

AN · OUTLINE · FOR · THE  
STUDY · OF · AMERICAN  
CIVIL · GOVERNMENT · IN  
SECONDARY · SCHOOLS

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AN OUTLINE FOR THE STUDY OF  
AMERICAN CIVIL GOVERNMENT



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TORONTO

AN OUTLINE FOR THE STUDY OF  
AMERICAN CIVIL GOVERNMENT

WITH SPECIAL REFERENCE TO TRAINING FOR  
CITIZENSHIP

*FOR USE IN SECONDARY SCHOOLS*

PREPARED FOR THE  
NEW ENGLAND HISTORY TEACHERS' ASSOCIATION

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## PREFACE

LEST it may seem that the committee have taken an inordinately long time and held an excessive number of meetings in order to bring forth such an apparently small result, its members wish to call attention to some of the many problems with which they had to deal in the preparation of the following syllabus.

Before beginning any constructive work, the committee had to arrive at an agreement — at least a working agreement — upon answers to the following questions :

1. What should be the position of the study of government in the secondary school curriculum, and what time allotment should it reasonably be expected to have ?

2. What should be the aim — or aims — of instruction in civil government in secondary schools ?

3. What should be the scope of the subject, and what should be the place — or places — of emphasis when presented to students of secondary school age ?

4. What should be its relation to other subjects of the secondary school curriculum ?

5. What should be the point of attack and order of topics ?

6. What should be the method of presenting the subject ?

7. What should be the form of the syllabus ?

Upon some of these questions the committee found, both among its own members and among teachers of civil government throughout the country, widely different opinions. To answer others it seemed necessary, owing to lack of previous discussion — or at least to lack of reports of such discussion, if any had been had — that wholly new ground be broken.

Several of these questions were found to afford a large field for investigation and discussion. For example, the **scope** of the subject may be considered with reference to the greater or less number of topics treated, or with reference to the thoroughness and depth of

treatment of the topics selected, or with reference to the aspect of these topics that should receive stress. Shall the secondary school course in government aim at a superficial study of a wide range of topics, some of them extending into the domains of the kindred subjects of history, law, economics, and sociology, or shall it aim at a more complete and thorough treatment of a narrower range of topics which all agree belong to the field proper of civics? An examination of some of the text-books in government for secondary schools now on the market will discover a wide divergence of opinion regarding what belongs to a course in government for secondary schools. In the combined pages of these books, we find the treatment of an enormous range of topics running the gamut from numismatics to the principles of jurisprudence, and from the lives of historical characters to an outline of American literature. How the committee have answered this question is shown by their omission of separate and specific treatment of the rise and development of civil liberty, taxation and finance, banks and banking, and international relations, and by their treatment of the educational work of the state, the work of the state in correction and charities, and the protective work of the state, in close connection with the description of the corresponding organs of state government. Again, under scope and place of emphasis, the committee found it necessary to answer not only the question of what topics should be treated and how thoroughly they should be handled, but also the question of what phases or aspects of these topics should be presented. In other words, it was necessary to decide how much attention should be given to the machinery of government and its functions and processes, how much to the history of government, how much to the principles and theory of government, and how much to the ethics of government. The conclusions of the committee in regard to these points are stated briefly and without argument in the introduction.

The question of order of topics is perhaps the most important of all, for upon it depends in a large degree the question of method. This question called out more discussion than any other of the seven preliminary questions upon which the committee found it necessary to reach an agreement -before beginning constructive work. The order finally adopted by a majority of the committee, viz., local government, state government, and federal government, seems to be

in accord with accepted pedagogical principles and to be supported by the great majority of teachers of government in secondary schools and of writers upon the teaching of the subject.

In regard to the form which the syllabus should take, there arose at once many vexatious questions of varying degrees of importance, among which were the following :

Should topics only be used ? or

Should statements be interspersed ? or

Should questions replace either topics or statements whenever pedagogical ends would thus be better served ?

Should directions — to students, or teacher, or both — be given wherever they should seem helpful ?

Should any devices, such as tabulations and diagrams, that have proved especially helpful, be given ?

Should everything pertaining to method be given in the introduction, or should it be interspersed in the body of the work wherever it should seem especially needed ?

Should general references be given at the beginning of the syllabus, or more specific references at the heads of chapters, or should very specific citations with number of chapter and page be given in close connection with separate topics ?

The answers finally given to all these questions will be seen upon examination of the syllabus. A few of them are briefly discussed in the introduction.

The committee wish to express their thanks to the many teachers who have helped by advice, suggestion, or criticism to give the syllabus its final form. They wish to acknowledge the expert advice and helpful suggestions of Mr. Arthur W. Dunn, Director of the Department of Civics in the public schools of Indianapolis, and especially would they express their obligations to Dr. James Sullivan, Principal of the Boys' High School of Brooklyn, N.Y., and to Mr. E. E. Proper, acting head of the History Department in that school, for their thorough and helpful criticism made after giving the sample chapters class-room test. The committee wish also to express their appreciation of the courteous helpfulness of Superintendent A. T. Stuart of Washington, D.C., Superintendent William E. Maxwell of New York City, Superintendent Kendall, Indianapolis, and Superintendent E. G. Cooley of Chicago, for their assistance in arranging for the class-

room trials of the sample chapters in the high schools of their respective cities.

The making of the syllabus has been a labor of love for every member of the committee. They have endeavored to have every chapter undergo some actual schoolroom test before it assumed its final form, yet there are still, no doubt, imperfections and crudities which more extended use will bring to light. The committee hope that their work, though it be but a beginning upon which others may improve, may nevertheless be of immediate help to the great army of conscientious teachers who are trying—often under discouraging circumstances—to teach young Americans the great principles of their government and to develop in them high ideals of citizenship.

## PREFATORY NOTE

As we send out this little book, which has occupied the attention of our committee for so long, we are obliged to record the death of Mr. Wilson R. Butler, who had been a member of the committee from the beginning, and who, as editor for the committee, had been chiefly influential in giving the Syllabus its final form. Mr. Butler was a skilful teacher of civil government, and his wide knowledge and large experience was of invaluable service in the preparation of this Syllabus, to the completion of which he devoted all the energy of the last weeks of his life. He had begun the correction of the proof, — a task for the completion of which we are under obligation to his daughter, Miss Alice A. Butler.

LAWRENCE B. EVANS,

*President of the New England History  
Teachers' Association.*



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# AN OUTLINE FOR THE STUDY OF AMERICAN CIVIL GOVERNMENT

## INTRODUCTORY DISCUSSION

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### I. Time Allotment and Arrangement

Two or two and a half forty-five-minute periods a week (besides the time for visiting, which must be done largely out of school hours) during the senior year is found to be an average time allotment for civil government in secondary schools. It is very desirable that the work in government be correlated with that of United States history. For this reason many schools give a parallel time allotment to United States history during this year. Some teachers, however, have expressed a preference for giving the full four or five periods a week during the first half of the year to the history, so that when the class takes up the study of government during the last half year it may have the United States history immediately behind it. Such a time allotment

may serve where government is taught simply as a "book subject," but under any proper method of presentation of the subject, the class needs to be kept in touch with the movements of government throughout the entire year. In local government especially is the year the governmental cycle. It is suggested, therefore, that, where there is a desire to have a large part of the history work done before doing much in government, one period a week from the beginning of the year be allotted to civics and three or four to history, and that at the middle of the year this allotment be reversed.

In a few schools political economy instead of United States history is found to be the half course running parallel with the course in government. Where there has been a strong course in United States history during the year before (the third year), this is an excellent arrangement.

## II. Aims

I. To train the mind (in common with other studies).

\* "Civics is a study of an important phase of human society and for this reason has the same value as elementary science or history."

— BOURNE.

\* "Civics (noun). The science of civil government; the principles of government in their application to society." — *Century Dictionary*.

For many years the terms "civics" and "civil government" as applied to a subject of study in the secondary school seem to have been used somewhat loosely as synonyms.

Recently there has been a tendency to apply the term "civics" to a more comprehensive though elementary study of the relations of the citizen and the community. In this study — adapted to the elementary schools — emphasis is placed upon civic duty and the sociological, economical, and ethical relations of the citizen and the community, and even upon the sanitary and æsthetic conditions of their surroundings. Civil government, as it becomes more nearly synonymous with political science, is a college study. The field of study for the secondary school, lying as it does between the civics of the elementary school and the political science of the college, partakes of the nature of each. It is designated in these pages both by the term "civil government" and by the shorter term "civics"; but both terms are used with the connotation set forth below under "scope and place of emphasis."

2. To develop political intelligence.

“Many a reform has fallen through on account of the crass ignorance of politics on the part of the reformers.” — A. LAWRENCE LOWELL.

3. To awaken civic consciousness, to interest the pupil in civic duty, and to prepare him, through instruction and practice, for its exercise.

“Instruction in civics should have for its highest aim the indoctrination of the learner in sound notions of political morality.” — S. E. FORMAN.

### III. Scope, and Place of Emphasis

1. Actual government as found in the local unit, the state, and the nation.

A knowledge of the organs and machinery of actual government is of course necessary to an understanding of its processes and functions, but the emphasis should be upon the latter.

2. So much of the history of government as is needed to explain present institutions and conditions.

In the study of the history of government, special attention is given to the **development** of institutions and practices; there is a constant comparison of **the then** with **the now**.

3. So much of the theory and principles of government as is needed to establish an orderly arrangement of the subject matter in the pupil's mind and to give him an understanding of the meaning of observed facts and phenomena.

The study of the theory and principles of government necessitates a constant seeking of the **why**; and a constant comparison of theory with fact, with some investigation of reasons for their differences.

4. The examination, in a concrete way, of the ethical principles underlying government and good citizenship.

5. All the application, all the learning by doing, all the discipline through the performance of such social duties as fall to pupils during school life, that can be had.

In the study of the ethical phase of government, and in the application of principles and truths learned to the direction of personal conduct, effort is made :

- a.* To bring out clearly and make real the pupil's personal relation to government — particularly as regards the benefits which he receives from government, and his duties and obligations toward government ;
- b.* To cultivate **Public Spirit** and develop habits of good citizenship through participation in the duties, obligations, and benefits of school life. Learning by doing is nowhere more important than in the study of citizenship.

The committee realize that such a syllabus is valuable for what it excludes as well as for what it includes, and they have thought it best to treat somewhat fully the more essential features of our American government, and to omit some of the topics (more properly, perhaps, belonging to the allied subjects of history, economics, jurisprudence, and sociology) often included in secondary school texts on government.

#### IV. Correlation and Isolation

A serious objection to many high school courses in government is found in the unwise correlation of civil government with history, or, to speak more exactly, in the attempt to make civil government an adjunct of history. The study of civics is important enough in the education of American youth to warrant the preëmption of a definite field of study and a sufficient time allotment. There should, indeed, be close correlation between civics, history, economics, and ethics ; but civics should have its own right of way and be untrammelled by either of the other subjects. It is often found that the subject taught under the head of civil government is constitutional

history; that is, the historical aspect of governmental institutions engrosses attention to the extent that only the most superficial work can be done toward getting a knowledge of the intricate machinery of present government — its operations, its principles, and its ethics. History is not civics, nor civics history. History deals mainly with the past, civics with the present. The historical narrative of the development of governmental institutions is often helpful, even necessary, to a thorough understanding of present government, but it is no more that government than the story of the evolution of the human race is the human race. Hence, in this syllabus the committee have limited the amount of history of government to so much only as seems needed to explain present institutions, conditions, and tendencies.

There is probably no danger that the ethics or the economics of government will be made too prominent

#### V. Point of Attack and Order of Topics

When we have decided upon the relative amounts of actual government, of history of government, of economics and ethics of government that may properly be put into a syllabus of civics, there remain two interrelated questions of order to be answered before we may begin to construct it.

First, shall the order of topics be local, state, and federal government, or vice versa?

In the study of history and some allied subjects, the logical development of the subject seems to demand that we begin at the beginning — remote in time and place — and follow the course of growth down to the present, while the psychological structure and growth of the pupil's mind demand a diametrically opposite procedure; viz., from the known and near at hand to the unknown and remote. But fortunately for the young student of government there are no such conflicting demands; both the logical development of the subject and the psychological structure of his mind demand that he begin with the known

and near at hand — his local government. Our state government was founded upon local government, which has its roots in the remote past and in the very essentials of human nature, and our federal government, the late flower upon the tree of civil liberty, shows in every part its relation to the parent stem and root.

“Heretofore, textbook writers on civil government have placed the emphasis on the national, rather than on the local, side of our political life, as if the growth of such ideas had been from above downward. This method has given students — the future citizens — a false conception of the genesis of all legitimate governments. Freeman has shown that the logical and historical order of political development has been from below upward, and it is certainly a matter of supreme importance, especially in a republic, that the young citizen should grasp this idea, and that he should realize the momentous importance of the principle.” — J. R. FLICKINGER, in the preface to his *Civil Government*.

A thorough knowledge of the machinery of local government and a clear understanding of its working are necessary also as an apperceptive basis for the study of state and nation.

Not only should the study of our federal government come last in the high school civics course, but the time devoted to this part of the subject should not be more than about one fourth of the time allotted to the whole. Commercial reasons, no doubt, have brought about the undue space and emphasis given in the majority of civics textbooks to the treatment of the federal government. Most of these textbooks were made to sell in all the states of the Union. Since state governments vary so widely that comparatively few statements — and these but general commonplaces — can be made regarding them, no adequate or concrete treatment of state government could be given in these books. Since local governments in the different parts of the Union vary still more widely than state governments, local government has received still less adequate and satisfactory treatment than state government has. Hence, textbook makers and publishers have relied

largely upon a treatment of the federal government to make textbooks which should be salable in all the states. Such books give to the young citizen a false perspective of the field of government, and a distorted view of his relation to it.

A moment's consideration will show that the pupil comes into direct contact with his local government scores of times oftener than with his federal government. His home is protected from fire and thieves by local government; the water, and often the light, is furnished; the electrical wiring and plumbing are inspected; garbage is carted away; the street before the house is repaired, cleaned, and sprinkled; his school buildings are built and cared for, his teachers hired and his books furnished by local government. His father's taxes are assessed and collected; his birth is registered, and his burial permit signed by local officers. He hears or reads in the daily papers more or less continual discussion of the powers and duties of local officers. The ordinances or by-laws that keep him from riding his bicycle on the sidewalk, or from coasting on some streets, or from doing various other things that he wishes to do, are made by the local legislative body. Through the courts and the administration of law, and through elections, the pupil may now and then become aware of his state government; while the postman and the currency represent the chief visible points at which the federal government touches his life.

The second question of order to which we should give at least a provisional answer before making our syllabus is: shall actual, present government, or the theory of government, or the history of government be presented first?

The answer to this question has been implied in the answer to the first, but we may get further light and guidance from a glance at the method of presentation of other subjects. Wherever the laboratory method may be used, *e.g.*, in physics and chemistry, the prevailing opinion is that the thing itself should be studied first, and principles be deduced or illustrated thereby. Principles, however, are not left wholly to be deduced, nor are theories postponed too long. They are

brought forward from time to time by the wise teacher as they are needed for stagings and supports to the laboratory work. In the same way, the history of the subject is introduced at whatever time it seems likely to be studied with the greatest interest and to serve best to explain and illuminate present phenomena and conditions.

Since, therefore, the method of study of local government is in a degree objective and empirical, if we begin with this part of our subject, we may follow the method of science teaching, and present actual government first.

The study of state and federal government, however, must, as we have said, proceed chiefly by the library method, and the history of these institutions may well serve as the avenue of approach to the study of them as they now exist; or at least the main facts of their historical development may be introduced early in the course of the study of them.

Granting, then, that the high-school pupil should begin his study of civics with present, local government, we still find it necessary that somewhere in the early part of his course there should be a brief study of the fundamental definitions and basic principles of government. Some teachers prefer to have this preliminary investigation and discussion of theory and principles before beginning the study of local government, others prefer to have it follow, still others would sandwich it in with the more or less empirical study of local government. Probably it makes little difference which of these courses is followed, provided this preliminary theoretical basis is laid before the student passes to the study of the state government. **In any case, this theoretical outline should be reviewed from time to time and enlarged and completed as the pupil's acquired knowledge of the subject makes it possible.** In the following syllabus, however, in order to preserve the unity of presentation, the preliminary discussion of theory and principles is brought together in one section and placed before the outline for the study of local government; and the more immediate historical facts of the development of town, county, state, or national government are

placed at the beginning of the outline for the study of each of these topics; while the more complete and extended history of the rise and growth of civil liberty is left for the teacher of history to present.

## VI. Method

In the study of the actual government of the town, district, or city in which the school is situated, the **laboratory** method should be used as far as possible. That is, the town, district, or city government, its processes and functions, should be made the basis of observational study, and the town, district, or city documents the chief texts. The teacher should call out from the different pupils of his class all the various points of contact they have had with government, whether it be that of the home, the school, or of the local civic unit; and he should plan systematic visiting in connection with the different topics as they are taken up. Before making a visit, it is desirable to have some introductory and preparatory work done, either through study of the text or through discussion, that the students may grasp more fully the significance of what they observe during their visit. The teacher should see that a carefully prepared set of directions to be followed and questions to be answered be put into the hand of every pupil when setting out upon a visit. The following is a sample set used by a city high-school class when visiting a caucus or primary: —

1. What ward and precinct do you live in?
2. Make a diagram of the polling place, giving location of booths, ballot box, entrance exit, etc.
3. What seems to be the duty and position of each officer present?
4. What documents do you see used?
5. What does the voter say? to whom?
6. What is said to the voter? by whom?
7. What does the voter do? (Give in detail.)
8. Get sample ballot if possible; if not, copy a sample ballot that you will find posted on the wall.

