; The Enacting Style; Continuance of Officers; Provision for a Future Revisal of the Constitution, etc.

Article I. Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz:

"I, A.B., do declare that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor, and councillors shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.

And every person chosen to either of the places or offices aforesaid, as also any persons appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration and oaths or affirmations, viz:

"I, A.B., do truly and sincerely acknowledge, profess, testify, and declare that the commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent State, and I do swear that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection, and obedience to the King, Queen, or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, superiority, preeminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth; except the authority and power which is or may be vested by their constituents in the Congress of the United States; and I do further testify and declare that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever: So help me, God."

"I, A.B., do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as -----, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth: So help me, God."

Provided always, That when any person, chosen and appointed as aforesaid, shall be of the denomination of people called Quakers, and shall decline taking the said oaths, he shall

make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words, "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalities of perjury."

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Art. II. No governor, lieutenant-governor, or judge of the supreme judicial court shall hold any other office or place, under the authority of this commonwealth, except such as by the constitution they are admitted to hold, saving that the judges of the said court may hold the office of the justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government, or power, whatever.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz: judge of probate, sheriff, register of probate, or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

No person holding the office of judge of the supreme judicial court, secretary, attorney-general, solicitor-general, treasurer or receiver-general, judge of probate, commissary-general, president, professor, or instructor of Harvard College, sheriff, clerk of the house of representatives, register of probate, register of deeds, clerk of the supreme judicial court, clerk of the inferior court of common pleas, or officer of the customs, including in this description naval officers, shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court or judge of probate shall accept a seat in council, or any councillor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall in the due course of law have been convicted of bribery or corruption in obtaining an election or appointment.

Art. III. In all cases where sums or money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices as the circumstances of the commonwealth shall require.

Art. IV. All commissions shall be in the name of the commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Art. V. All writs, issuing of the clerk's office in any of the courts of law, shall be in the name of the commonwealth of Massachusetts; they shall be under the seal of the court from when they issue; they shall bear test of the first justice of the court to which they shall be returned who is not a party, and be signed by the clerk of such court.

Art. VI. All the laws which have heretofore been adopted, used, and approved in the province, colony, or State of Massachusetts Bay, and usually practiced on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature, such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Art. VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

Art. VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be, "*Be it enacted by the senate and house of representatives in general court assembled, and by authority of the same.*"

Art. IX. To the end there may be no failure of justice or danger arise to the commonwealth from a change in the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy all the powers and authority to them granted or committed until other persons shall be appointed in their stead; and all courts of law shall proceed into the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Art. X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord [1795] shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution in order to amendments.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

And said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.

Art. XI. This form of government shall be enrolled on parchment and deposited in the secretary's office, and be a part of the laws of the land, and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth in all future editions of the said laws.

JAMES BOWDOIN, *President*

Samuel Barrett, *Secretary*

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FEDERALIST. No. 1

General Introduction

For the Independent Journal.

Alexander Hamilton

To the People of the State of New York:

AFTER an unequivocal experience of the inefficiency of the subsisting federal government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world. It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made; and a wrong election of the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism, to heighten the solicitude which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good. But this is a thing more ardently to be wished than seriously to be expected. The plan offered to our deliberations affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions and prejudices little favorable to the discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument, and consequence of the offices they hold under the State establishments; and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views. Candor will oblige us to admit that even such men may be actuated by upright intentions; and it cannot be doubted that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable--the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those who are ever so much persuaded of their being in the right in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives not more laudable than these, are apt to operate as well upon those who support as those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit which has, at all times, characterized political parties. For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet, however just these sentiments will be allowed to be, we have already sufficient indications that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations and the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatized as the offspring of a temper fond of despotic power and hostile to the principles of liberty. An over-scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretense and artifice, the stale bait for popularity at the expense of the public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of love, and that the noble enthusiasm of liberty is apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten that the vigor of government is essential to the

security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidden appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.

In the course of the preceding observations, I have had an eye, my fellow-citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare, by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them, that they proceed from a source not unfriendly to the new Constitution. Yes, my countrymen, I own to you that, after having given it an attentive consideration, I am clearly of opinion it is your interest to adopt it. I am convinced that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not, however, multiply professions on this head. My motives must remain in the depository of my own breast. My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars:

- THE UTILITY OF THE UNION TO YOUR POLITICAL PROSPERITY
- THE INSUFFICIENCY OF THE PRESENT CONFEDERATION TO PRESERVE THAT UNION
- THE NECESSITY OF A GOVERNMENT AT LEAST EQUALLY ENERGETIC WITH THE ONE PROPOSED, TO THE ATTAINMENT OF THIS OBJECT
- THE CONFORMITY OF THE PROPOSED CONSTITUTION TO THE TRUE PRINCIPLES OF REPUBLICAN GOVERNMENT
- ITS ANALOGY TO YOUR OWN STATE CONSTITUTION
- and lastly, THE ADDITIONAL SECURITY WHICH ITS ADOPTION WILL AFFORD TO THE PRESERVATION OF THAT SPECIES OF GOVERNMENT, TO LIBERTY, AND TO PROPERTY.

