



**JOHN
FISKE**

***CIVIL GOVERNMENT
IN THE UNITED
STATES CONSIDERED
WITH SOME
REFERENCE TO ITS
ORIGINS***

John Fiske

Civil Government in the United States Considered with Some Reference to Its Origins

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Contact: DigiCat@okpublishing.info



TABLE OF CONTENTS

CHAPTER I.

CHAPTER II.

Section 1. The New England Township .

Section 2. Origin of the Township .

CHAPTER III.

Section 1. The County in its Beginnings .

Section 2. The Modern County in Massachusetts .

Section 3. The Old Virginia County .

CHAPTER IV.

Section 1. Various Local Systems.

Section 2. Settlement of the Public Domain.

Section 3. The Representative Township-County System in the West.

CHAPTER V.

Section 1. Direct and Indirect Government.

Section 2. Origin of English Boroughs and Cities.

Section 3. The Government of Cities in the United States .

CHAPTER VI.

Section 1. The Colonial Governments .

Section 2. The Transition from Colonial to State Governments.

Section 3. The State Governments .

CHAPTER VII.

CHAPTER VIII.

Section 1. Origin of the Federal Union .

Section 2. The Federal Congress .

Section 3. The Federal Executive .

Section 4. The Nation and the States.

Section 5. The Federal Judiciary.

Section 6. Territorial Government.

Section 7. Ratification and Amendments .

Section 8. A Few Words about Politics .

APPENDIX.

CIVIL GOVERNMENT IN THE UNITED STATES, CONSIDERED
WITH SOME REFERENCE. TO ITS ORIGINS.

CHAPTER I.

CHAPTER II.

Section 1. The New England Township .

Section 2. Origin of the Township .

Section 1. THE NEW ENGLAND TOWNSHIP. There is a good
account in. Martin's Text Book on Civil Government in the
United States . N.. T. & Chicago, 1875.

CHAPTER III.

Section 1. The County in its Beginnings.

Section 2. The Modern County in Massachusetts.

Section 3. The Old Virginia County.

SUGGESTIVE QUESTIONS AND DIRECTIONS.

Section 1. THE COUNTY IN ITS BEGINNINGS. This subject is
treated in. connection with the township in several of the
books above mentioned.. See especially Howard, Local
Const. Hist.

Section 2. THE MODERN COUNTY IN MASSACHUSETTS.
There is a good account. in Martin's Text Book above
mentioned.

Section 3. THE OLD VIRGINIA COUNTY. The best account is
in J.H.U.. Studies , III., ii.-iii. Edward Ingle, Virginia Local
Institutions.

CHAPTER IV.

Section 1. Various Local Systems .

Section 2. Settlement of the Public Domain.

Section 3. The Representative Township-County System in the West .

SUGGESTIVE QUESTIONS AND DIRECTIONS.

Section 1. VARIOUS LOCAL SYSTEMS.— J.H.V. Studies , I., vi., Edward Ingle, Parish Institutions of Maryland ; I., vii., John. Johnson, Old Maryland Manors ; I., xii., B.J. Ramage, Local Government and Free Schools in South Carolina ; III., v.-vii., L.

Section 2. SETTLEMENT OF THE PUBLIC DOMAIN.— J. H. U. Studies ,. III., i. H. B. Adams, Maryland's Influence upon Land Cessions to. the United States ; IV., vii.-ix., Shoshuke Sato, History of the. Land Question in the United States .

Section 3. THE REPRESENTATIVE TOWNSHIP-COUNTY SYSTEM.— J H. U.. Studies , I., iii., Albert Shaw, Local Government in Illinois ; I., v., Edward Bemis, Local Government in Michigan and the Northwest ; II., vii., Jesse Macy, Institutional Beginnings in a Western State (Iowa) .. For farther illustration of one set of institutions supervening upon. another, see also V., v.-vi., J. G. Bourinot, Local Government in. Canada ; VIII., in., D. E. Spencer, Local Government in Wisconsin .

CHAPTER V.

Section 1. Direct and Indirect Government .

Section 2. Origin of English Boroughs and Cities .

Section 3. The Government of Cities in the United States.

Section 1. DIRECT AND INDIRECT GOVERNMENT.—The transition from. direct to indirect government, as illustrated in the gradual. development of a township into a city, may be profitably studied in. Quincy's Municipal History of Boston , Boston, 1852; and in. Winsor's Memorial History of Boston , vol. iii. pp. 189-302,. Boston, 1881.