9. Find out how the names got upon the ballot.
10. Who makes the ballots?
11. What is done with them after the voting is over?
12. Who is holding this caucus?
13. What is the business — so far as you can learn from the ballot — of this caucus?

For a visit to a polling place at an election, in addition to the above questions and directions, there were used the following:—

14. How are the election officers chosen?
15. Why do they, for the most part, work in pairs?
16. What are the steps in counting the votes?
17. How does an election differ from a caucus or primary?
  - (a) In the personnel of the voters?
  - (b) In its business?

After the visit, the assignment of the text should be again carefully studied and the appropriate documents made to furnish all the information possible. After these steps have been taken, the pupil may be considered ready for recitation. The visits annually made by the civics class of one New England city high school are as follows:—

1. In connection with the study of nominations and elections,
  - a. To the registrars of voters' office to see registration of voters.
  - b. To a primary or caucus.
  - c. To a nominating convention (senatorial or other district).
  - d. To a polling place at election.
2. In connection with the study of the legislative department,
  - a. To several sessions of the city council.
  - b. To a neighboring town meeting.
  - c. To a legislative committee hearing (of city council or sometimes of state legislature).
3. In connection with the study of the executive department,
  - a. To the inauguration of the city government.
  - b. To the offices of mayor, treasurer, city clerk, auditor, etc.
4. In connection with the study of the judicial department,

- a. To the police court (civil session).
- b. To the superior court room (preliminary visit), grand jury room, registry of deeds, jail, and house of correction.
- c. To the superior court at its opening session.

As a sample of such a laboratory exercise in civics, a preliminary visit to the superior court room and grand jury room, made in connection with a visit to the county buildings, may be described.

A preliminary study of the county government has been had, and, in connection with the fact that the county in New England is the unit for the administration of justice, a brief outline has been given of the relation of the local (district) court, the grand jury, the superior court, the jail, and the house of correction.

The class are taken to the grand jury room, asked to note its small size — the grand jury sittings not public; to count the chairs — number of grand jurors twenty-three. An accused is chosen from among the pupils to take his place on the witness-stand and an impromptu sheriff to have custody of him. After a brief statement of the source of the indictment, of the facts that only witnesses against the accused are heard here, and that a majority vote of the jury is necessary to the finding of “A true bill,” etc., the class follow the sheriff and his prisoner to the superior court room. The teacher assigns one student to the judge’s chair, another to the clerk’s desk, assigns to their respective places a crier, a reporter, two or three witnesses, some lawyers, and impanels a jury of twelve for the jury box. The rest of the class occupy the public seats. After the teacher has given a brief outline of the trial of a case, calling attention to the duties of the various officers in the court room, the judge sentences the prisoner (with all others in the room) to sixty minutes in the house of correction. The sheriff takes the class there, and they are duly committed — unless, as sometimes happens, a bona fide sheriff brings a bona fide prisoner at this opportune moment. Behind the doubly locked doors the keeper shows the students the cells of the prisoners, who are at this time at work in the shops, and explains the provisions — made under

the direction of the county commissioner — for the care of the inmates. The class are shown the jail in which, the keeper explains, are kept those prisoners not yet proven guilty, between their experience in the police court and that of the grand jury room, or between the latter and the forthcoming trial in the superior court.

After an inspection of the laundry, the baths, the kitchen, and after seeing the convicts working in the shops, then taking their food and being locked in their cells, the pupils hear from the keeper a brief statement of the relation of the officers of the institution to the county commissioners and to the sheriff, and are dismissed.

It must be borne in mind that this is only a *preliminary* visit preparatory to a more careful and detailed study of the state judiciary and to later visits to the district and superior courts in session.

When these later visits to the courts in session are made, by reason of the preliminary visit and the careful study of the state judiciary that follows, the pupils are able to understand something of the duties of the judge, the jury, the clerk, the witnesses, the lawyers, the sheriff, and the other officers, to know how they come to be present, and to grasp fairly well what is going on in the court room.

In the study of state and national governments the **library** method must of course be employed. Besides the textbook and such supplementary and reference books as may be had, the United States Constitution, state constitutions, city charters, the legislative manuals of local, state, and national governments, the various documents and reports published by local, state, and national governments, numerous political papers, such as ballots, credentials, certificates of nomination, warrants for meetings, legal forms, etc., constitute the student's working library. And the bulletin board, with its daily quota of clippings, legal notices, and announcements, touching the particular portion of the subject being studied by the class, should be an essential piece of apparatus. Besides serving to illuminate the textbook, such material arouses interest and gives vitality to the study. An excellent practice is to have pupils select newspaper articles upon current political ques-

tions which have a bearing upon the phase of government that is being studied, and write discussions thereon. These articles and discussions, if preserved in some form throughout the year, will tend to train the pupil to steadiness of judgment, will give him valuable practice in the intelligent use of the newspaper, and will train him to think closely upon what he reads.

Comparison is a dominant note in the following syllabus. The pupil is urged to compare his own local government with that outlined in the syllabus, and with other local governments, and to compare his state government with that outlined in the syllabus, with that of other states, and with his local government; and finally to compare the federal government with his state government and with his local government. Some excellent teachers have urged a further comparison of our American forms of government, particularly municipal and federal, with European forms. Some opportunity has been given under city and federal governments for students who wish to do some such comparative study, but the committee feel that the field of study must be kept reasonably narrow in order that thorough work may be done, and therefore have made but little provision for such comparison.

The aim of this comparison is twofold: (1) to assist the memory and to deepen impressions — John Fiske says, “It is impossible thoroughly to grasp the meaning of any group of facts, in any department of study, until we have duly compared them with allied groups of facts” — and (2) to stimulate intelligent criticism to the end that as generation after generation grow up and have their influence upon government, the unnecessary, the weak, and the bad in government may be eliminated, and the necessary, the efficient, and the good become universal.

## VII. Form of the Syllabus

In a syllabus of this kind, strictly logical arrangement and perfect form, desirable as they are, must be considered of secondary importance when compared with usability and serviceability to student and teacher.

The topic is the customary building stone of the syllabus, and must continue so, but it has an inherent weakness. The relative importance of topics can be indicated only in the roughest way; a topic stated in a few words may be more important and may properly be given more time and attention in the classroom than one developed through a number of sub-topics. While statements belong rather to the textbook, and questions — in their customary uses — to the teacher, yet, after much deliberation, the committee decided to use statements sparingly, and also to replace both topics and statements by interrogative forms wherever there were good pedagogical reasons for so doing. Varying amounts of each of these three forms seem desirable in different parts of the syllabus. The topical form may be used almost exclusively in constructing an outline for the study of the theory of the state, or for the study of the single institution of federal government. But for the outline of local and state governments, in which there is an infinite number of variations, and where the particular variation represented by his own local or state government is most essential and most interesting for the student, the statement can be but little used, and the interrogative form is often much preferable to the topical, and at times seems absolutely indispensable. It should be noted, however, that this is not the use of the question — usually found at the end of sections or chapters of textbooks — for review, or to test the student's faithfulness with the text, but a use of the question as an essential part of the guiding lines (*Leitfaden*) along which the student is to be led to an adequate conception of the individual institution — town, county, city, or state — in which he lives and which he is making his immediate object of study.

Directions, tabulations, and diagrams that have been found especially helpful have been admitted in the body of the syllabus wherever they seemed most serviceable.

No attempt has been made to keep scope and method entirely separate. While general principles of method have been set forth in the introduction, a somewhat constant application of these principles has

been made as the several topics have been developed, even at the risk of repetition.

Regarding bibliography and references, it was decided, after some discussion of the value of general references compared with that of specific references, to compromise; and the titles of a few carefully selected reference books have been given at the heads of chapters, while more specific references have been given at the heads of main sub-topics, and very specific citations, with chapter or page indicated, have been made in close connection with subordinate topics.

### VIII. Preparation of the Teacher

No subject of the secondary-school curriculum makes greater demands upon the teacher than civil government.

In order that his instruction may meet with a reasonable degree of success the instructor in civil government needs:—

#### 1. Theoretical knowledge.

Besides a much wider knowledge of the theory and principles of government than he is called upon to teach, the teacher of civics needs:—

*a.* A wide and accurate knowledge of history, particularly of institutional history.

*b.* A good grounding in the principles of political economy.

*c.* Some knowledge of law and jurisprudence.

*d.* As much knowledge of sociology at least as is contained in Giddings' *Elements of Sociology*.

*e.* A knowledge of parliamentary practice.

#### 2. Practical knowledge.

A knowledge of the organs and functions of actual government, and a thorough familiarity with practical politics, *i.e.* with party machinery and political practices.

To the end that civics may appear to have a practical bearing and a live interest to students, and not be dealt with in a purely

academic way, it is important that the teacher be as much at home in a ward caucus or in a nominating convention, and understand as well what is going on there, as the most astute politician. Teachers may think this a hard qualification to meet. It is; and it may cost some years of first-hand study of practical politics, but it is absolutely essential to good teaching. No instructor has an excuse for ignorance in this portion of the field. How disastrous it would be to the chemistry teacher's usefulness were he to visit a soap factory or a bleachery with his class and be obliged to admit that he did not know and could not understand what was going on there! What teacher of botany or zoölogy would be considered capable were he to find himself, on taking his class to the fields, bewildered by the many phenomena of life and ignorant of the significance of their forms and movements?

3. Civic spirit and enthusiasm for the subject.

No teacher should assume the responsibility of giving instruction in civics unless he has a deep interest in the civic life of his community and possesses a missionary spirit.

To the prospective teacher of civics the requirements here mentioned may seem exacting; but he will find that this preparation is but a minimum, and that as he goes on he will discover that he can never exhaust the subject or find himself completely prepared.

Yet he may console himself with the thought that the work of no other teacher is more important for the student, for the community, and for civilization.

AN OUTLINE FOR THE STUDY OF  
AMERICAN CIVIL GOVERNMENT



# A SYLLABUS OF AMERICAN CIVIL GOVERNMENT

## CHAPTER I

### PRINCIPLES AND DEFINITIONS

ALTHOUGH it seems necessary for the pupil to have, near the beginning of his study of government, some conception of the meaning of such terms as the State, sovereignty, government, and law, yet it is not expected that he will grasp fully all the content of this first chapter before he proceeds to the study of actual government. Indeed, some teachers will prefer to take up no more than the introductory lesson before passing to the study of the local government. In any case, however, a return to this chapter should be made from time to time, until the pupil has a fairly good grasp of all of it. For while too much insistence upon theories at first may tend to deaden interest, and to give the pupil the idea that government is something intangible, far away, and unreal, yet, on the other hand, a too long-continued dealing with the empirical facts of government, with no theories and principles to connect and illumine them, will, doubtless, cause the pupil to miss the meaning of much that he sees, and, because his mind is filled with a seemingly unrelated mass of facts, give him the impression that government is a "rule of thumb" business. Again we venture the caution that the teacher do not attempt to have his class go too deeply into this chapter, and thereby spend undue time upon it. Only so much political theory should be taught as will suffice to give the pupil some knowledge of the nature of the body politic, its evolution, and its general organization. It is not profitable to take up at any length the political theories of individual writers, however impor-

tant these may be for the advanced student of government. The main end sought by instruction in this part of the field is to give the pupil some well-defined preliminary ideas and to make clear the difference between several important political terms which are popularly confused. Not more than five or six periods ought to be given to this section of the work.

### INTRODUCTORY LESSON

- I. A review of the pupil's experience with government, at home, in school ; with local, state, and national government.
- II. A review of what the pupil has previously learned about civil government.
- III. A consideration of the source of authority in home, school, local, state, and national government.  
Who makes the laws? Who interprets them? Who executes them?  
A preliminary definition of the State.
- IV. Reasons why government is necessary :
  1. A social obligation.  
The nature of human beings necessitates society, hence government is necessary for,
    - a. The protection of persons and property.
    - b. Coöperation for the promotion of the general welfare.  
Give examples illustrating both.
  2. A moral obligation.
- V. Obligations of the individual toward government.
  1. To support it.
    - a. with money — taxes.
    - b. by taking an active part in it.
  2. To obey the "rules of the game."
  3. To interest himself in having others do so.
- VI. The way the State expresses its will. Preliminary definition of government and law.



## THEORY OF THE STATE

## REFERENCES

- Ashley, R. L., *The American Federal State*, Chap. I.  
 Bluntschli, J. K., *Theory of the Modern State*.  
 Dunning, W. A., *History of Political Theories*.  
 Leroy-Beaulieu, P., *The Modern State*.  
 Merriam, C. E., *American Political Theories*.  
 Pollock, Sir Frederick, *An Introduction to the History of the Science of Politics*.  
 Wilson, Woodrow, *The State*.  
 Willoughby, W. W., *The American Constitutional System*.

**I. The nature of the State.**

1. Definition of the State.  
     Comparison of various suggested definitions.
2. The essential attributes of a State.
  - a. Territory.
  - b. Population.
  - c. Organization.
    - (1) A system of government.
    - (2) A system of law.
  - d. Sovereignty. (See III, below.)
3. Distinction between "states," "nation," "society," and "government."

**II. The origin of the State.**

1. Theories of state origin.
  - a. The theory of divine origin.  
     Statement and criticism.
  - b. The theory of the social compact.  
     Statement and criticism.
  - c. The historical theory.
2. The historical evolution of the State.
  - a. Organization of the family unit.
  - b. Organization of the tribal unit.
  - c. Examples of political evolution of the State.



**III. The organization of the State.**

1. The sovereign power.
  - a. Nature of sovereignty.
  - b. Origin and development of sovereignty.
  - c. Its essential attributes.
  - d. The location of sovereign power.
    - (1) How determined.
    - (2) In the United States.
  - e. Sovereignty and government distinguished.
2. The government.
  - a. The nature of government.
  - b. The immediate basis of government.
    - (1) Written and unwritten constitutions.
      - (a) Their essential features.
      - (b) Merits and defects of each.
    - (2) The system of law (statutory).
      - (a) Definition of civil law.
      - (b) Contrast of statutory and common law.
    - (3) Relation of constitutions to law.

Some such tabulation of the various forms of law as the following will be found useful.

Civil	{	Written	{	Constitutions
Law		(made by		Statutes
	legislative	Charters		
	bodies)	By-laws		
	{	Common		
		(made by the		
		courts)		

- c. The classification of governments.
  - (1) Monarchy, aristocracy, democracy, and republic.
  - (2) Monarchical and republican.



- (3) Autocratic and representative.
- (4) Unitary and federal.
  - (a) The nature of federal government.
  - (b) The merits and defects of federalism.
- d. The functions of government.
  - (1) To secure justice to members of the State, by securing the "natural rights" :
    - (a) Right of personal security :
      - Of life and limb,
      - Of health,
      - Of reputation.
    - (b) Right of personal liberty :
      - To come and go,
      - To speak and write,
      - To assemble peaceably,
      - To be free from unreasonable search.
    - (c) Right of private property :
      - To acquire, use, and dispose of property, including time and labor.
    - (d) Right to freedom of thought and of religious worship.
    - (e) Limitation of the "natural rights" of the citizen :
      - By the rights of his neighbors,
      - By the needs of the State, —
        - Taxation,
        - Eminent domain.
    - (f) Forfeiture of the "natural rights."
      - Meaning of civil liberty.
  - (2) To promote the general welfare :
    - (a) By measures of public utility, — the building of roads and bridges, public buildings, systems of water supply and sewage, etc.
    - Coinage.
    - Postal service.



- (b) By promoting industries, —
  - Agriculture.
  - Commerce.
  - Manufacture.
- (c) By furnishing education.
- (d) By care of the unfortunate and irresponsible.
- (3) To defend the State :
  - (a) From domestic enemies.
  - (b) From foreign enemies.
- (4) The limits of State interference.
- e. The departments of government.
  - (1) Legislative.
  - (2) Executive.
  - (3) Judicial.
  - (4) Relation of the foregoing.
  - (5) Reason for separation of departments.
- 3. The citizen.
  - a. The nature of citizenship.
  - b. The privileges of citizenship.
  - c. The obligations of citizenship.
  - d. The relation of the citizen to sovereign power.
    - Meaning of political liberty.
  - e. The relation of the citizen to government.
    - (1) Meaning of political equality.
    - (2) Meaning of social and economic equality.



## CHAPTER II

### LOCAL GOVERNMENT

EVERY pupil should begin with the study of the government of his own local unit. This outline is built upon the idea that the pupil is to get his fundamental notions of the purposes, organs, and functions of government from local government — the government with which he is in direct contact — and that, using these notions as his apperceptive bases, he is to go on through state and national government, building up and rounding out his conceptions of government and its functions. This method of procedure with the study of government makes necessary much visiting and direct observation in the early part of the study, and a close touch with the actual movements of government throughout the entire course. Civil government can no more be learned from a textbook alone than can chemistry.