In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every State, and one, which it may be imagined, has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new Constitution, that the thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole.¹ This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance an open avowal of it. For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution or a dismemberment of the Union. It will therefore be of use to begin by examining the advantages of that Union, the certain evils, and the probable dangers, to which every State will be exposed from its dissolution. This shall accordingly constitute the subject of my next address.

| CRITERIA | 4 | 3 | 2 | 1 | Teacher Points | Student Points |
|---|--|---|--|--|-----------------------|-----------------------|
| Physical Expression (non-verbal) | Engages the audience through continual eye contact. Good posture, natural gestures, effective movements enhance the communication. | Engages the audience through frequent eye contact. Good posture, gestures, movements are appropriate for the communication | Makes occasional eye contact with audience. Posture, gestures, movements detract from the communication. | Fails to make eye contact. Posture, gestures, movements inhibit communication. | | |
| | | | | | <u>Comments</u> | |
| Tone and Style (verbal) | Speaks clearly and expressively, with enthusiasm, uses a tone appropriate to audience, adjusting pace and volume effectively with varied inflection. | Speaks clearly, sometimes uses a tone appropriate to audience, adjusting pace and volume effectively with varied inflection. | Speaks clearly but without adjusting pace, volume, or inflection. | Speaks unclearly without appropriate pace, volume, or inflection. | | |
| | | | | | <u>Comments</u> | |
| Content (develops and connects ideas, makes an impact) | Main ideas are developed in depth and extensively supported by effective details and / or vivid examples. Presentation is unique and creative. | Main ideas are limited in depth and supported by only a few details or examples. Presentation is somewhat unique and creative | Few, if any, main ideas are developed and supported. Presentation lacks creativity and uniqueness. | Main ideas are unclear and rarely supported. Presentation shows no creativity. | | |
| | | | | | <u>Comments</u> | |
| Use of Language (grammar and vocabulary) | Speaker uses well-chosen vocabulary and correct pronunciation in standard English that is appropriate to the audience and task. | Speaker uses appropriate vocabulary and correct pronunciation with a few errors in standard English that is appropriate to the audience and task. | Speaker uses inappropriate vocabulary and incorrect pronunciation filled with errors in standard English or language that is inappropriate to the task | | | |

BHS Speaking Rubric

Critical Thinking

| <u>CRITERIA</u> | 4 | 3 | 2 | 1 | Teacher Points | Student Points |
|--|---|---|---|---|-----------------------|-----------------------|
| Identifies, clarifies, and describes the issues and the problem. | Student consistently articulates an accurate understanding of the scope of the problem and issue(s) involved and identifies the consequences of various solutions. | Student articulates an understanding of the scope of the problem and the related issue(s) involved. | Student has difficulty describing the nature of the problem or the related issue(s) and has limited understanding. | Student is unable to describe the nature of the problem or the related issue(s). | | |
| | | | | | <i>Comments</i> | |
| Locates, organizes, and processes information from a variety of sources | Student consistently locates information and/or data in a variety of conventional and unique sources; accurately analyzes information for the main ideas; and evaluates relevance, accuracy, credibility and bias; organizes and synthesizes information. | Student locates information and / or data from a variety of sources; identifies the main ideas; evaluates the usefulness and accuracy of information for relevance, credibility and bias, organizes information | Student has difficulty locating information and /or data from a variety of sources, and may struggle to analyze it for relevance, accuracy, credibility and bias. | Student cannot locate information and / or data from a variety of sources or cannot analyze information for relevance, credibility and bias. | | |
| | | | | | <i>Comments</i> | |
| Utilizes reasoning strategies and thinking skills. | Student applies relevant thinking skills in presenting information and thoroughly supports information gathered (e.g. comparing, classifying, abstracting, analyzing, criticizing). | Student applies relevant thinking skills in presenting information (e.g. comparing, classifying, abstracting, analyzing, criticizing). | Student has difficulty applying relevant thinking skills (e.g. may over simplify the problem, lacks depth of thinking to address problem). | Student cannot select or apply relevant thinking skills to the available information. | | |
| | | | | | <i>Comments</i> | |
| Considers, tests, and justifies solution(s) and conclusion(s). | Student consistently develops solutions by using all relevant information and bases his/her conclusion on a thorough examination of the evidence, and exploration of reasonable alternatives and an evaluation of possible consequence(s) considered by the student | Student develops a solution based on the analysis of the gathered information; and bases conclusion(s) on the evidence, and refers to other possible consequence(s) considered, if applicable. | Student has difficulty developing a solution based upon an analysis of information, and consequently has difficulty basing conclusion(s) on any evidence. | Student cannot show how available information was used in support of the solution or that other options were considered in developing the solution. | | |
| | | | | | <i>Comments</i> | |

BHS Reading Rubric

| CRITERIA | 4 | 3 | 2 | 1 | Teacher Points | Student Points |
|---|--|---|--|--|-----------------|----------------|
| UNDERSTANDING | Demonstrates a thorough understanding of the text. | Demonstrates a competent understanding of the text. | Demonstrates an inconsistent understanding of the text. | Demonstrates a limited or lack of understanding of the text. | | |
| | | | | | <u>Comments</u> | |
| IDENTIFIES MAIN AND SUPPORTING IDEAS | Indicates a thorough and accurate understanding of main ideas and all significant supporting details, including clarification of the complexities. | Indicates a thorough and accurate understanding of main ideas and all significant supporting details. | Correctly identifies some main ideas; focuses on isolated details or misunderstands or omits significant supporting details. | Shows a fragmented, inaccurate or incomplete understanding of the selection, presents random, incomplete or irrelevant evidence. | | |
| | | | | | <u>Comments</u> | |
| CITES EVIDENCE | Uses insightful, substantial, relevant and specific information from textual resources to clarify meaning and form conclusions. | Uses some relevant information from textual resources to clarify meaning and form conclusions. | Uses limited information from textual resources. | Does not refer to textual resources, or does so inappropriately. | | |
| | | | | | <u>Comments</u> | |

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