Section 2. ORIGIN OF ENGLISH BOROUGHES AND CITIES.—
See Loftie's History of London , 2 vols., London, 1883;
Toulmin Smith's English Gilds , with Introduction by Lujo
Brentano, London,. 1870; and the histories of the English
Constitution, especially those. of Gneist, Stubbs, Taswell-
Langmead, and Hannis Taylor.

CHAPTER VI.

Section 1. The Colonial Governments.

Section 2. The Transition from Colonial to State
Governments.

Section 3. The State Governments.

CHAPTER VII.

CHAPTER VIII.

Section 1. Origin of the Federal Union.

Section 2. The Federal Congress.

Section 3. The Federal Executive.

Section 4. The Nation and the States.

Section 5. The Federal Judiciary.

Section 6. Territorial Government.

Section 7. Ratification and Amendments.

Section 8. A Few Words about Politics.

APPENDIX A.

ARTICLE II. EXECUTIVE DEPARTMENT.[6]

APPENDIX C.

APPENDIX D.

A PART OF THE BILL OF RIGHTS.

APPENDIX E.

THE FUNDAMENTAL ORDERS OF CONNECTICUT.

APPENDIX F.

APPENDIX G.

APPENDIX I.

APPENDIX J.

SECTION 1. Title five of the Penal Code, entitled "Of crimes against the elective franchise," is hereby amended so as to read as follows

Section 41. It shall be unlawful for any person, directly or indirectly, by himself or through any other person

Section 41 a . It shall be unlawful for any person, directly or indirectly, by himself or through any other person

Section 41 c . It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence, or restraint, or to inflict or threaten the infliction by himself, or through any other person, of any injury, damage, harm, or loss, or in any manner to practice intimidation upon or against any person, in order to induce, or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it shall be unlawful for any person by abduction, duress, or any forcible or fraudulent device, or contrivance whatever to impede, prevent, or otherwise interfere with, the free exercise of the elective franchise by any voter; or to compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person at any election. It shall not be lawful for any employer in paying his employees the salary or wages due them to inclose their pay in "pay envelopes" upon which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor shall it be lawful for any employer, within ninety days of general election to put up or otherwise exhibit in his factory, work-shop, or other

establishment or place where his employees may be working, any hand-bill or placard containing any threat, notice, or information that in case any particular ticket or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his establishment be closed up, or the wages of his workmen, be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees. This section shall apply to corporations, as well as to individuals, and any person or corporation violating the provisions of this section shall be deemed guilty of a misdemeanour, and any corporation violating this section shall forfeit its charter.

Section 41 d . Every candidate who is voted for at any public election held within this state shall, within ten days after such election, file as hereinafter provided an itemized statement, showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election. Candidates for offices to be filled by the electors of the entire state, or any division or district thereof greater than a county, shall file their statements in the office of the secretary of state. The candidates for town, village, and city offices, excepting the city of New York, shall file their statements in the office of the town, village, or city clerk respectively, and in cities wherein

there. is no city clerk, with the clerk of the common council wherein the. election occurs. Candidates for all other offices, including all. offices in the city and county of New York, shall file their. statements in the office of the clerk of the county wherein the. election occurs.

Section 41 e . A person offending against any provision of. sections forty-one and forty-one-a of this act is a competent witness. against another person so offending, and may be compelled to attend. and testify upon any trial, hearing, proceeding, or investigation in. the same manner as any other person. But the testimony so given shall. not be used in any prosecution or proceeding, civil or criminal,. against the person so testifying. A person so testifying shall not. thereafter be liable to indictment, prosecution, or punishment for the. offense with reference to which his testimony was given and may plead. or prove the giving of testimony accordingly,. in bar of such an. indictment or prosecution.

Section 41 f . Whosoever shall violate any provision of this title, upon. conviction thereof, shall be punished by imprisonment in a county jail. for not less than three months nor more than one year. The offenses. described in section[53] forty-one and forty-one-a of this act are hereby. declared to be infamous crimes. When a person is convicted of any. offense mentioned in section forty-one of this act he shall in addition. to the punishment above prescribed, forfeit any office to which he may. have been elected at the election with reference to which such offense. was committed; and when a person is convicted of any offense mentioned. in section forty-one-a of this act he shall in addition to the. punishment above prescribed be excluded from the right of suffrage for a. period of five years after such conviction, and it shall be the duty of. the county clerk of the county in which any such conviction shall be. had, to transmit a certified copy of the record of conviction to the.

clerk of each county of the state, within ten days thereafter, which. said certified copy shall be duly filed by the said county clerks in. their respective offices. Any candidate for office who refuses or. neglects to file a statement as prescribed in section forty-one-d of. this act shall be deemed guilty of a misdemeanour, punishable as above. provided and shall also forfeit his office.