Of course all pupils do not have equally good opportunities for studying local government, yet practically every one, be he a member of ever so small a community, lives under some form of local government and may observe its movements. With the help of the newspaper, pictures, and books, the teacher may hope to give such a pupil a fairly adequate notion of the more complete forms of local government, and thus to prepare him to understand state and national government.

Such a method of study demands a comparison with his local government, not only of the various type forms of local government, but also of his state and national government, as he comes to a study of them. Take, for example, the study of the legislative department. When the student reaches his state legislature he is to build upon his knowledge of his local legislative body previously studied; again, when the national legislative body is reached he is to look back upon his study



of both local and state legislative bodies. Such constant tracing of likenesses and divergencies must help to inculcate correct notions.

To meet the needs of all pupils living under the various forms of local government, two outlines of each form are, no doubt, necessary. One should be very full and complete for the student who lives under that particular form of government and is to get his apperceptive material from it. The other should be comparatively brief for the pupil living under another form of local government, who needs to know only the essential features of local governments not his own. Such a double set of outlines would make this syllabus too bulky. The fuller outlines, therefore, have been given for the county, the New England town, and the city; the briefer outlines for the others. It is left for the teacher who lives under any one of the forms of local government more briefly outlined here to elaborate and complete the outline of his own government, and also to eliminate much of the detail given in the outlines of county, town, and city.

#### REFERENCES

- Fairlie, J. A., *Local Government in Counties, Towns and Villages*.  
 Howard, G. E., *Local Constitutional History in the United States*.  
 Fiske, John, *Civil Government*.  
 Bryce, James, *American Commonwealth*, Vol. I, Chaps. 48 and 49.  
 Wilson, Woodrow, *The State*, 995-1045.  
 Evans, L. B. (Editor), *Handbooks of American Government*.

### **I. Forms of Local Government.**

1. The County.
2. The Town or Township.
3. The School District.
4. County Districts.
5. The Village or Borough.
6. The City.

### **II. Their Relation to the State.**

1. They are corporations or quasi-corporations created or recognized by the state.



2. They are agents of the state for the discharge of certain business of the state.
3. They are governmental organizations charged by the state with the control of certain local affairs.

### III. Their Relation to Each Other.

1. The towns (townships), villages, and cities are all subdivisions of the county; but
2. The authority of all the local governments is derived directly from the state, and
3. The county generally exercises but little control over its subdivisions in the discharge of their functions.

### IV. Systems of Rural Local Government.

1. The County system of the Southern, Mountain, and Pacific states, in which the county is the chief organ of local government.
2. The Town system of the New England states, in which the town is the chief organ of local government.
3. The County-Township system of the Central and Middle-Western states, in which the functions of local government are more evenly divided between the county and its subdivisions.

### V. The County.

#### MATERIAL NEEDED

- Map of student's state showing counties.
- Enlarged map of student's county showing subdivisions.
- Reports of the officers of the county.
- Ballots used at election of county officers.
- A complete file of legal notices from the local paper.
- Copies of the more common legal blanks.
- The state constitution and Revised Statutes.
- The state manual.
- The political, civil and criminal codes, if the pupil's state has them.

#### VISITS

- If the county seat is accessible,
- To the county courthouse when the court is not in session.
- To the county court in session.



To the county jail and house of correction.

To the county registries.

To the county executive offices.

1. Brief history of the county,
  - a. In England.
  - b. In the American colonies,
    - (1) In Virginia.
    - (2) In New England.
    - (3) In the middle colonies of New York and Pennsylvania.
2. Place of the county in local government.
  - a. It is the largest corporate subdivision of a state or territory established for the purpose of local government.
  - b. It is created by the state, either
    - (1) By permission of the Constitution or
    - (2) By legislative enactment.

How and when was your county established ?
  - c. Number, area, and population.
    - (1) Number in the United States (census of 1900) 2852.  
Numbers in the several states vary from 3 in Delaware to 243 in Texas.  
How many counties in your state ?
    - (2) Area varies from that of Bristol County, R. I. (25 square miles), to that of Custer County, Montana (20,490 square miles).  
What is the area of your county ?
    - (3) Population varies from 4 (Brown County, Texas) to 2,050,600 in New York County, New York.  
What is the population of your county ?
3. Functions of the county. Fairlie, *Local Government in Counties, Towns and Villages*, Chap. 4.
  - a. Functions performed as agent of the central government of the state.
    - (1) The administration of justice (in all the states).



- (2) The collection of state taxes (in most of the states).
- (3) The holding of state elections (in most of the states).
- (4) The probating of wills and recording of land titles (in most of the states).
- b. Functions generally performed as an organ of local government.
  - (1) The levying and collecting of local (county) taxes.
  - (2) The administration or supervision of schools.
  - (3) The administration of charities and corrections.
  - (4) The construction and maintenance of local public works.
  - (5) The holding of local elections.
  - (6) The enactment of police regulations, *e.g.* for the control of the liquor traffic.
- 4. Organs of government of the county.
  - a. Officers connected with the courts.
    - (1) The county judge.  
The judge is frequently chosen for a district including more than one county, but he always holds court in each county in his district.
    - (2) The probate judge.  
The functions of the probate judge are frequently vested in the county judge.
    - (3) The sheriff.
    - (4) The coroner.
    - (5) The prosecuting attorney.
    - (6) The clerk of the court.
  - b. Nonjudicial officers.
    - (1) The county board, two types.
      - (a) The board of commissioners, as in Indiana.
      - (b) The board of supervisors, as in New York.
    - (2) The auditor.
    - (3) The treasurer.



- (4) The recorder or register of deeds.
- (5) The surveyor.
- (6) The superintendent of schools.
- (7) The assessor.

Compare this list of officers with those to be found in your county.

- c. Methods of selecting county officers.
- d. Terms of office.
- e. Remuneration.
  - (1) By fee.
  - (2) By salary.
- f. Powers and duties.

Note that in the government of the county the threefold separation of powers (executive, legislative, and judicial) is not made to any extent.

Learn the powers and duties of these officers (and any others which there may be) in your own county.

## VI. The Town or Township.

### REFERENCES

- Howard, G. E., *Local Constitutional History of the United States*.  
 Fairlie, J. A., *Local Government in Counties, Towns and Villages*.  
 Buchanan, W. E., *Powers, Duties and Liabilities of Towns and Town Officers in Massachusetts*.  
 Fiske, John, *Civil Government*, Chap. II.  
 Butler, W. R., *Government in the New England States*.

### MATERIAL NEEDED

- Town reports and copies of town warrants from larger and smaller towns.  
 Tax bills and other town documents.

### VISIT

The town meeting.

1. Brief history of the town in New England.
2. Brief history of the adoption of town (township) government in the West.



3. Town (township) created by the state.
  - a. By special legislative enactment.
  - b. By the people of a community under the authorization of a general law.
4. Functions of the town (township).  
Widely varying in different states. Compare the functions of your own town or township with those of your county.
5. Organs of government of the New England town.
  - a. The legislative department — the town meeting.
    - (1) Composed of all the voters of the town, — an example of pure democracy.
    - (2) Method of calling the town meeting. The warrant.
    - (3) Method of conducting the town meeting.
    - (4) Functions of the town meeting.
      - Election of a moderator.
      - Election of town officers.
      - Making of appropriations.
      - Enactment of ordinances or by-laws for the town.

Review the classification of laws (page 6) and place by-laws in their proper relation to other forms of law.
  - b. The executive department.
    - (1) The board of selectmen.
      - (a) Number.
      - (b) Term.
      - (c) Functions.
    - (2) School committee.
      - (a) Number.
      - (b) Term.
      - (c) Functions.
    - (3) Other officers.
      - (a) Town clerk.
      - (b) Board of assessors.
      - (c) Tax collector.



- (d) Treasurer.
- (e) Board of overseers of the poor.
- (f) Constables.
- (g) Auditors.
- (h) Superintendent of streets.
- (i) Fence viewers.
- (j) Pound keepers.
- (k) Surveyors of wood and lumber.
- (l) Sealers of weights and measures.

Duties of each to be briefly treated.

c. The judicial department.

Strictly speaking, the town has no judicial department, but local courts for the trying of minor cases are held in each town or in districts comprising a few towns. These are called police courts, trial justices, or district courts. The judges are usually appointed by the governor, but in Vermont, Connecticut, and Rhode Island the voters choose justices of the peace, who have minor judicial functions.

Topics for discussion and questions.

(1) Relation of town to county and state.

- (a) Has the state a right to require and control the education of its youth?
- (b) Does this right to direct the education of its youth carry with it the right to abolish, control, or assist private schools?
- (c) The work of the school committee. Is this committee a legislative, executive, or judicial body?
- (d) What constitutes the judicial department of your town? Under what authority does it act?
- (e) If a bridge is to be built across a river which separates your town from another town, who has charge of the matter?



- (f) What authorities may have to do with the roads in your town?
- (2) Town finances.
  - (a) The assessment and collection of taxes. What is real estate and what personal property (see p. 60).
  - (b) The work of the auditor. How may money be drawn from the town treasury?
  - (c) Has your town any debts? How are they to be paid? How does your town borrow money?
- (2) What officers or departments are found in larger but not in smaller towns? why?
- 6. Organs of government of the town or township of the central and western states. Fairlie, *Local Government in Counties, Towns and Villages*, Chap. 9.
  - a. Legislative department.
    - (1) Types.
      - (a) Town meeting. In New York and Illinois, much like that of New England though less authoritative, *i.e.* in New York no power to tax.
      - (b) Township trustees.
        - Of which type is your town?
    - (2) Functions of legislative department, widely varying. Study the legislative functions of your own town or township.
  - b. The executive department.
    - (1) Types.
      - (a) The board of supervisors or trustees, as in Pennsylvania, Ohio, Iowa, Minnesota and the Dakotas. Compare with the board of selectmen in New England.
      - (b) A single officer, called the supervisor in New York, Michigan and Illinois, the town chair-



man in Wisconsin, and the township trustee in Indiana, Missouri, Kansas and Oklahoma.

(c) Other officers.

The township board.

The treasurer.

The clerk.

Assessors.

Overseer of the poor (in a few states).

Highway commissioners (in a few states).

Constables.

c. The judicial department.

Justices of the peace are usually elected in townships, and in many states their jurisdiction is confined to the township in which they are elected. But they are generally regarded as county rather than township officers.

**VII. School districts.** Fairlie, *Local Government in Counties, Towns and Villages*, 182-185.

1. In the central states, the school district is a local corporation distinct from the township, but frequently comprising the same area.

2. Organs of government.

a. The school meeting, comprising all the voters. In many states, women may vote at these meetings.

b. The school trustees, variously known as school directors, board of education or township trustee. "Where there are no school meetings of voters, these officers have full control. Where there are such meetings they carry out the votes passed, appoint teachers, determine the course of study, and manage the finances of the schools."

— Fairlie, *Local Government in Counties, Towns and Villages*, 184.

3. Functions of government.



- a. Elect school officers.
- b. Vote school taxes.
- c. Locate school sites, and decide other questions of school management.

**VIII. County districts.** Fairlie, *Local Government in Counties, Towns and Villages*, Chap. 10.

In many states of the South and West, the counties are not divided into towns or townships, but many special districts are created for special purposes. They are too numerous and of too great variety for enumeration here.

**IX. The Village.** Fairlie, *Local Government in Counties, Towns and Villages*, Chap. 11.

A semiurban, semirural district organized by the state as a corporation.

1. Method of incorporation.
  - a. Usually on the initiative of the people concerned.
  - b. In many states the question of incorporation must be submitted to popular vote.
  - c. In many states, only communities of a certain minimum population may be incorporated.
2. Organs of government.
  - a. The legislative department — the village council or board of trustees.
    - (1) Number, 3 to 9.
    - (2) Term, 1, 2, or 3 years.
  - b. The executive department.
    - (1) The mayor or president or chairman of the board of trustees.
    - (2) Minor officers.
      - (a) Clerk or recorder.
      - (b) Treasurer or collector.
      - (c) Constable or marshal.
      - (d) Street commissioners.



*c.* The judicial department.

Many villages have a justice of the peace, but he is a county rather than a village officer.

Many villages are constituted as school districts with the usual officers.

3. Functions of government.

The village exists almost entirely for the purpose of local government, almost its only function for the state being the preservation of the peace. Village functions generally include —

*a.* The levying of local taxes.

*b.* The maintenance of fire, water and light departments.

*c.* The control of streets, bridges and public works.

*d.* The regulation of public health and sanitation.



## CHAPTER III

### LOCAL GOVERNMENT, *continued*; CITY GOVERNMENT

#### A. METHOD AND EQUIPMENT

IF the student lives in a city, the machinery of his own city government in actual operation should be the basis and starting point of his study, as town, county, village, or borough government in actual operation should be the basis and starting point for the study of the pupil who lives under any one of these forms of local government. The student, however, who lives in a town, county, village, or borough, and begins his study with local government, may not find it necessary to give it so much time, but may soon pass to the consideration of his state government; for his local government offers no very extended field for study, and is in itself more or less incomplete and rudimentary. But the city student of local government has a large and important field open to him, and he may well afford the time to investigate it; for his city government miniatures to a greater or less degree his state government, and in becoming thoroughly conversant with its organs and their functions he is laying a strong apperceptive basis for the study of state government, which may, in consequence, be grasped by him in much less time than must be devoted to it by the non-city pupil.

Although the following syllabus is designed to meet the needs and opportunities of the city pupil, it will serve, with some adaptation, for a guide to the rural pupil's study of city government. For the rural student's use, the teacher is advised to make the following adaptation:

1. Omit much of the detail.
2. Supply the place of visits (wherever pupils are not near enough



to some city to make visits feasible) by pictures and descriptions.

3. Use the pupil's own local government — village, town, or county — which will already have been studied, as an apperceptive basis, comparing each main feature of the city government with the corresponding feature of his local government.

At the very outset, the student of city government should visit the three departments of it a sufficient number of times to gain a general idea of their constitution and operation. It is best to begin with the legislative department. A fairly clear knowledge of this department and its operation will require several visits, while many of the executive offices may be inspected in a general way in a single afternoon. One or two visits to the local court will be sufficient. The teacher will, of course, take his class to see the registration of voters, to the registry of deeds, to a caucus, to such nominating conventions as may be held in the city, and to the polls on election day.

Besides a good textbook in civics, there is needed for the study of city government the following material :

#### MATERIAL

The city charter and ordinances.

The municipal manual for the current year (a copy for each pupil).

A map of the city showing the ward lines.

A complete file of the city council calendar.

Copies of bills in the various stages of their progress.

The annual reports of all the administrative boards and heads of departments.

The printed forms used in the offices of the clerk, the treasurer, the auditor or controller, and the board of assessors.

A declaration of taxable property, and a tax bill.

A check list of voters for each ward of the city.

Copies of the tally sheets used at city, state and national elections.

A caucus ballot (if any are used).

Copies of delegates' credentials.

Certificates of nomination.

Independent nomination papers.

A copy of the jury list.



A full set of legal forms used in civil and criminal actions.

A quitclaim and a warranty deed.

A complete file of legal notices from the daily papers.

The bulletin board will be in constant use. The daily posting of clippings from the local press concerning the municipal government may be given over to a committee of members of the class, which may be changed each week. Upon the basis of empirical knowledge gained through visits, these clippings will not only furnish much knowledge of the actual working of the municipal machinery, but will also serve to sustain a lively interest by keeping the class in close touch with the actual government of the city from day to day and from week to week.

## B. INTRODUCTORY STUDY

### REFERENCES

Bryce, James, *The American Commonwealth*, Vol. I, Chaps. L-LII.

Goodnow, F. J. (1) *City Government in the United States*.

(2) *Municipal Problems*.

(3) *Municipal Home Rule*.

(4) *Municipal Government*.

Wilcox, D. F., *The American City*.

Howe, Frederick, *The City, the Hope of Democracy*.

Eaton, D. B., *Government of Municipalities*:

Fairlie, J. A., *Municipal Administration*.

Hart, A. B., *Actual Government*, Chaps. XI and XII.

James and Sanford, *Government in State and Nation*, 26-47.

Ashley, R. L., *American Federal State*, Chap. XXI.

Hatton, A. R., *Digest of City Charters*.

### I. A brief study of the rise and growth of cities in the United States.

1. Compare the number and size of cities at the time of the first census with the number and size of cities at the present time.
2. Compute the percentage of urban to rural population at each of the above-mentioned periods.
3. Try to discover the causes for this flowing of population toward cities. Bryce, *The American Commonwealth*, I, 622; Hart, *Actual Government*, 181, 182, 201, 202; Goodnow, *Municipal Government*, 4-14.



II. **The history of the change of government** in the pupil's community from town, village, borough, or county, to city. *References: town and city records at city clerk's office; the local history.*

III. **Reasons for the change.**

1. Town government inadequate for dealing with the many problems of protection, coöperation, and promotion of the common welfare which present themselves to the inhabitants of large, thickly settled districts.

a. Make a list of things which the rural citizen does not need, or can furnish for himself, but which the urban citizen does need and cannot furnish for himself; *e.g.*, a water supply, sewer system, street lights, garbage removal; protection from contagious diseases, from fire, etc.

b. Make a list of the things which the rural citizen may do without interfering with his neighbor's interests, but which the urban citizen cannot; *e.g.*, keep pigs, burn rubbish, etc.

2. Town meetings inconvenient and even impossible when a community has reached a certain size.

IV. **A village or borough a sort of incipient city;** its form of government suited to the needs of a somewhat thickly settled but comparatively small district. Hart, *Actual Government*, 169, 170; Forman, *Advanced Civics*, 216-218.

V. **Preliminary study of the city charter.** Ashley, *The American Federal State*, 406-407.

Review the classification of law (p. 6) and place the charter in its proper relation to other forms of law.

1. The charter the fundamental law of the city, granted by the state legislature in one of the following ways:

a. By an act of special legislation; *i.e.*, giving each individual city a charter peculiar to itself. Most New England city charters are of this kind.

b. Under general statute which,



- (1) Enacts general form of charter applicable to all cities of a certain size within the state; or
- (2) In a few states, for example Illinois, enacts municipal corporation acts which control city governments only in the larger features, and allows a comparatively large range of powers and liberties; or
- (3) In some states, for example Missouri, California, Minnesota, and Washington, grants cities above a certain size the privilege of drawing up — subject only to the general provisions of the Constitution — their own charters.

Under which one of these methods was your city charter made and adopted?

2. Contents of the charter.

a. Divides territory into wards and precincts.

b. Describes form of government.

NOTE. — If town government has previously been studied, note the new principle in city government.

c. Provides for the election or appointment of officers, and describes their qualifications, duties, and powers, or gives over to the city council the power to regulate these things by ordinance. Hart, *Actual Government*, 183-185.

3. Amendments, how made.

a. By special enactment of the legislature, or

b. Under general statutes,

(1) Obligatory,

(2) Permissive.

4. Revision, how made.

5. If the time will allow, compare charter of your city with that of a neighboring city, and note difference in length and in general content. See what provisions and regulations found in the charter of one city are found in the ordinances of the other. Bryce, *The American Commonwealth*, I, 623; Hart, *Actual Government*, 183-188; Howe, *The City*, Chap. XI.



## C. THE MACHINERY OF CITY GOVERNMENT AND ITS OPERATION

### REFERENCES

- Hart, A. B., *Actual Government*, 180-199.  
 James and Sanford, *Government in State and Nation*, 26-47  
 Goodnow, F. J., (1) *City Government in the United States*.  
 (2) *Municipal Government*, Chaps. X and XI.  
*A Municipal Program*. (Macmillan Co.)  
 Wilcox, D. F., *American City*.  
 Eaton, D. B., *Government of Municipalities*.

### I. The legislative department.

#### 1. Organization and membership.

##### a. Organization; learn

- (1) The official name of your city legislature.
- (2) Whether it is unicameral (of one chamber) or bicameral (of two chambers).
- (3) Which of these is most common in American cities?  
 Ashley, *American Federal State*, 407; Eaton, *Government of Municipalities*, 306.

Discuss the advantages and disadvantages of the bicameral and of the unicameral organization. Eaton, *Government of Municipalities*, 304-305.

- (4) The officers (of each chamber if bicameral), and how chosen.

##### b. Membership; learn

- (1) Number of members (of each chamber if bicameral).
- (2) Compare size with that of other city councils.
- (3) Members, how nominated.
  - (a) By party caucus.
  - (b) By petition, "nomination paper." See p. 178; Eaton, *Government of Municipalities*, 210-224; Goodnow, *Municipal Government*, 156-158.



- (4) Whether elected by districts (wards) or at large. Ashley, *American Federal State*, 407.

Compare methods used in other cities, and consider again the advantages of either method, or a combination of both. See p. 178; Goodnow, *Municipal Government*, 183-185. Does the statement that "petty districts will be represented by petty men" apply in the election of city councilmen?

- (5) Principle of representation under which elected — majority, minority, proportional, or class. J. R. Commons, *Proportional Representation*; Goodnow, *Municipal Government*, 185-187.

- (6) Qualifications of members.

- (7) Term of service.

Compare length of term with that of councilmen in other cities.

Discuss advantages and disadvantages of long terms, of short terms, and of partial, periodical election. Goodnow, *City Government in the United States*, 160; Ashley, *American Federal State*, 407.

- (8) Salary. Eaton, *Government of Municipalities*, 303.

- (9) Time of meeting.

Compare with custom of other cities.

2. Powers and duties. Goodnow, *City Government in the United States*, 165.

- a. The city council sometimes has power to decide questions regarding the qualification and election of its members; but usually state courts have either original or final jurisdiction over this matter.

It may fix its own rules of procedure in so far as they are not fixed by the charter.

- b. The business transacted by the city council is mainly legislative, and falls under two general heads:



- (1) Control of finances, including —
  - (a) Taxation and appropriation.<sup>1</sup>
  - (b) Borrowing.
  - (c) Care of city property.

Make a list of the purposes for which your city council may levy taxes and appropriate money.

- (2) Passing ordinances.

Place ordinances in proper relation to other forms of law in your tabulated classification. (See p. 6.)

Ordinance power implied or expressly enumerated in city charters.

See your city charter and ordinances; Goodnow, *City Government in the United States*, 164-167.

- c. In some cities, the council carries on, through its standing committees, considerable executive or administrative business. Hart, *Actual Government*, 191.

What power has your city council :

- (1) Over the administrative departments, such as the police, the fire, and the street departments; the water board, and the school committee?
- (2) To make contracts?
- (3) To grant franchises?
- (4) Over the bonded debt and the sinking fund?

d. Power of appointment.

- 3. Method of legislation in the city council.

a. Committees :

- (1) Advantages and disadvantages of the employment of committees in legislative business.
- (2) Committees chosen in two ways, — by the presiding officer (or officers, if the council is bicameral) or by the council itself.

<sup>1</sup> Note, however, such exceptions to the taxing power as that of the New York charter.



- (3) Learn the names of the standing committees of your city council, how they are appointed, and get some idea of the business handled by each.
- b. Follow the course of a bill from its introduction till it becomes an ordinance; tabulate the steps. Butler, *Government of the New England States*, 40-43.
- c. If your city council is bicameral, learn what is meant by a **joint** vote, and by a **concurrent** vote. In either method of voting, compare the relative weight or influence of the vote of a member in the upper chamber with that of a member in the lower chamber.

## II. The executive department.

Hart, *Actual Government*, 192-197; Ashley, *American Federal State*, 408-410; Goodnow, *City Government in the United States*, Chap. VIII: *The city charter and ordinances*.

### I. The mayor.

- a. Learn the mayor's official title; how he is elected; his term of office; how he may be removed from office; who acts in his place in case of his disability or absence; his salary and who fixes it.
- b. What are the mayor's chief duties as executive head of the city government?
- c. What power has he to make appointments and removals, and how is this power limited? (See D, II and III below, and cf. diagram, p. 64.)
- d. What legislative power has the mayor? That is, to what extent can he influence the legislation of the city council? Has he any judicial functions? Goodnow, *Municipal Government*, 212.
2. Other executive officers.
- a. Make a list of the other executive officers and heads of departments; state how they are chosen (see D, II, below), and mention their chief duties.



- b. Make a list of the various boards and commissions in your city, and give an outline of their duties and powers.
- c. Ward officers; their qualifications; method of choosing; duties.
- d. Executive powers of the city council (or either branch, if it is bicameral). (See I, 2, c.)

### III. The judicial department.

Baldwin, *American Judiciary*, Chapter VIII; Goodnow, *City Government in the United States*, 205-214.

- 1. Two kinds of minor courts found in American cities.
  - a. The corporation courts : *i.e.*, city, municipal, or police courts.
  - b. Local courts of the state system : *i.e.*, district courts.

These courts have jurisdiction over civil causes where the amount in question is small (the limit being set by state law in the different states), and over criminal causes where the fine is small or the term of imprisonment short. They also have preliminary jurisdiction (see p. 108) of more important causes.

These courts for the most part proceed by summary process, *i.e.*, without a jury; and appeal may be had to the higher courts. Judges of both classes of courts are appointed by one of the following authorities :

- (1) By the governor of the state.
- (2) By the state legislature.
- (3) By the city council.
- (4) By the mayor and council.
- (5) By the mayor.
- (6) Elected by the people.

(See p. 26).

- 2. There are in some cities probate courts which have charge of the proving of wills, the settlement of estates, the appointment of guardians, etc. (See p. 20.)

NOTE. — Of course, if a city happens to comprise a whole



county, or if it happens to be the county seat (see p. 20), the higher or county court sits within its borders also.

3. What courts are there in your city; under what authority established, and over what kind of cases do they have jurisdiction?

Are offenses against city ordinances and against state laws judged in the same court?

Is there a juvenile court?

Is the judgment of all or any of these courts final? How are the judges and clerks chosen? How long are their terms?

4. Steps in the trial of a civil and of a criminal cause will be studied in connection with the state judiciary, p. 108.

NOTE. — It is quite customary to omit the study of the judicial department when studying local government, on the ground that the judiciary is more completely under the control of the state than are the other departments of government, and can best be studied longitudinally, that is, from the lowest to the highest courts, as an isolated department of government. To some extent the same argument might be made for studying the legislative and the executive departments separately, for in this way the relation of the state legislature and its laws to the city council and its ordinances, and the relation of state administrative to local administrative officers, can best be brought out. But experience shows that it is best to study the three departments of government, and afterward to take up the study of the departments longitudinally for the purpose of bringing out the interrelations of the higher and lower powers in each department.

#### D. CHOICE OF CITY OFFICERS

- I. **By nomination and election.** (To be studied during the time of elections. See p. 180.)



II. **By appointment.** (See diagram, p. 64.)

By which of the following methods are appointments made in your city?

1. By city council (or one of its branches).
2. By mayor, subject to the approval of city council (or one of its branches).
3. By mayor.
4. Of subordinate officers, clerks, etc., by heads of departments and boards.
5. By some state authority.

Discuss Chief Justice Ryan's dictum, "Where you want skill, you must appoint; where you want representation, elect."

6. If your city or state has a civil service commission, learn its powers and duties, and the regulations under which it furnishes a list of eligible candidates for administrative offices. References: *your city charter and ordinances*; Hart, *Actual Government*, 198-199; *Municipal Program*, 204-215; *Reports and Documents of the United States Civil Service Commission*; *Reports and Documents of the Massachusetts Civil Service Reform Association*.

III. **Removals.**

How made in your city?

## E. TAXATION AND MUNICIPAL FINANCES

### REFERENCES

- Hart, *Actual Government*, 383-394.  
 Ashley, *American Federal State*, 478-482.  
 Goodnow, *Municipal Government*, Chap. XVI.  
 Your city annual reports.

- I. **Indirect taxation.** (To be considered in connection with federal government.)



**II. Direct taxation.**

## 1. Poll or per capita tax.

Paid by whom? Rate by whom determined? Compare rates in several states.

## 2. Property tax.

Paid by whom?

## a. Personal property.

What portion exempt?

## b. Real estate.

What portion exempt?

## 3. Study method of appraising property and assessing taxes followed in your city. (The Board of Assessors will give full information, blank forms, etc.)

## 4. Purpose of direct taxes assessed upon citizens, to carry on:

## a. City government.

## b. County or district government.

## c. State government.

What is the amount for each of these purposes levied by your city for the current year?

What is your city tax rate for the current year?

Compare the rates for the last twenty years. (An excellent way to represent fluctuations of tax rate and valuation is by means of graphs.)

How does assessment for supposed improvement of adjoining property, "betterment tax," differ from taxation?

## 5. How money may be drawn from the city treasury.

**III. Financial standing of the city.**

## 1. Study the balance sheet or financial statement of your city for last year with a view to ascertaining:

## a. The amount and source of the city's receipts for the year.

## b. The amount and purpose of the city's expenditures for the year.



c. The gross debt, consisting of :

- (1) The temporary or floating debt.
- (2) The funded debt.

How are these debts to be paid?

d. Sinking fund.

2. What is the borrowing capacity of your city? How near is it at the present time to its debt limit?

Compare your city in each point under 1 and 2 with some neighboring city of about the same size.

## F. RELATION OF CITY TO STATE

### REFERENCES

- Goodnow, (1) *Municipal Problems*.  
 (2) *Municipal Home Rule*.

### I. The twofold function of the city government :

- 1. An institution for local self-government.
- 2. A servant of the state for carrying on certain business intrusted to it.

Discuss the statement that in the performance of the first function, in so far as it does not affect the rest of the state, the city should be free from state interference and control. In the performance of the second class of duties, the city should be under the control of the state (See VI below). This control may be executive — see state administrative boards, and consider what city officers transact both city and state business — or legislative, or judicial. What is the degree of state control in each of these departments as compared with that in the other two? Goodnow, *Municipal Home Rule*; Eaton, *Government of Municipalities*, 13-15, *et passim*; Hart, *Actual Government*, 184-188.







## G. A PRELIMINARY DISCUSSION OF SOME OF THE PRINCIPLES UNDERLYING MUNICIPAL GOVERNMENT

### REFERENCES

- Goodnow, *Municipal Problems*.  
 Fairlie, *Municipal Administration*.  
 Rowe, L. S., *Problems of City Government*.

When the pupil has done the work outlined in the above topics and has gained some knowledge of the machinery of city government and its functions, he will be ready to consider some of the problems of municipal government, and to discuss some of its principles.

#### I. The theory of representation.

1. If town government has already been studied, compare it with city government.
2. Discuss district (ward) representation *vs.* representation at large, in city government (see VI, 2, *d*, below). Goodnow, *Municipal Problems*, 151-152; *Municipal Program*, 216.

#### II. The theory of separation of departments of government. Review p. 10 (e); Eaton, *Government of Municipalities*, 248-252; Goodnow, *City Government in the United States*, 189-191; *Municipal Program*, 79.

#### III. Centralization *vs.* decentralization of executive power and responsibility in city government. Hart, *Actual Government*, 192-194; Eaton, *Government of Municipalities*, 14-15, 254-256; Fiske, *Civil Government*, rev. ed., 137-139.

#### IV. Discuss :

1. Examples which have come under student's observation of governmental coöperation by federal, state, and local government;
2. The various phases of local governmental coöperation as shown in :
  - a.* The building and maintaining a street or a school.
  - b.* The establishment and operation of a water system.



- c. Municipal ownership of public utilities. Howe, *The City, The Hope of Democracy*, Chaps. VIII–IX.

Compare self-supporting or revenue-producing public utilities (waterworks, lighting plants, etc.) with enterprises from which no direct money value is returned (*e.g.*, schools, streets, and bridges).

Should the city furnish free textbooks in schools?

Should the city furnish free lunches to high-school pupils?

Should the city furnish lunches at cost?

Has coöperation a value beyond its economic value?

- V. **Discuss the advantages and disadvantages** of administrative boards as compared with commissioners or single heads of departments.

1. Boards are better equipped for legislation ; by giving popular control, awaken public interest. *E.g.*, the school board.
2. The single commissioner or head of department acts quicker ; is chiefly administrative.

“The qualities desired in municipal administrative force are two in number : they are amenability to popular control and administrative efficiency.” Goodnow, *City Government in the United States*, 185.

What is the practice in German cities? In English cities? Munro, W. B., *The Government of European Municipalities*; Wilcox, *American City*, 202–206; Goodnow, *City Government in the United States*, 191–199.

Would not a board with partial, periodic renewal, which should employ an expert administrative officer with unlimited term of office, meet best the above-mentioned demands?

- VI. **Discuss some of the proposed reforms** in city organization :

1. Home rule, and a more powerful municipal legislation.
2. The securing of better men in municipal offices by :
  - a. The separation of city elections from state and national elections.







## CHAPTER IV

### STATE GOVERNMENT

#### REFERENCES

- Bryce, James, *American Commonwealth*, Vol. I.  
Cooley, T. M., (1) *Principles of Constitutional Law*.  
(2) *Constitutional Limitations*.  
Evans, L. B., *Handbooks of American Government*, especially *Morey's Government of New York*.  
Wilson, Woodrow, *The State*.  
Stimson, F. J., *The Law of the Federal and State Constitutions of the United States*.  
Hart, A. B., *Actual Government*, Part III.  
Ashley, R. L., *American Federal State*.

#### MATERIAL NEEDED

Each pupil should have at hand, beside his textbook :

A copy of the constitution of his state.

The Manual of his state legislature.

This book usually contains a complete list of the legislative, executive, and judicial departments of the state government, the rules of the two branches of the legislature, the composition of the legislative committees, a complete statement of the various elective districts of the state, and a great amount of statistical data that is of the highest value in the study of the state government.

The map which the student has previously made (see *Nominations and Elections*, p. 176) containing the outlines of the various elective districts in which he lives.

A complete file of ballots used at state and national elections.

Blank forms on which petitions and bills are to be submitted to the legislature.

Sample bills from each chamber of the legislature.

Copies of the Calendar, the Journal, and the Bulletin of Committee Hearings of each chamber.

A volume of the laws made during one session of the legislature.

A copy of the Revised Statutes of student's state.



The Reports of the various state administrative departments.

A large wall map showing the counties and smaller civil divisions of student's state.

On the years when the legislature is in session the bulletin board will be kept supplied with clippings from the daily press giving reports of the doings at the state capitol. These clippings may be filed for use during the years when there is no session of the legislature.

## I. Brief study of the origin and development of state government.

Fiske, *Civil Government*, Chap. VI.