Section 41 g . Other crimes against the elective franchise are. defined, and the punishment thereof prescribed by special statutes.

Section 2. Section forty-one of the Penal Code, as it existed prior to. the passage of this act, is hereby repealed.

Section 3. This act shall take effect immediately. APPENDIX K.

CHAPTER I.

[Table of Contents](#)

TAXATION AND GOVERNMENT.

"Too much taxes".

What is taxation?

Taxation and eminent domain.

What is government?

The "ship of state".

"The government".

Whatever else it may be, "the government" is the power which imposes taxes.

Difference between taxation and robbery.

Sometimes taxation is robbery.

The study of history is full of practical lessons, and helpful to those who would be good citizens.

Perpetual vigilance is the price of liberty.

QUESTIONS ON THE TEXT.

SUGGESTIVE QUESTIONS AND DIRECTIONS.

BIBLIOGRAPHICAL NOTE.

CHAPTER II.

[Table of Contents](#)

THE TOWNSHIP.

SECTION 1. *THE NEW ENGLAND TOWNSHIP.*

[Table of Contents](#)

The most ancient and simple form of government.

New England settled by church congregations.

Policy of the early Massachusetts government as to land grants.

Smallness of the farms

Township and village

Social position of the settlers

The town-meeting

Selectmen; town-clerk

Town-treasurer; constables; assessors of taxes and overseers of the poor

Act of 1647 establishing public schools

School committees

Field-drivers and pound-keepers; fence-viewers; other town officers

Calling the town-meeting

Town, county, and state taxes

Poll-tax

Taxes on real-estate; taxes on personal property

When and where taxes are assessed

Tax-lists

Cheating the government

The rate of taxation

Undervaluation; the burden of taxation
The "magic-fund" delusion
Educational value of the town-meeting
By-laws

Power and responsibility

There is nothing especially American, democratic, or meritorious about "rotation in office"

QUESTIONS ON THE TEXT

SECTION 2. *ORIGIN OF THE TOWNSHIP.*

[Table of Contents](#)

Town-meetings in ancient Greece and Rome

Clans; the *mark* and the *tun*

The Old-English township, the manor, and the parish

The vestry-meeting

Parish and vestry clerks; beadles, waywardens, haywards, common-drivers, churchwardens, etc.

Transition from the English parish to the New England township

Building of states out of smaller political units

Representation; shire-motes; Earl Simon's Parliament

The township as the "unit of representation" in the shire-mote and in the General Court

Contrast with the Russian village-community which is not represented in the general government

**QUESTIONS ON THE TEXT
SUGGESTIVE QUESTIONS AND
DIRECTIONS BIBLIOGRAPHICAL NOTE**

CHAPTER III.

[Table of Contents](#)

THE COUNTY.

SECTION 1. *THE COUNTY IN ITS BEGINNINGS.*

[Table of Contents](#)

Why do we have counties?

Clans and tribes

The English nation, like the American, grew out of the union of small states

Ealdorman and sheriff; shire-mote and county court

The coroner, or "crown officer"

Justices of the peace; the Quarter Sessions; the lord lieutenant

Decline of the English county; beginnings of counties in Massachusetts

QUESTIONS ON THE TEXT

SECTION 2. *THE MODERN COUNTY IN MASSACHUSETTS.*

[Table of Contents](#)

County commissioners, etc.; shire-towns and court-houses
Justices of the peace, and trial justices
The sheriff

QUESTIONS ON THE TEXT

SECTION 3. *THE OLD VIRGINIA COUNTY.*

[Table of Contents](#)

Virginia sparsely settled; extensive land grants to individuals

Navigable rivers; absence of towns; slavery

Social position of the settlers

Virginia parishes; the vestry was a close corporation

Powers of the vestry

The county was the unit of representation

The county court was virtually a close corporation

The county-seat, or Court House

Powers of the court; the sheriff

The county-lieutenant

Contrast between old Virginia and old New England, in respect of local government

Jefferson's opinion of township government

"Court-day" in old Virginia

Virginia has been prolific in great leaders

QUESTIONS ON THE TEXT

SUGGESTIVE QUESTIONS AND DIRECTIONS

BIBLIOGRAPHICAL NOTE

CHAPTER IV.