### 1. Colonial government.

a. In the northern, the central, and the southern colonies.

b. The three kinds of colonial government:

(1) Charter or Republican.

(2) Proprietary.

(3) Royal.

2. Transition from colonial to state government. Bryce, *American Commonwealth*, Vol. I, Chap. XXXVII.

## II. The State Constitution.

### REFERENCES

Ashley, *American Federal State*, Chap. XVIII.

Cooley, *Constitutional Limitations*, Chap. III.

Bryce, *American Commonwealth*, Vol. I, Chaps. XXXVII and XXXVIII.

Fiske, *Civil Government*, Chap. VII.

For definition and classification of constitutions see *Theory of the State*, III, 2.

1. The method of making constitutions. Learn when, by whom, and under what circumstances your state constitution was made.

2. Does it lack any of the following parts :

a. Preamble.

b. Bill of Rights.

c. Frame of Government.

d. Miscellaneous Provisions.

e. Amendments.



3. If there is a preamble, make an abstract of its contents.
4. The Bill of Rights :
  - a. Derived from what sources? Hill, Mabel, *Liberty Documents*.
  - b. Make a list of the rights enumerated, and compare them with those found in the *Magna Charta*, the *English Petition of Right*, and the *Bill of Rights*, the *Declaration of Independence* and the *Constitution of the United States*.
5. The Frame of Government: take a preliminary view of :—
  - a. The constitution and powers of the Legislative Department.
  - b. The Executive Department.
  - c. The Judicial Department.
6. Miscellaneous Provisions :
 

For the most part these are more properly considered provisions of statute law placed in the constitution. Why is this done? Compare the number and content of these provisions in your state constitution with the number and content of those of some of the more recent constitutions, for example that of the state of Washington, and also with one of the older constitutions, *e.g.*, that of Massachusetts.
7. Amendments :
  - a. Compare the number and contents of the amendments of your state constitution with those of some other state.
  - b. Method of making amendments.
 

The steps are :

    - (1) The proposal.
    - (2) The ratification.

Study the details of these steps in making amendments to your state constitution.



## III. The Legislative Department.

## REFERENCES

Reinsch, Paul S., *American Legislatures and Legislative Methods*.

Roosevelt, Theodore, "Phases of State Legislation," in *American Ideals*.

NOTE. — The student should compare the details of the legislative department of *his own state* with the corresponding details given in the outline below, and note divergences. He should also compare, both in its larger features and in detail, his state legislative department with the city legislative department previously studied (pp. 46-52).

## 1. Name.

Called by various names in the several states: The Legislature, The General Assembly, The Legislative Assembly, The General Court. What is the legal name in your State?

## 2. Consists of two bodies of legislators (see p. 46):

*a.* The Upper House, called the Senate.

*b.* The Lower House, variously named in the different states  
House of Representatives, Assembly, General Assembly,  
House of Delegates.

How named in your state?

## 3. Facts about both houses.

*a.* Qualifications of membership. Reinsch, *American Legislatures and Legislative Methods*, 213, 214.

(1) In all states.

(*a*) The possession of the right of suffrage.

(*b*) By law or custom a resident of district. Give arguments for and against requiring candidate to be resident of the district for which he stands. Is this custom followed in other countries?

(2) In many states.

(*a*) Immediately previous residence in state.

Maximum, for senator, 7 years; for representative, 5 years.



- (b) Immediately previous residence in district.  
Maximum, for both senator and representative,  
2 years.
- (c) Age qualification :  
Minimum, for senator, 30 years ; for representa-  
tive, 25 years.

b. Disqualifications.

Many state constitutions declare certain men ineligible to the office of senator or representative; *e.g.*, officers of the federal, state, county, or city government; salaried railway officials, etc.

What qualifications and disqualifications are there in your state?

c. Districts. (See Nominations and Elections, III.) Reinsch, *American Legislatures and Legislative Methods*, Chap. VII.

- (1) Where the local civil units are used as districts, *i.e.*, in several of the older states, extreme inequalities of representation occur.
- (2) In most states legislative apportionments are based upon approximately equal "representative population." But even here the basis of representation may be —
  - (a) Equality in number of inhabitants.
  - (b) Equality in number of voters.
  - (c) Equality in number of inhabitants, excluding aliens.

What is the basis of representation in your state?

- (3) Reapportionment.
  - (a) Frequency : ten years usual period.
  - (b) Made by state legislature.
  - (c) Limitations as to dividing existing civil divisions.



- (*d*) Factors in making an apportionment: population, or voters or taxable property or civil divisions, number of members, and fractions of representative ratio.
- (*e*) The gerrymander (see Nominations and Elections, III) (2) exists in nearly every state.  
Is your state equitably divided into senatorial and representative districts? If not, how is the division unfair?
- d.* Rotation in office the general practice. (See Nominations and Elections, VI 6.)
- e.* Salaries: usually small; in states paying per diem from \$1 to \$8; in states paying per annum from \$150 in Maine to \$1500 in New York.  
Mileage is allowed in most states.
- f.* Vacancies, how filled?
- g.* Quorum: usually a majority of the members; but a less number may adjourn, and may compel the attendance of absent members.
- h.* Sessions.
- (1) Frequency:  
Six states have annual session.  
Two states have quadrennial session.  
The remaining have biennial.  
What is the rule in your state?  
Discover reasons for and against the most frequent sessions.
- (2) Length:  
Limited by constitution in most states.  
What is the purpose of this?
- (3) Extra Sessions: reasons for; limitations upon.  
Called by Governor.  
Importance of this power.



*i.* Privileges common to both houses :

- (1) Freedom of members from arrest except for felony, breach of peace, etc.
- (2) Each house judge of the election and qualifications of its members.
- (3) Each house chooses its own officers, but the Lieutenant-Governor is *ex officio* president of the senate in most states.
- (4) Each house adopts its own rules of procedure.
- (5) Each house may discipline its own members.
- (6) Each house may, in most states, adjourn for a limited number of days.

4. The Upper House.

*a.* Name : the Senate.

*b.* Differs from lower house in —

- (1) Having fewer members — from 15 in Nevada to 63 in Minnesota — each representing a larger district.
- (2) Demanding, in many states, somewhat higher qualifications for membership. (See 3, *a*, above.)
- (3) Longer terms of office in majority of states. The term of office varies from one to four years in the different states.

*c.* Presiding officer : generally the Lieutenant-Governor, but in some states a president is chosen by and from the members.

What other officers, and how chosen in your Senate?

*d.* Commonly a continuous body, a portion of its members being elected yearly.

*e.* Special powers (in most states) :

- (1) The trial of impeachments.
- (2) The confirmation of the Governor's appointments.

In states having a Governor's Council, this power is generally given to the Council.



## 5. The Lower House.

*a.* Name:

Various called, in the different states, House of Representatives, Assembly, General Assembly, and House of Delegates.

*b.* Differs from upper house in :

(1) Having larger number of members — varying from 30 in Nevada to 398 in New Hampshire — each member representing a smaller district.

(2) Qualifications for membership lower, generally speaking.  
(See 3, *a*, above.)

(3) Shorter term for members in most states.

*c.* Presiding Officer: Speaker chosen by and from the members.

What other officers are there in your House of Representatives, and how chosen?

Are there any officers chosen by the two houses together?

*d.* Districts.

In New England the town originally was the unit of representation, and this is still true in some states, especially with regard to the lower house. But throughout the country representative districts are now generally formed by taking parts (wards), or wholes, or combinations of local units, and assigning to them one or more members according to the number of their inhabitants (or voters). Sometimes, however, each senatorial district elects several members to the lower house.

How are districts for members of lower house made in your state?

*e.* Special powers :

(1) In most states to initiate financial legislation.

(2) To impeach.



## 6. Method of procedure in state legislature.

a. Committees : Reinsch, *American Legislatures and Legislative Methods*, Chap. V.

- (1) Appointment and composition.
- (2) Standing committees of each house.
- (3) Joint standing committees.
- (4) Conference committees.
- (5) Committee hearings.

Power to compel attendance of witnesses.

Is the standing committee or the joint standing committee the more generally used in your state legislature?

Which is the better? Why?

Discuss the advantages and disadvantages of the committee system.

## b. Ways in which legislation may come before the legislature.

There are three ways in Massachusetts legislature:

- (1) Legislation recommended in the Governor's message may be presented in the form of bills by a committee on the Governor's message.
- (2) A member of either house may "on leave" present a bill of his own.
- (3) A petition signed by citizens and accompanied by a bill embodying the legislation prayed for may be presented through a member of either house.

How may desired legislation be brought before your state legislature?

## c. Steps in the passage of a bill.

"Legislative procedure among our many commonwealths, while subject to infinite modification and diversity of detail, most generally follows along the line of a certain recognized practice common in substance to almost all our state legislatures." —REINSCH.



The following are the steps in the passage of a bill by the Massachusetts General Court.

The student should compare step by step the lawmaking procedure in his own state legislature.

- (1) Presentation of bill by member.
- (2) Referred by presiding officer to proper committee. (If this is a joint committee, concurrence of the presiding officer of the other chamber must be had.)
- (3) Public hearing — announced upon the Bulletin and in the public press — of those interested for or against the bill.
- (4) Reported (to the chamber in which it was presented), if favorably, “ought to pass,” if unfavorably, “ought not to pass” or “leave to withdraw.”
- (5) If favorably reported, read, by title only, and assigned by the presiding officer — if there is no objection — to a place in the Calendar. This is the *first reading*.
- (6) Bill is printed, so that at
- (7) *Second reading*, which occurs on a subsequent day, copies are placed in the hands of each member. At this time the merits of the bill are discussed and amendments may be offered on the spot, or the bill may be recommitted to the committee. A vote is taken finally upon the question, “Shall the bill have a third reading?” If the vote is in the affirmative, the bill is committed to
- (8) The “Committee on Bills in Third Reading,” who scan the wording and phrasing of the bill, and, having made any corrections necessary, return it to the chamber for



(9) *The third reading.*

The bill may at this point be again discussed and defeated. The question now is, "Shall the bill be engrossed?"

(10) If the vote is favorable, the bill is sent to the other chamber, where it goes through the same routine.

(11) If amended by the second chamber, the amended bill is sent back to the chamber in which it was first presented for concurrence in the amendment.

(12) If the first chamber will not concur, a committee of conference is selected from both chambers, which tries to effect an agreement.

(13) If the bill is passed to be engrossed by the second chamber, it is placed in the hands of an engrossing clerk, who copies it upon parchment in "fair round hand."

(14) A "Committee on Engrossed Bills" compares the new copy with the old and pronounces it ready to be enacted.

(15) The bill is now formally enacted by the lower house and signed by its president.

(16) Then it is formally enacted by the upper house and signed by its president.

(17) It is next sent to the Governor for his signature.

(18) The Governor may sign the bill, in which case it becomes a law at once, or he

(19) May veto it and return it with his objections to the house in which it originated.

(20) If, however, each house passes the bill again by a two-thirds vote, it becomes a law without the Governor's signature.

(21) Again, if the Governor keeps the bill five legislative days, it becomes a law without his signature,



provided the legislature does not adjourn meanwhile.

Under the rules no two readings of a bill may be had on the same day ; but by a suspension of the rules (upon a two-thirds vote) all three readings may be had on the same day.

Get your local representative to assist you in drawing up a petition and accompanying bill, and organize the class into a house and pass the bill in due form.

- d.* Promulgation of the laws.
  - (1) The publication by the Secretary of State of the laws made at a single session.
  - (2) The revision and codification of the laws at somewhat long intervals.
- 7. Powers of the State Legislature. Cf. powers of local legislative bodies (pp. 18-34, 46).
  - a.* Make laws.
 

The sphere of state legislation is very extensive, covering almost the whole field of civil and criminal law under which we live. The pupil, under the guidance of his teacher, should make a list of subjects with which a state legislature may deal and see how much more extensive it is than the list of subjects with which the legislative department of local government may deal.
  - b.* To levy taxes.
  - c.* Make appropriations of money.
  - d.* Institute courts of justice.
  - e.* Provide for the choice of state officers not otherwise provided for in the constitution, and prescribe their duties.
  - f.* To reapportion electoral districts.
  - g.* To elect United States senators.
- 8. Limitations and prohibitions upon legislatures.
  - a.* Limitations and prohibitions imposed by the United States



Constitution — to be studied in connection with National government. (See pp. 112-150.)

*b.* Limitations and prohibitions by state constitutions.

(1) Powers taken away by legislation embodied in the constitution.

(2) Powers prohibited to the legislature: *e.g.*, the power to appropriate money to aid religious bodies and schools, and prohibitions which aim to protect personal liberty.

(3) Limitations upon local and special legislation.

(4) Regulations of procedure; *e.g.*:

(*a*) No bill may be introduced within a certain time before adjournment.

(*b*) Contents of bill must be expressed in title.

(*c*) Bill must be "read" three times on different days.

(*d*) Bill must have majority vote (of total membership in many states) of each house.

(*e*) Bills subject to veto of Governor in all but two states, but may be passed over the veto by a vote varying from a simple majority to a two-thirds vote of each house.

(*f*) Regulations regarding financial legislation; *e.g.*:  
Revenue bills to originate in lower house.

Appropriation bills limited to a single purpose.

Items in appropriation bills subject to veto, etc.

9. Defects — generally admitted in most states — in state legislatures and legislation.

Are any of the following defects alleged in your state? If so, discuss remedies for each.

*a.* Membership not of high order as to efficiency and incorruptibility.

*b.* Members chosen as mere counters for the election of United States senators.



- c.* Changes of laws too frequent.
- d.* Excess of special legislation.
- 10. Direct legislation by the voters of a State.
  - a.* *The Initiative*; the process by which a certain percentage of the legal voters may propose a law to be submitted to popular vote. In use in South Dakota, Utah, and Oregon.
  - b.* *The Referendum*; the process by which upon petition of a certain percentage of voters legislative enactments are submitted to the voters for approval.

Discuss reasons for the growing popularity of these measures. What are the objections to them? Oberholtzer, *The Referendum in America*.

#### IV. The State Executive Department.

##### REFERENCES

Finley and Sanderson, *American Executive and Executive Methods*.

Goodnow, F. J., *Comparative Administrative Law*.

NOTE. — Compare with the city executive department previously studied (p. 52).

##### 1. General statement.

The executive authority in the states is never vested in a single official, but always in a group of officers, among whom are always found a governor, secretary, treasurer, auditor, and attorney-general, together with a system of boards or commissions. (See p. 102.)

##### 2. The Governor.

*a.* Official title.

*b.* Term of office.

Ranges in the several states from one to four years. What is it in your state? Has it always been the same as it is now?

*c.* Eligibility to reëlection.

If not controlled by the constitution of your state, is it regulated by custom?



- d. Qualifications.  
Birth, age, residence, property, education.
  - e. Nomination (see Chap. IX).  
By primary or convention?
  - f. Election.  
Are there any circumstances under which the legislature in your state may elect the governor?
  - g. Salary.
3. Powers and duties of the Governor.
- a. To supervise the execution of laws.
  - b. To make appointments.  
What officers may your governor appoint? Cf. your mayor's power. (See diagram, p. 64.)
  - c. To grant pardons and reprieves.  
Frequently the consent of a governor's council or of a board of pardons is required.
  - d. To make recommendations to the legislature.
  - e. To veto acts of the legislature.  
(In all the states except North Carolina and Rhode Island. In the latter an amendment conferring this power on the governor is pending.)  
(1) May your governor veto items in appropriation bills?  
See Reinsch, *American Legislatures and Legislative Methods*, 188.  
(2) How may the governor's veto be overcome in your state?
  - f. To convene the legislature in extra session. To adjourn it under certain conditions.
  - g. To command the state militia, except when it is in the service of the United States.
  - h. To represent the state in all communications between his state and other states, or the federal government.
4. The Lieutenant-Governor.



- a. Term of office.
- b. Powers and duties.
- c. If your state has no lieutenant-governor, who would succeed the governor?

5. The secretary of state.

- a. How chosen?
- b. Qualifications.
- c. Duties and powers.
- d. Relation to the governor.
- e. Term of office.

If not the same as the governor's, what may be the effect of the difference?

- f. Vacancy, how filled?
- g. How removed?

NOTE. — Treat the four following topics in the same manner.

- 6. The treasurer.
- 7. The auditor or comptroller.
- 8. The attorney-general.
- 9. Other state officials.
- 10. State boards and commissions.
- 11. Militia and state police.
  - a. What are the most important boards and commissions in your state?
  - b. How chosen?
  - c. Functions.
- 12. The work of the state. Most state laws are administered by local officials over whom the state executive has no control; but in the fields of education, charities and correction, public health, and local finance, some of the states have begun to exercise supervision of local officials, and many states have gradually developed direct state administration through the establishment of state institutions.



The study of this administrative work of the state is both interesting and important, but the field is so broad that the teacher must guard against spending too much time upon it. Teachers have found it feasible to assign the work of the different state boards and commissions to different members of the class to study and to report upon in the classroom. The following brief outlines are offered as samples :

*a.* In education.

Your state board.

(1) How composed and how chosen.

(2) Duties and powers in.

(*a*) Handling state school funds.

(*b*) Managing state normal schools.

(*c*) Examining and certifying teachers.

(*d*) Control of teachers' institutes.

(*e*) Collection and publication of statistics.

(*f*) Making courses of study and adopting textbooks.

(*g*) Compelling attendance of pupils.

(*h*) Enforcing proper school sanitation in communities that are negligent in the matter.

*b.* In charities and corrections (outline in a similar way).

*c.* In caring for the public health, state boards of health have been established in all the states and territories except Idaho.

(1) How is your state board of health composed? How chosen?

(2) From the reports of your state board of health learn :

(*a*) What it has done in research work.

(*b*) What powers it has over local sanitary organization.

(*c*) What control of communicable disease it has effected.



- (d) What food control it has attempted.
- (e) To what extent it has protected the purity of public waters.
- (f) How far it has tried to control the licensing of those engaged in certain professions and trades.
- (g) What it has done in collecting vital statistics.

## V. The State Judiciary.

### REFERENCES

- Baldwin, Simeon E., (1) *The American Judiciary*.  
 (2) *Modern Political Institutions*.

1. State judicial organization.
  - a. The lower state courts.  
 Organization and jurisdiction.
  - b. The higher state courts.
    - (1) Municipal, county, or district courts.  
 Organization and jurisdiction of each.
    - (2) The superior court or court of appeals.  
 Organization and functions.
  - c. The state supreme court.
    - (1) Organization.
    - (2) Powers.
  - d. Special state courts.  
 Probate courts.  
 Courts of claims.  
 Land courts, etc.
2. Machinery of judicial administration.
  - a. Justices.
    - (1) Method of selection, and length of terms.
    - (2) Appointment and election: relative merits.
    - (3) Removal of justices.
  - b. Court officials.
    - (1) Prosecuting officials; method of selection, etc.



- (2) Other officials.
- c. Juries.  
 Classification and function.  
 (1) Qualifications of jurymen.  
 (2) Method of selection.
3. State judicial procedure.
- a. Parties to legal actions.  
 (1) Plaintiff.  
 (2) Defendant.
- b. Classification of actions.  
 (1) Criminal actions.  
 (2) Civil actions.
- c. Criminal procedure.  
 (1) In the lower courts.
- |   |  |
|---|--|
| <p>(a) If the court is found<br/>to have jurisdiction.</p> <p style="text-align: center;"><i>Trial</i></p> <p>Complaint<br/>       Warrant<br/>       Subpœna<br/>       Bail (possible)<br/>       Arraignment<br/>       Plea<br/>       Evidence<br/>       Argument of counsel<br/>       Sentence<br/>       Appeal (possible)</p> | <p>(b) If the court is found not<br/>to have jurisdiction.</p> <p style="text-align: center;"><i>Preliminary Hearing</i></p> <p>Complaint<br/>       Warrant<br/>       Subpœna<br/>       Bail (possible)<br/>       Arraignment<br/>       Plea<br/>       Evidence<br/>       Argument of counsel<br/>       If court finds case beyond<br/>its jurisdiction<br/>       Commitment or<br/>       Release on bail<br/>       to await trial in higher court.</p> |
|---|--|
- (2) In the higher courts.  
 Trial before petit jury on  
 (a) Original complaint. (b) Indictment by grand jury.



Arraignment

Plea

Evidence

Argument of counsel

Justice's charge to jury

Verdict

Sentence (or appeal to supreme court on writ of error).

(3) In highest (supreme) court.

Usually simply a decision upon the writ of error, sustaining or reversing some ruling of lower court, and remanding case for sentence or for retrial.

*d.* Civil procedure.

(1) Writ of attachment.

(2) Summons.

(3) Pleading.

(*a*) Declaration of plaintiff.

(*b*) Answer of defendant.

(4) Trial.

(*a*) At law.

(*b*) In equity.

(5) Judgment.

(6) Enforcement of judgment by writ of execution.

(7) Appeal.

4. Scope of state judiciary power.

*a.* State jurisdiction residual in nature.

*b.* Relation of state to federal courts.

(1) The bases of appeal.

(2) The methods of appeal.

(To be taken up in connection with the federal courts, (p. 146.)

Do state governments exemplify centralized or decentralized government?



## CHAPTER V

### FEDERAL GOVERNMENT

#### REFERENCES

- Bryce, James, *American Commonwealth*.  
Hamilton, Madison, and Jay, *The Federalist*.  
Wilson, Woodrow, *The State*.  
Harrison, Benjamin, *This Country of Ours*.  
Story, Joseph, *Commentaries on the Constitution*.  
Cooley, T. M., (1) *Principles of Constitutional Law*.  
(2) *Constitutional Limitations*.  
Willoughby, W. W., *American Constitutional System*.  
Woodburn, Jas. A., *The American Republic and its Government*.  
Hart, A. B., *Actual Government*.  
Ashley, R. L., *American Federal State*.  
Reinsch, P. S., *Readings on American Federal Government*.

#### OTHER DOCUMENTS AND MATERIAL NEEDED

- A good physiographical map of the United States.  
A good political map of the United States showing railroads and other means of intercommunication.  
Reports of departments and bureaus.  
United States Revised Laws.  
Copies of the House Manual and the Senate Manual.  
Copies of a bill in various stages, with the amendments, various committee reports, etc., upon it.  
All the copies of various executive documents, such as appointments, commissions, etc., that can be collected.  
The Congressional Record.

### A. INTRODUCTORY STUDY OF THE CONSTITUTION

#### I. Growth of Union before the Constitution.

Reference : Fiske, John, *Civil Government*, Chap. VIII.

1. Early colonial conferences.
2. The Albany Convention, 1754.



- a. Twofold aim.
- b. Franklin's plan of confederation.
- 3. First Colonial Congress, 1765.
  - a. Constitution and work.
  - b. Committees of correspondence.
- 4. The Continental Congress, 1774.
  - a. Strong feeling of union shown by :
    - (1) Enactments of nonintercourse.
    - (2) The attitude of the separate colonies toward the British plan of conciliation.
- 5. The Confederation, 1781.

Reference : Evans, L. B., *Writings of Washington*.

- a. Nature and powers of the Union.
  - (1) Legislative and executive powers only.
  - (2) Financial support by individual states.
- b. Defects of the Confederation.
  - (1) Simply a league.
  - (2) No coercive power.
  - (3) No power to tax.
  - (4) No power to regulate commerce.

## II. Origin of the Constitution.

References : Evans, *Writings of Washington*.

Fiske, John, *Critical Period of American History*.

Hamilton, Madison, and Jay, *The Federalist*.

- 1. The commission appointed by legislatures of Maryland and Virginia, 1785.
- 2. The Annapolis Convention, 1786.
- 3. The Convention of 1787.
  - a. Its membership.
  - b. Its purpose and change of purpose.
  - c. Its actual accomplishment.
  - d. The Constitution based upon experience of :



(1) Government in England.

(2) Government in the colonies, and in the then new states.

(3) Government under the Articles of Confederation.

*e.* Ratification of the Constitution and beginning of government under it.

### III. Preliminary study of the form and text of the Constitution.

1. Object as set forth in the preamble.

2. The content, in the large, of each article.

3. Amendments.

*a.* The two groups the result of two periods of controversy.

*b.* Comparison of the first eight with the "bill of rights" in your state constitution.

*c.* Method of making comprises two steps :

(1) The proposal.

(2) The ratification.

NOTE. — The Constitution should be the text of reference.

## B. FEDERAL LEGISLATURE

### REFERENCES

Wilson, Woodrow, *Congressional Government*.

Woodburn, Jas. A., *The American Republic and its Government*.

Follett, Mary P., *The Speaker*.

McConachie, L. G., *Congressional Committees*.

(Compare constantly and in detail with your state legislature and note parallelisms and divergences.)

#### I. General Statement :

1. Name, Congress.

2. Bicameral ; Senate and House of Representatives.

3. Review advantages and disadvantages of the bicameral system. (See p. 46.)

4. Brief comparison of Congress with legislative departments of cities, of states of the Union, and of other nations.



## II. The Senate.

### 1. Membership.

a. Equality of states ; two senators from each.

(1) Historical reasons for this arrangement. The federal idea *vs.* the national idea — the “Connecticut Compromise.”

(2) Is there any theoretical justification for the arrangement?

b. Constitutional qualifications of members. Compare with qualifications of your state senators.

c. Term of office.

d. A continuous body, one-third of the members going out every two years.

### 2. Method of election.

a. Advantages and disadvantages.

(1) Failure of legislatures to elect.

(2) Interference with business of legislatures.

b. The law of 1866. Forman, *Advanced Civics*, p. 120.

c. Proposed changes of method and actual variations from intention of the framers of the Constitution.

(1) Popular election (proposed).

(2) Dictation by political machines.

(3) Nominations by party conventions or primaries.

(4) The Oregon method.

d. Filling of vacancies which occur when the legislature is not in session.

### 3. Organization and procedure. (Compare with same in state senate.)

a. Officers.

(1) Vice-president, extent of power and right to vote.

(2) President *pro tem.*

(3) Minor officers.

b. Committees. (Compare with house committees below, and with committees of state senate.)



- (1) Made up by party caucuses of majority and minority parties.
- (2) Influence of seniority.
- (3) Most important committees.
- (4) Positions held by senators from your state.
- c. Peculiarities of procedure.
  - (1) Senatorial courtesy. (See 4, *a*, below.)
  - (2) Unlimited debate.
- 4. Special powers of senate. (Compare with special powers of state senate, p. 84.)
  - a. Confirmation of appointments. The abuse of this power. (See *c*, 1, above.)
  - b. Approval of treaties.
  - c. Judgment in impeachment trials.
  - d. Election of vice-president. When and how?

### III. The House of Representatives.

- 1. Membership. (Compare in its chief features with lower chamber in city and state legislative bodies previously studied, p. 86.)
  - a. Apportioned to the states according to population; increase after each new census. (Representative ratio.)
  - b. Term of office.
  - c. Qualifications for membership. (Compare with qualifications of state representatives, p. 86.)
- 2. Election.
  - a. By what voters.
  - b. Districts; how made; gerrymandering. (See p. 176.)
  - c. Congressmen-at-large.
  - d. Contested elections.
  - e. Proposal of proportional representation.
- 3. Organization and procedure.
  - a. Not a continuous body. Each new house organizes and adopts rules.



- b. The speaker and his power. Follett, *The Speaker*; Hannis Taylor, *The Speaker and his Powers*, *N. American Review*, Vol. 188, No. 4. But note recent changes.
  - (1) Appointment of Committees. (Compare B, II, 3, *b* above and appointment of committees in state house of representatives.)
  - (2) Power of recognition.
  - (3) Chairman of Committee on Rules.
  - (4) Refers bills and communications to committees.
- c. Committee on Rules.
- d. Committee of the Whole.
- e. Important committees.
- f. Positions of your representative.
- g. Allotment of time and closure.
- 4. Special powers of the house. (Compare with special power of state house of representatives.)
  - a. To originate bills for raising revenue. Power of senate to nullify by amendment.
  - b. To elect the president; when and how. Does the house here illustrate the "federal idea" or "national"?
  - c. To order impeachment.
- 5. The subordination of the house to the senate as a power in the government.

IV. Principles and facts applicable to both houses of Congress. Distinguish clearly between "a Congress" and a session of Congress. When did the present "Congress" begin? When will it end?

- 1. Sessions.
  - a. Regular — relation to time of election, long and short sessions and the character of the work done in each.
  - b. Special — how called, purposes, and historical examples.
  - c. Special — of senate alone; reasons for such sessions.
- 2. Constitutional provisions.



- a. Quorum. Follett, *The Speaker*, 196-206.
  - b. Each house judges of election and qualification of members.
  - c. Keeping a journal.
  - d. Convention and adjournment. Power of self-convening and self-adjourning a valuable asset of civil liberty. Historical reasons for this.
  - e. Exemption of members from arrest.
  - f. Punishment of members.
3. Compensation. Fuller, H. B., *Congressional Salary*. *Legislation, N. American Review*, Vol. 188, No. 4.
  4. Method of legislation.
    - a. Course of a bill or proposed law. (Compare each step with method followed in your state legislature, pp. 90-94.)
      - (1) Introduction. How?
      - (2) Reference to committee. (Review advantages and disadvantages of the committee system. See p. 88.)
      - (3) Report of committee.
      - (4) The calendar.
      - (5) Vote required and method of voting.
      - (6) Passage by both houses.
      - (7) Amendments.
      - (8) Disagreements and conference committees.
      - (9) Approval or veto by President.
      - (10) Passage over veto.
      - (11) Promulgation.
    - b. Features of actual legislation :
      - (1) Filibustering.
      - (2) Log-rolling.
      - (3) Party caucuses.
      - (4) Influence of political machines and bosses.
      - (5) Lobbying.
      - (6) Presidential influence.



(7) Bribery and corrupt influences.

(8) Strikes.

V. **General statement of the sphere** of the federal government.

Sovereignty in the United States is divided between the federal government and the state governments. All powers possessed by the federal government are enumerated in the Constitution. The states possess all powers not taken away from them by the Federal Constitution. There are some powers denied by the Constitution both to the federal government and to the states. The sphere of the federal government is chiefly to be found in the enumeration of the powers of Congress, as, for the most part, the executive and judicial departments simply carry out and interpret the laws passed by Congress; but there are certain parts of the national activity which come from the powers granted to the President and Judiciary. The sphere of federal activity may be altered by an amendment to the United States Constitution duly adopted.

1. Exclusive powers of federal government. Illustrations.
2. Powers exercised concurrently with the states. Illustrations.
3. Powers denied the federal government. Illustrations.
4. Powers denied the states. Illustrations.
5. The doctrine of implied powers.

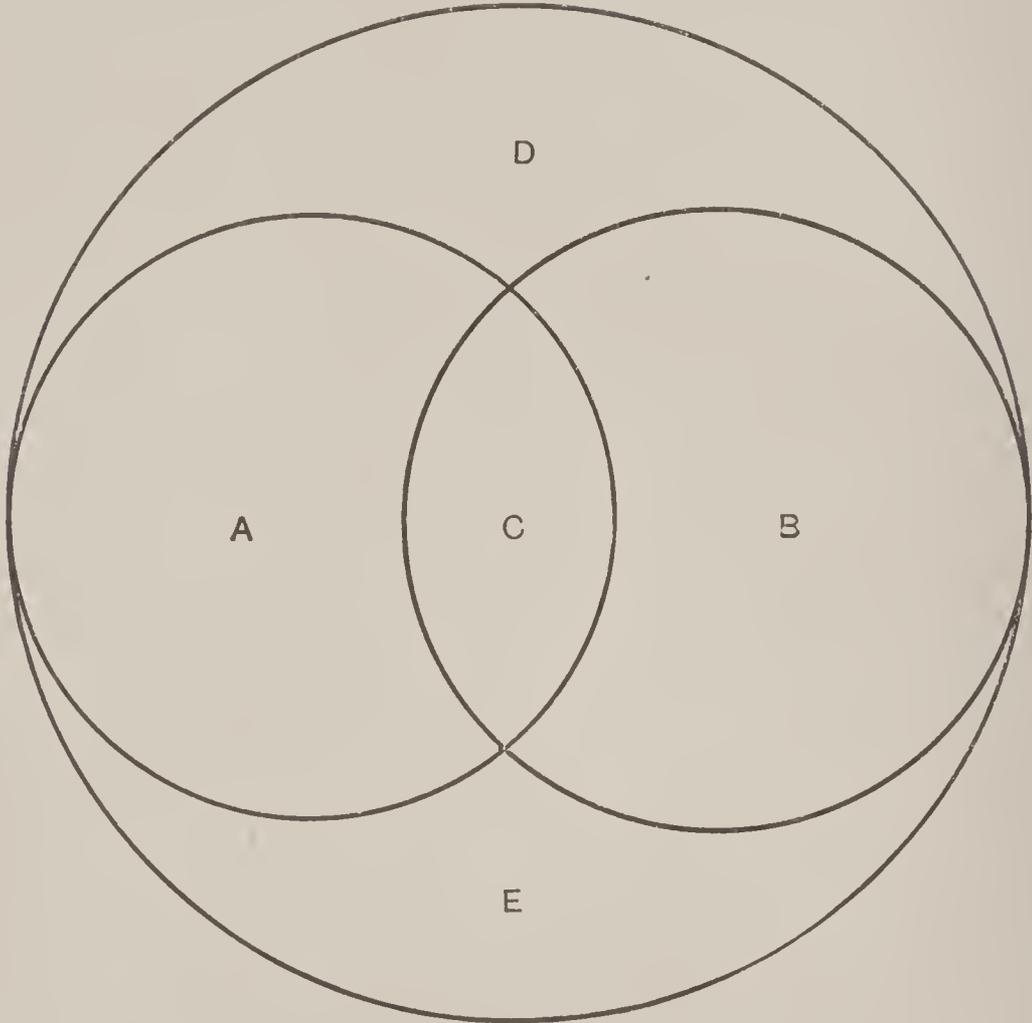
This relation of the federal government to that of the states is illustrated by Tiedeman's diagram on the following page.

The whole circle represents the sum total of governmental powers; circle A, powers delegated to the United States; circle B, powers reserved to the states; segment C, concurrent powers; segment D, powers prohibited to both governments; segment E, powers prohibited to the states, but neither prohibited nor delegated to the United States. Cf. Stimson, F. J., *The Law of the Federal and State Constitutions of the United States*, for a more comprehensive diagram.