[Table of Contents](#)

TOWNSHIP AND COUNTY.

SECTION 1. *VARIOUS LOCAL SYSTEMS.*

[Table of Contents](#)

Parishes in South Carolina

The back country; the "regulators"

The district system

The modern South Carolina county

The counties are too large

Tendency of the school district to develop into something like a township

Local institutions in colonial Maryland; the hundred

Clans; brotherhoods, or phratries; and tribes

Origin of the hundred; the hundred court; the high constable

Decay of the hundred; hundred-meeting in Maryland

The hundred in Delaware; the levy court, or representative county assembly

The old Pennsylvania county

Town-meetings in New Tort

The county board of supervisors

QUESTIONS ON THE TEXT

SECTION 2. *SETTLEMENT OF THE PUBLIC DOMAIN.*

[Table of Contents](#)

Westward movement of population along parallels of latitude

Method of surveying the public lands

Origin of townships in the West

Formation of counties in the West

Some effects of this system

The reservation of a section for public schools

In this reservation there were the germs of township government

But at first the county system prevailed

QUESTIONS ON THE TEXT

SECTION 3. *THE REPRESENTATIVE TOWNSHIP-COUNTY SYSTEM IN THE WEST.*

[Table of Contents](#)

The town-meeting in Michigan
Conflict between township and county systems in Illinois
Effects of the Ordinance of 1787
Intense vitality of the township system
County option and township option in Missouri, Nebraska, Minnesota, and Dakota
Grades of township government in the West
An excellent result of the absence of centralization in the United States
Effect of the self-governing school district in the South, in preparing the way for the self-governing township
Woman-suffrage in the school district

QUESTIONS ON THE TEXT

SUGGESTIVE QUESTIONS AND DIRECTIONS

BIBLIOGRAPHICAL NOTE

CHAPTER V.

[Table of Contents](#)

THE CITY.

SECTION 1. *DIRECT AND INDIRECT GOVERNMENT.*

[Table of Contents](#)

Summary of the foregoing results; township government is direct, county government is indirect

Representative government is necessitated in a county by the extent of territory, and in a city by the multitude of people

Josiah Quincy's account of the Boston town-meeting in 1830

Distinctions between towns and cities in America and in England

QUESTIONS ON THE TEXT

SECTION 2. *ORIGIN OF ENGLISH BOROUGHES AND CITIES.*

[Table of Contents](#)

Origin of the *chesters* and *casters* in Roman camps
Coalescence of towns into fortified boroughs
The borough as a hundred; it acquires a court
The borough as a county; it acquires a sheriff
Government of London under Henry I
The guilds; the town guild, and Guild Hall
Government of London as perfected in the thirteenth century; mayor, aldermen, and common council
The city of London, and the metropolitan district
English cities were for a long time the bulwarks of liberty
Simon de Montfort and the cities
Oligarchical abuses in English cities, beginning with the Tudor period
The Municipal Reform Act of 1835
Government of the city of New York before the Revolution
Changes after the Revolution
City government in Philadelphia in the eighteenth century
The very tradition of good government was lacking in these cities

QUESTIONS ON THE TEXT

SECTION 3. *THE GOVERNMENT OF CITIES IN THE UNITED STATES.*

[Table of Contents](#)

Several features of our municipal governments

In many cases they do not seem to work well

Rapid growth of American cities

Some consequences of this rapid growth

Wastefulness resulting from want of foresight

Growth in complexity of government in cities

Illustrated by list of municipal officers in Boston.

How city government comes to be a mystery to the citizens, in some respects harder to understand than state and national government

Dread of the "one-man power" has in many cases led to scattering and weakening of responsibility

Committees inefficient for executive purposes; the "Circumlocution Office"

Alarming increase of city debts, and various attempts to remedy the evil

Experience of New York with state interference in municipal affairs; unsatisfactory results

The Tweed Ring in New York

The present is a period of experiments

The new government of Brooklyn

Necessity of separating municipal from national politics

Notion that the suffrage ought to be restricted; evils wrought by ignorant voters

Evils wrought by wealthy speculators; testimony of the Pennsylvania

Municipal Commission

Dangers of a restricted suffrage

Baneful effects of mixing city politics with national politics

The "spoils system" must be destroyed, root and branch; ballot reform also indispensable

QUESTIONS ON THE TEXT

SUGGESTIVE QUESTIONS AND DIRECTIONS

BIBLIOGRAPHICAL NOTE

CHAPTER VI.

[Table of Contents](#)

THE STATE.