If students will number the clauses of each section of the Constitu-



tion, then draw an enlarged diagram, and place the number of sections and clauses in the proper segments, it will help to make the relation of the dual governments clear.



VI. Sphere of congressional legislation. Cf. powers of state legislation, p. 94.

1. Financial powers.

*a.* Taxation. Cf. p. 58, and tabulate the various forms of direct and indirect taxes.

(1) Limitations on taxing power. Is an income tax constitutional? Cf. conflicting decisions of Supreme Court on this question.

(2) The existing national system.

(*a*) Custom taxes.

(*b*) Internal revenue taxes.



- (c) Other taxes.
- (d) Administration of tax system.
- b. Borrowing power.
  - (1) United States bonds.
  - (2) National bank law; authority found under this power. How?
  - (3) United States notes; power to issue and make legal tender. Justified if at all under this power.
- c. Expenditure.
 

Appropriations must be passed like other laws.
- 2. Military Power.
  - a. Declaration of War.
  - b. Army.
  - c. Navy.
  - d. General Rules for Militia.
  - e. Fortifications and Defense.
- 3. Territorial Power.
  - a. To acquire territory. What is the source of this power?  
Territory which has been acquired.
  - b. To provide for government of territory. (See Chap. VI.)
  - c. Power over internal affairs of states; *e.g.*, guarantee of republican form of government. Was the action in the matter of the Pullman strike an example of the exercise of this power?
- 4. Power over Commerce.
  - a. Foreign commerce.
  - b. Interstate commerce; wide reach of this power; meaning of regulation of commerce. Is prohibition regulation? Machinery for carrying out this power. Present conditions demanding its vigorous exercise.
- 5. Power to make uniform bankruptcy laws.
- 6. Monetary power.
- 7. Power to make naturalization laws.



8. Power over post office ; extent of power ; telegraph and telephone as possible parts of postal system.
9. Power over patents and copyrights.
10. Power to regulate elections of presidential electors, senators, and representatives.
11. Power to punish and define piracies and felonies on high seas.
12. Powers over weights and measures.
13. Power to make internal improvements. The River and Harbor Bill. Is the exercise of this power constitutional? What part of the Constitution authorizes it?
14. Power to propose amendments to the Constitution.

In teaching the powers of Congress, the instructor should invariably refer to the words of the Constitution and should illustrate historically, as far as time permits, the breadth and depth of meaning (which often would not be guessed by even a mature beginner) that are in the words.

A careful comparison of the sphere of local legislation and the sphere of state legislation with that of national legislation will be of especial value at this point. See pp. 48 and 94.

## C. THE FEDERAL EXECUTIVE

### REFERENCES

- Stanwood, E., *History of the Presidency*.  
 Rhodes, J. F., *The Presidential Office*, Scribner's, February, 1903.  
 Mason, E. C., *The Veto Power*.  
 Cleveland, Grover, *Presidential Problems*.  
 West, H. L., in *The Forum*, March, 1901.  
 Harrison, Benjamin, *This Country of Ours*.

(Make constant comparison with your state executive.)

### I. General statement :

1. Composition : president, vice-president, and cabinet.
2. General relative importance of each.
3. Comparison of president's executive power with that of the



governor of your state, and with that of the mayor of a city. (See pp. 52 and 100.)

## II. The President and the Vice-president.

1. Official titles.
2. Terms of office.
  - a. Advantages of long and short terms.
  - b. The views of Hamilton and of Madison in the constitutional convention.
  - c. Provisions regarding terms of office in the earlier and later drafts of the Constitution.
3. Eligibility to reëlection.
  - a. Absence of constitutional restrictions.
  - b. Presidential "third terms."
  - c. The examples of Washington and Grant.
4. Qualifications.
  - a. "Natural-born" citizens.
  - b. Reasons for the exception made in the Constitution.
  - c. Age.
  - d. Residence.
5. Method of nomination.
  - a. National party conventions; their organization.
  - b. Selection of candidates.
  - c. Nomination of presidential electors.
  - d. Distribution of electors by states.
6. Method of election.
  - a. Discussions in the constitutional convention as to the best method of election.
  - b. The advantages of direct and indirect election.
  - c. Election by Congress, by the states, and by the people.
  - d. The system of indirect election a compromise.
  - e. The original plan, its working in the first three elections.
  - f. Defects of the plan.
  - g. The election of 1800.



- h.* The XII amendment.
  - i.* The present system of choosing electors.
    - (1) Qualifications for voting.
    - (2) The machinery of polling.
  - j.* The meetings of electors.
  - k.* Transmission of the votes.
  - l.* Verification of the votes.
  - m.* Disputed electoral returns.
    - (1) The Hayes-Tilden election.
    - (2) The law of 1887.
    - (3) Present procedure in disputed elections.
  - n.* Procedure when no candidate receives a clear majority.
    - (1) In electing president.
    - (2) In electing vice-president.
    - (3) The election of 1825.
  - o.* Differences between the theory and practice of presidential elections.
7. The inauguration.
  8. The presidential oath of office.
  9. Salary of the president.
    - a.* Fixed by Congress.
    - b.* Limitations on congressional power to increase or reduce.
    - c.* Present salary as fixed in 1908.
  10. Salary of the vice-president.
    - a.* Fixed by Congress without restriction.
    - b.* Present salary as fixed in 1908.
  11. Removal of the president from office.
    - a.* Procedure in impeachment.
    - b.* The case of President Johnson.
  12. Rules of succession to the presidency.
    - a.* How office may be vacated.
    - b.* Succession of vice-president.
    - c.* Succession in absence of vice-president.



- d. The law of 1886.
  - e. Present rules of succession.
    - (1) Secretary of State.
    - (2) Secretary of the Treasury.
    - (3) Secretary of War, etc., etc.
  - f. Temporary disability.
13. The powers of the president.
- a. General.
    - (1) To enforce the laws of the United States.
    - (2) To supervise federal officers.
  - b. Military powers.
    - (1) Over regular forces.
    - (2) Over state forces.
      - (a) In time of peace.
      - (b) In time of war.
  - c. The appointing power.
    - (1) Scope and importance of this power.
    - (2) Nature of offices included.
    - (3) Confirmation by the senate.
    - (4) Procedure in confirmations.
    - (5) "Senatorial courtesy."
    - (6) Filling of vacancies when senate is not in session.
    - (7) The limits of tenure without confirmation.
    - (8) Appointments to lower offices.
    - (9) "Rotation in office," the Act of 1820.
    - (10) The spoils system.
    - (11) Civil service reform.
      - (a) The law of 1871.
      - (b) The Pendleton Act, 1883.
      - (c) Present scope of the civil service regulations.

The president's power of appointment is clearly set forth by the following diagram from Lansing and Jones's *Government in the United States*.







Compare with a mayor's power of appointment and with your governor's as shown in diagram, p. 64.

*d.* The power of removal.

(1) Assent of senate not required.

(2) Restrictions on the power to remove.

*e.* Powers connected with diplomacy.

(1) The making of treaties.

Review the tabulated classification of the forms of law (p. 6), and place the treaties in their proper relation to other forms.

(2) Confirmation of treaties.

(a) Procedure in confirmations.

(b) Foreign relations committee.

(c) Relation of the house of representatives to treaties. Has it power? What?

*f.* Powers in relation to Congress.

(1) The veto power, its importance.

(2) Procedure in vetoes.

(3) Laws without presidential assent.

(4) The "pocket veto."

(5) Repassing over the veto.

(6) Presidential messages.

(a) Inaugural.

(b) Annual.

(c) Special.

(7) Convocation of special sessions.

(a) Of both houses.

(b) Of the senate alone.

(c) Of the house alone.

(8) Adjournment of Congress when senate and house disagree.

*g.* The power of pardon and reprieve.

(1) Scope of this power.

(2) Limitations. (Impeachments.)



14. The powers of the vice-president.
  - a. The presidency of the senate.
  - b. Voting rights in the senate.
  - c. The right of succession to presidency.

### III. The Cabinet.

1. The legal position of the cabinet. (Extraconstitutional.)
2. Comparison with the English cabinet.
3. Appointment and confirmation of members.
4. Removal of members from cabinet.
5. Composition of cabinet.
  - a. The department of state.
    - (1) Its organization.
      - (a) The assistant secretaries.
      - (b) The six bureaus.
    - (2) Its functions.
      - (a) Publication of laws and proclamations.
      - (b) Negotiation of treaties.
      - (c) Conduct of diplomatic relations.
  - b. The treasury.
    - (1) Organization and officials.
    - (2) The subtreasuries.
    - (3) Its functions.
      - (a) Concerning revenues.
      - (b) Concerning expenditures.
      - (c) Concerning the currency.
      - (d) Concerning banking.
  - c. The war department.
  - d. The navy department.
  - e. The department of justice.
  - f. The post-office department.
  - g. The department of the interior.
  - h. The department of agriculture.
  - i. The department of commerce and labor.



6. Relation of the cabinet to the president.
7. Relation of the cabinet to Congress.

## D. THE FEDERAL JUDICIARY

### REFERENCES

- Baldwin, S. E., *American Judiciary*.  
 Story, J., *Commentaries on the Constitution*.  
 Brewer, *United States Supreme Court*, Scribner, 1903.

### I. General statement:

1. The necessity of a judicial system.
2. The special importance of the judiciary in a federal system of government.
3. The independence of the judiciary.
4. Dual organization of the American judiciary.

### II. The organization of the federal judiciary.

1. The district courts.
  - a.* Number and location of districts.
  - b.* Composition of district courts.
  - c.* Method of appointment, tenure, removal, and compensation of justices.
  - d.* Places and times of sessions.
  - e.* Officials of the courts.
2. The circuit courts.
  - a.* Arrangement of the circuits.
  - b.* Organization of circuit courts.
3. The circuit courts of appeals.
4. The supreme court.
  - a.* Importance in the general system.
  - b.* The chief justice.
  - c.* The associate justices.
  - d.* Method of appointment and confirmation.
  - e.* Term of office.



- f.* Removals by impeachment.
  - g.* Remuneration, and securities against its reduction.
  - h.* Place and times of sessions.
  - i.* Publication of decisions.
  - j.* Enforcement of decisions.
  - k.* Officials of the court.
5. The court of claims and other special courts.  
 Organization and procedure.

### III. Jurisdiction of the federal courts.

- 1. Its scope.
  - a.* "Law and equity."
  - b.* Cases arising under the Constitution.
  - c.* Cases arising under federal laws.
  - d.* Cases involving treaties.
  - e.* Cases affecting ambassadors, other public ministers, and consuls.
  - f.* Admiralty and maritime cases.
  - g.* Controversies between states.
  - h.* Controversies to which the United States is a party.
  - i.* Controversies between a state and the citizens of another state.
    - (1) *Chisholm vs. Georgia.*
    - (2) The XI amendment.
    - (3) Suits against state officials.
  - j.* Cases between citizens of different states.
    - (1) The status of corporations.
    - (2) Joint suits.
  - k.* Cases between citizens of the same state claiming lands under grants of different states.
  - l.* Controversies between a state and foreign states or citizens.
  - m.* Cases between citizens of the United States and foreign citizens.
- 2. Its division among the courts.



- a. Original and appellate jurisdictions.
- b. The original jurisdiction of the supreme court.
  - (1) In cases affecting ambassadors, etc.
  - (2) In cases between states, to which a state is a party.
- c. The appellate jurisdiction of the supreme court.
  - (1) Appeals from lower to higher federal courts.
  - (2) The division of jurisdiction among federal courts.
  - (3) Appeals from state courts to federal courts.
  - (4) Procedure in appeals (writs of error, certiorari, etc.).
  - (5) Concurrent jurisdiction of state and federal courts.

#### IV. The influence of the federal courts.

- 1. In protecting the rights of states.
- 2. In protecting the rights of the nation.
- 3. In protecting the rights of citizens.
- 4. In protecting the rights of aliens.
- 5. The growth in power of the supreme court.

#### V. Judiciary securities for personal rights.

(The Bill of Rights.)



## CHAPTER VI

### GOVERNMENT OF TERRITORIES AND DEPENDENCIES

#### REFERENCES

Willoughby, W. F., *Territories and Dependencies of the United States*.  
Woodburn, J. A., *American Republic and its Government*, Chap. VIII.

#### I. Classification.

1. Organized, *e.g.*, New Mexico, Arizona, Hawaii.
2. Unorganized, *e.g.*, Alaska.
3. Dependencies, *e.g.*, Porto Rico, Philippines, Guam, Samoa, Canal Zone.
4. District of Columbia.

#### II. Relation to the federal government.

#### III. Government of an organized territory.

##### 1. Its constitution.

- a.* Source.
- b.* Content.

Compare with your state constitution in these two points.

##### 2. Organs of government.

- a.* Governor, Secretary, Treasurer, Auditor, Supreme Court judges, } Appointed for four years by President, together with United States Attorney and United States Marshal.
- b.* Legislature, lower court judges and all local officers elected by the people.
- c.* Delegate to Congress.

#### IV. Government of unorganized territories. Chief officers appointed by president; a minimum amount of self-government.



**V. Government of the District of Columbia.**

1. Legislative department. Congress.
2. Executive department. Three commissioners appointed by President.
3. Judicial department. Special courts appointed by the President.

**VI. Admission of new states.**

Two general methods.



## CHAPTER VII

### CITIZENSHIP

#### REFERENCES

- Willoughby, W. W., *The American Constitutional System*, Chap. XV.  
Hart, A. B., *Actual Government*, Chap. II.  
Ashley, R. L., *American Federal State*, 212-218.  
Cooley, T. M., *Principles of Constitutional Law*, 268-272.  
United States Constitution, XIV Amendment.  
Stimson, F. J., *The Law of the Federal and State Constitutions of the United States*, 161, 218-229.

#### MATERIAL NEEDED

- A brief compendium of the naturalization laws.  
Copies of naturalization papers.

#### I. Definition of citizenship.

1. Distinction between the civil rights of a native-born citizen and those of a naturalized citizen and those of an alien.
2. Dual character of citizenship.

#### II. Acquisition of citizenship.

1. By birth.
  - a. By the *jus soli* all persons born in our country are citizens, no matter what the nationality of the parents may be.  
Exceptions.
  - b. By the *jus sanguinis* the children born abroad of American parentage are citizens of the United States. (See naturalization acts of 1790 and of 1855.)
2. By marriage.
3. By annexation.

Comparison of the treatment in this respect of the inhabitants



of Florida and Porto Rico. Willoughby, W. F., *Territories and Dependencies of the United States*.

4. By naturalization.

The steps in this process :

a. The formal "declaration of intention."

b. The "final application" and oath of allegiance.

By whom and under what authority are naturalization papers issued?

Make a brief study of our naturalization laws and the methods of administering them.

III. Ways in which citizenship may be lost.

The pupil's grasp of this subject may be tested by propounding to him some such problems as the following : —

Germany by treaty has agreed that a German who has lived five years in the United States, without expressing intention to return to the fatherland, shall lose his German citizenship. If now this man should not become naturalized in the United States at the end of five years, of what country is he a citizen?

If an American citizen marry a foreign woman, does she thereby become an American citizen?

If an American woman marry a foreigner, does she thereby lose her American citizenship? Whether she go to a foreign country or not?

Can persons of all races be naturalized?

Can an unmarried woman be naturalized?

When the father of a family has become naturalized, what is the status of his children of foreign birth? of those born on the passage to this country? of those born in this country?

A man, being asked to what nation he belonged, replied that his father was a Frenchman, his mother a Dutchwoman, and that he was born on an English ship sailing under the German flag in Spanish waters. What nationality could he claim?



## CHAPTER VIII

### POLITICAL PARTIES

#### REFERENCES

- Ostrogorski, M., *Democracy and the Organization of Political Parties*, Vol. II.  
Macy, Jesse, *Party Organization and Machinery*.  
Goodnow, F. J., *Politics and Administration*.  
Woodburn, J. A., *Political Parties and Party Problems in the United States*.  
Lalor, J. J., *Cyclopædia of Political Science*.

#### MATERIAL NEEDED

- Copies of Party Rules regarding caucuses, conventions, etc. "Calls" of the various committees.  
Copies of delegates' credentials, nomination certificates, party platforms, and all other party documents.

#### I. Definition.

"A party is a body of men united for promoting by their joint endeavors the national interest upon some principle on which they are all agreed." — EDMUND BURKE.

Compare other definitions.

#### II. The uses of and necessity for political parties.

1. Political parties an essential feature of popular government, since it is only through such associations that public sentiment can make itself felt.
2. While political parties are the embodiment and result of public sentiment, they also serve to shape and direct it.
3. Opposing parties a check on each other.
4. Political parties the chief means by which the individual voter takes a direct part in government.
5. Political parties a means by which the voters fix responsibility for public policies.



### III. History of American political parties.

1. American national parties first appear in connection with the framing and adoption of the Constitution.
  - a. The Federalists, who favored a strong central government and the adoption of the Constitution.
  - b. The Anti-Federalists, who opposed the policies of the Federalists.
2. After the adoption of the Constitution, parties formed about Hamilton and Jefferson.
  - a. The Federalists, who favored a liberal construction of the Constitution, the assumption of the entire debt contracted for carrying on the Revolution, a protective tariff, and a national bank.
  - b. The Republicans, or Democratic-Republicans, or Democrats, as they were successively called, who favored a strict construction of the Constitution, emphasized the rights of the states, and opposed the measures of Hamilton.

This party has had a continuous existence to the present time.

3. Downfall of the Federalists and rise of the Whigs.
4. Rise of the present Republican party about 1852.
5. The Federalists, Whigs, and Republicans on the one hand, and the Democrats on the other, have in general divided on the following questions:—
  - a. The construction of the Constitution, — liberal *vs.* strict construction; strong central government *vs.* states' rights.
  - b. A protective tariff *vs.* a tariff for revenue or free trade.
  - c. A system of internal improvements at the national expense.
  - d. A national banking system.
  - e. The coercion of seceding states.
  - f. The restriction or abolition of slavery.
  - g. The resumption of specie payments.
  - h. The gold standard *v.* bimetallism or free silver.
  - i. A colonial or expansion policy.

Query : What questions now divide political parties ?

### IV. Party Organizations. Macy, *Party Organization and Machinery*, Chaps. VIII–XV.

1. Purposes.
  - a. Promoting union.
  - b. Enlisting recruits.
  - c. Arousing enthusiasm.
  - d. Formulation of party principles.



- e.* Instruction of voters in party principles.
- f.* Selection of party candidates.
- 2. Party organs correspond in general to the political divisions of the country :

<i>Political divisions</i>	<i>Party organs</i>
<i>a.</i> Town Township Village Ward or precinct	<i>a.</i> Primaries and Local committees
<i>b.</i> City	<i>b.</i> City conventions and City committees
<i>c.</i> County	<i>c.</i> County conventions and County committees
<i>d.</i> Legislative districts and Congressional districts	<i>d.</i> District conventions and District committees
<i>e.</i> The State	<i>e.</i> State conventions and State committees
<i>f.</i> The United States	<i>f.</i> National convention and National committee

**V. Party organs.** Ostrogorski, *Democracy and the Organization of Political Parties*, Vol. II, Part V, Chaps. I–V.

- 1. The primary (or caucus) — Definition.

The two terms are used here interchangeably, because they are used in different parts of the United States to mean the same thing. It is unfortunate that a distinction is not made in the use of the terms.

- a.* Membership.

All voters belonging to a given party within a given district, or



Such persons as are designated by the party rules.

*b.* Classification.

Primaries may be held, and in some states are held, (1) for the nomination of city, county, legislative, judicial, state, or national officers; or (2) for the election of delegates to conventions which are to be held later for the purpose of nominating said officers; or (3) they may combine the business of (1) and (2).

2. Conventions.

*a.* Membership.

A convention a representative body composed of delegates chosen by the primary or some other convention.

Special study of membership of national convention.

Woodburn, *Political Parties and Party Problems*, 155-164.

*b.* Classification.

Conventions may be held (1) for the nomination of candidates for city, county, legislative, judicial, state, or national offices; or (2) for the election of delegates to other conventions; or (3) they may combine the business of (1) and (2).

3. Party committees.

*a.* The permanent or continuous party organization.

*b.* There is usually a committee for each division in which a primary or a convention is held; *i.e.*, a local committee (town, city, or district), a county committee, a state committee, and a national committee.

*c.* Method of appointment. — See party documents of your local party unit.

*d.* Work and power of committees.

(1) Issuing of calls for party primaries and conventions.

(2) Filling of vacancies on the party ticket.

(3) Raising and expenditure of campaign funds.



- (4) Arranging for party publications, public meetings, and speech-making.
- (5) Canvassing of voters and "bringing out the vote."
- (6) Special study of the national committee. Woodburn, *Political Parties and Party Problems*, Chap. XIII.
  - (a) Membership.
  - (b) Chairman, — importance and responsibility of his office.
  - (c) Executive committee for the management of a presidential campaign.



## CHAPTER IX

### THE SELECTION OF PUBLIC OFFICIALS

(To be studied during the time of nominations and elections.)

#### REFERENCES

- Ashley, R. L., *American Federal State*, 445-453.  
Bryce, J., *American Commonwealth*, Vol. II.  
Lalor, J. J., *Cyclopædia of Political Science*, articles on Suffrage, Gerrymander, Apportionment.  
Dallinger, F. W., *Nominations for Elective Office*.  
Hart, A. B., *Actual Government*.  
Forman, S. E., *Advanced Civics*, 225-230, 344-349.  
Woodburn, J. A., *Political Parties and Party Problems in the United States*.

#### MATERIAL NEEDED

A brief compendium of the statutes relating to nominations and elections.  
The state document, usually called the *Legislative Manual*, which gives the various state, county and district officers, their respective districts, and the population and number of voters in these districts, the number of votes cast for the various officers at the last election, etc.

Copies of :

- Registrars of voters' notices.
- Voting lists (check lists).
- Notices of precinct limits and polling places.
- Calls of party committees for conventions and primaries.
- Party nomination papers.
- Delegates' credentials.
- Nomination certificates.
- Copies of party platforms, state and national.
- Tally sheets (blanks for making returns).
- Samples of all ballots used at primaries and elections of local state and national officers.

#### VISITS

As opportunity offers, students should visit :  
The office of registrars of voters.



A caucus or primary.

A nominating convention.

A polling place at election.

Persons are selected for public offices usually by one of three ways :

1. By popular election. (At stated times and for definite terms of office.)
2. By election by boards or by legislative bodies.
3. By appointment by some higher official. (Often for an indefinite term, and often subject to confirmation by some board or legislative body.)

Selection by the last two methods is treated in connection with the executive departments of city, state, and federal governments. See diagrams pp. 64, 140.

I. **The suffrage.** Woodburn, *Political Parties and Party Problems*, Chap. XV.

1. Brief history of the right of suffrage from its limited or restricted condition in England before the colonization of America, and in the first hundred years of the colonies, down through its extension in the eighteenth and nineteenth centuries.

Note what portion of the citizens of the United States now have the right of suffrage.

2. Definition of voter compared with that of citizen, alien, and inhabitant. (Cf. p. 156.)

The following tabulation may help to make clear the distinction between voters, citizens, aliens, and inhabitants :

Inhabitants	{	Citizens	{	Native   Naturalized	}	Voters, —	a portion of the native or naturalized citizens who have certain qualifications which vary somewhat in different states.
		Aliens					

NOTE. — In twelve states aliens who have declared their intention of becoming voters are allowed to vote.

From the last census report get the numbers of the above classes in your city, village, or township. From the report of the last election



learn the number of votes cast for the chief magistrate, and compute the ratio of the number who **did** vote to the number who **could** vote, and to the number of inhabitants.

Query. — In what sense does the majority rule?

3. The qualifications of voters in your state.
  - a. Comparison of these qualifications, in regard to sex, citizenship, age, residence, education, property, or tax qualification, with the qualifications in other states.
  - b. Other qualifications required in some states.
  - c. Disqualifications or exceptions to the above expressly mentioned in your state constitution. Who decides who may vote?
  - d. Principles (or alleged reasons) under which paupers, insane persons, criminals, children, women, and aliens are denied suffrage in some states.
  - e. Source of the laws regulating the elective franchise.
  - f. Extent to which the Constitution of the United States controls the matter.
  - g. Does the Fifteenth Amendment apply to citizens of Mongolian race? Why? Hart, *Actual Government*, 69.
  - h. Number of states giving women the elective franchise, wholly or in part.

Chief arguments for and against woman suffrage.

## II. Registration of voters.

Number of states employing registration; number requiring registration in towns above a certain size; number prohibiting registration. Forman, *Advanced Civics*, 345; Hart, *Actual Government*, pp. 73 and 84.

1. Advantages of registration.
  - a. An opportunity to settle beforehand question of a man's legal right to vote.
  - b. An aid in preventing certain frauds in voting.
2. The two systems of registration in use:



- a. Annual, as in New York.
- b. Permanent, as in Massachusetts.

Discuss advantages and disadvantages of each.

- 3. Boards of registration.
  - a. Method of choosing.
  - b. Qualifications of members.
- 4. Method of registration.
  - a. The process of registration in your town or city.
  - b. The time limitations.

### III. Electoral districts. Hart, *Actual Government*, 71-73.

- 1. Two classes.
  - a. The more permanent administrative subdivisions of states and territories ; viz., cities, towns, counties, and
  - b. The more variable subdivisions made by legislative bodies ; viz., precincts, wards, state senatorial and representative districts, and congressional districts.
    - (1) The principle supposed to control the making of this class of districts.
    - (2) The "gerrymander." The origin of the term. The aim of the "gerrymander." The objection to it. Griffith, E. C., *Rise and Development of the Gerrymander*.
    - (3) Unequal representation.
- 2. Discuss the statement that "petty districts will be represented by petty men," and present arguments for and against "election by districts" and "election at large."
- 3. Draw an outline map of your state and mark with different colors the boundaries of a half dozen of the districts in which you live: e.g., the town, the ward or precinct, the county, the state representative district, the state senatorial district, the congressional district. Discover some of the reasons for the varying sizes and shapes of these overlapping districts.



## IV. Nominations.

## 1. Classification.

## a. Party nominations.

(1) By direct vote of members of a political party in primary or caucus.

(2) By delegate convention.

b. Independent nomination: viz., nomination by petition or "nomination paper." Goodnow, *City Government in United States*, 122-128.

## 2. Preëlection movement of party machinery.

a. The call of party committees, national (in presidential election years), state, and local, for conventions and primaries.

b. The making of the primary ballot, or the "slate."

c. The work of the primary.

(1) Organization by choice of officers.

(2) The direct nomination of candidates for office.

(3) The choosing of delegates to nominating conventions.

(4) The election of local party committee for ensuing year.

d. Credentials.

e. Work of the nominating convention — district, state, and national.

(1) To nominate candidates.

(2) In all except national conventions, to choose delegates (who in many cases are instructed as to how they shall vote) to other conventions.

(3) To elect members of party committees for the ensuing year.

(4) In the case of state and national conventions, to draw up the party platform.

f. Procedure of the national convention which meets once in four years to nominate candidates for president and vice-



president and formulate a party platform. Ostrogorski, *Democracy and the Organization of Political Parties*, Vol. II, Chap. III.

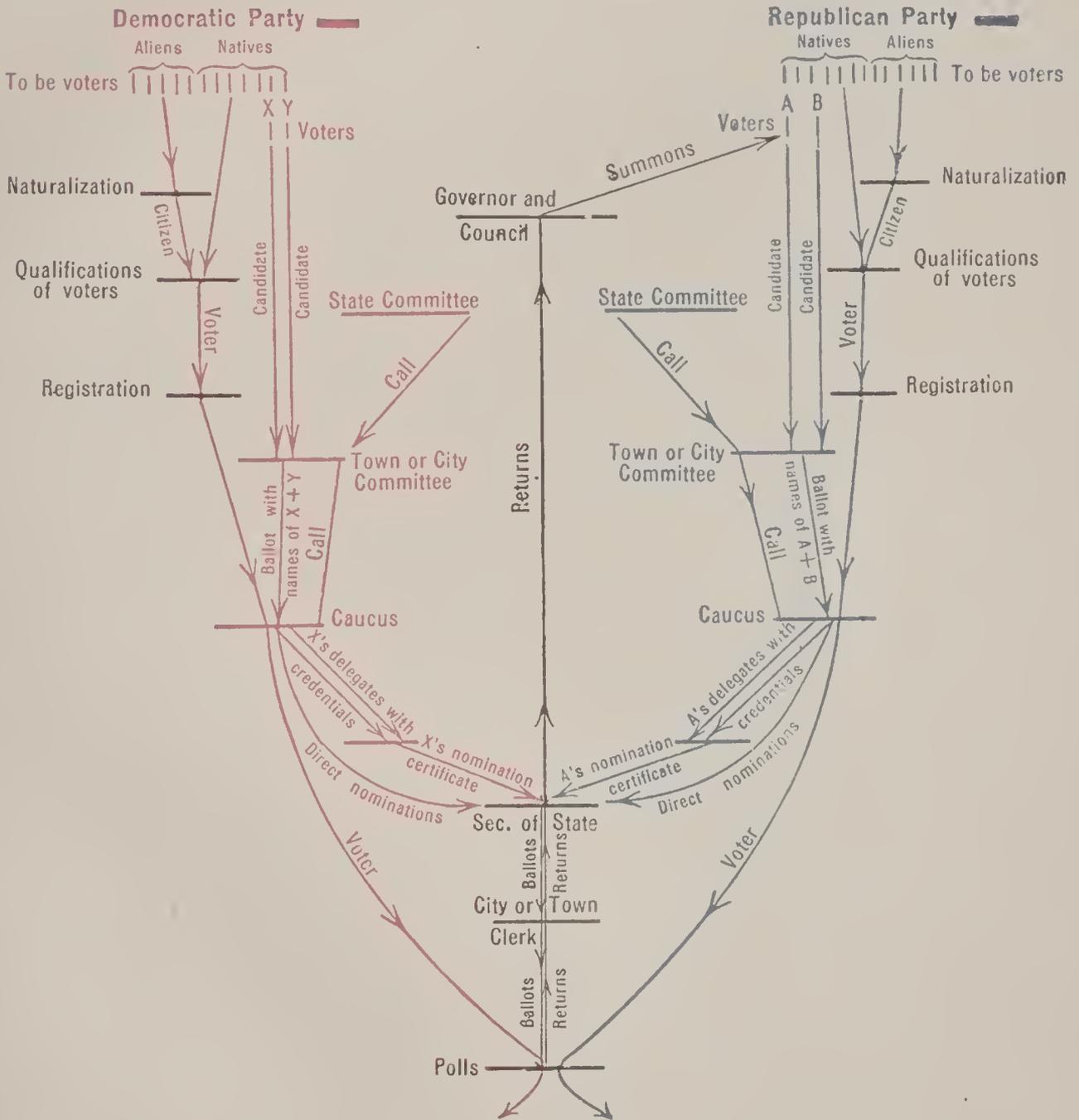
g. Certificate of nomination.

NOTE. — Let the pupil follow the movement of party machinery and note all the steps in the nomination of Mr. X for state senator, from the issue of the call for conventions by the state (or national) party committee to the placing of the candidate's name upon the election ballot. (See accompanying diagram.) In like manner follow the nomination of Mr. Y for president.

## V. Elections.

1. Time of holding local, state, and national elections.  
Reasons for holding them at same or different times.
2. Preparation of ballots in each case. Delivery at the polls.  
Final disposal:
3. The so-called Australian system of balloting.
  - a. The two variations of the Australian ballot generally in use in the United States, exemplified by the ballots of Massachusetts and New York.
  - b. The method of secret balloting.
    - (1) Its aim.  
After a visit to the polls the pupils should describe minutely the process of voting, drawing diagram of polling place; they should describe the counting of ballots and the method of making returns (see 4 below); they should understand the aim of the so-called Australian system of balloting, and note how each step in the process contributes to this end.
    - (2) Its history.  
If time will permit, make a brief survey of the various methods of voting used in the past, and consider the voting machine as a possible method in the future.
4. Election returns, re-counts, canvassing boards, etc.

**DIAGRAM TO ILLUSTRATE NOMINATIONS AND ELECTIONS  
 IN MASSACHUSETTS  
 ELECTION OF MR. X. TO THE STATE SENATE**







5. Presidential electors, their choice, function, time of meeting, etc. See Amendment XII to Constitution.
  6. Make a list of officers for whom a voter may vote in local, state, and national elections.
  7. Follow the steps in the election of Mr. X to some state office from the time his name appears on the ballot till he receives his official notice of election.
  8. In the same way follow the election of Mr. Y to the office of president ; Mr. Z to some local executive office.
- VI. Some discussion of the theories and principles of representative government involved in nominations and elections.
1. The "rule of the people" ; *i.e.*, the rule of the largest number of those who, having the right to vote, do vote together.  
This frequently results in the rule of a minority.  
This system a matter of expediency.
  2. The rights of the minority.
    - a.* The attempt to secure them by proportional representation, cumulative voting, etc. J. R. Commons, *Proportional Representation*.

NOTE. — If the distinction between a "majority" and a "plurality" has not already been made and a clear understanding of the meaning of these terms secured, the matter should be treated here.

Would you prefer to be elected by a majority vote or by a plurality vote? Why? When is a plurality a majority also? What are the advantages and disadvantages of either method?

3. Is it the duty of one having the right to vote at a primary or election to exercise that right? Why? In which does the individual voter's influence count for more?
4. The extension of the voter's privilege of expressing his choice to the adoption of constitutions and constitutional amendments, to local option in various matters and even to matters



of ordinary legislation, the "referendum" and the "initiative." See p. 98. Oberholtzer, E. P., *Referendum in America*.

5. What is the aim of elections at frequent intervals? Discuss advantages and disadvantages.
6. Distinguish clearly between the idea of short terms of office and the pernicious idea of "rotation in office."
7. Baneful effect of national political parties upon municipal government as shown in the nomination and election of municipal officers.

Hart, *Actual Government*, 208-210.

Devlin, *Municipal Reform in the United States*, 63-67.

Eaton, *The Government of Municipalities*, 57-88.

8. Rings and Bosses. Woodburn, *Political Parties and Party Problems*, Chap. XVI.
9. The Spoils System vs. The Merit System, Bryce, *American Commonwealth*, Vol. II, Chap. XLV.

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