THE

CONSTITUTION OF THE UNITED STATES.

Purposes for which the Constitution was ordained and established.

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

Legislative powers vested in Congress.

ARTICLE 1. § 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.(*b*)

House of Representatives.

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

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

Representatives and direct taxes to be apportioned according to respective numbers.

Census to be taken every ten years.

Representatives in Congress.

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

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(*a*) Martin, heir at law of Fairfax, *v.* Hunter's Lessee, 1 Wheat. 304; 3 Cond. Rep. 575. Briscoe et al. *v.* the Bank of the Commonwealth of Kentucky, 11 Peters, 257. McCulloch *v.* The State of Maryland, 4 Wheat. 316; 4 Cond. Rep. 466. Gibbons *v.* Ogden, 9 Wheat. 1. Barron *v.* The Mayor and City Council of Baltimore, 7 Peters, 243. Marberry *v.* Madison, 1 Cranch, 237; 1 Cond. Rep. 267. United States *v.* Smith, 5 Wheat. 153; 4 Cond. Rep. 619. Owing *v.* Norwood, 5 Cranch, 344; 2 Cond. Rep. 275.

(*b*) The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass laws; the second to approve and execute them; the third to expound and enforce them. Martin, heir at law of Fairfax, *v.* Hunter's Lessee, 1 Wheat. 304; 3 Cond. Rep. 575.

The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers were to be carried into execution. It was foreseen that that would be a perilous and difficult, if not an impracticable task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be made indispensable to effectuate the general objects of the charter; and restrictions and specifications which at present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms; leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and remodel the exercise of its own powers as its own wisdom, and the public interests should require. Martin, &c. *v.* Hunter, 1 Wheat. 304; 3 Cond. Rep. 575.

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Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.(*a*)

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

Vacancies in the representation, how filled.

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

Speaker and officers of H. R. Impeachment.

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

Senate, how composed. Senators, how chosen. Each Senator to have one vote.

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

One third of the Senators to be chosen every second year.—Vacancies during recess of the Legislature of a State. How filled.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Qualifications of Senators.

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

Vice President of U. S. president of Senate.

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

The Senate to choose their officers. President pro tempore.

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

The Senate to have the sole power to try impeachments. When the President of U. S. is tried, the Chief Justice shall preside.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

Judgment in case of impeachment. Party convicted subject to indictment at law.

§ 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Times and places for holding elections. Congress may at anytime make or alter regulations made by the States, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Congress to assemble once a year.

§ 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent

Each House

(*a*) South Carolina adopted the Constitution by a convention called in November, 1789. Rhode Island, by a convention held in May, 1790, assented to the Constitution. Kentucky was admitted into the Union, June 1, 1792. Vermont was admitted into the Union, March 4, 1791. Tennessee was admitted into the Union, June 1, 1796. Ohio was established as a state of the Union, by act of April 30, 1802. Louisiana was admitted into the Union, April 30, 1812. Indiana was admitted into the Union, December 11, 1816. Mississippi was admitted into the Union, December 10, 1817. Illinois was admitted into the Union, December 3, 1818. Alabama was admitted into the Union, December 14, 1819. Maine was admitted into the Union by an act of Congress, passed March 3, 1820. Missouri was admitted into the Union, March 2, 1821. Arkansas was admitted into the Union, June 15, 1836. Michigan was admitted into the Union, January 26, 1837. North Carolina became a member of the Union, before June 4, 1790. Iowa and Florida were authorized to become states of the Union, by act of March 3, 1845, chap. 48.

to be the judge of the elections, returns, and qualifications of its members. A majority to form a quorum.

members, in such manner, and under such penalties, as each House may provide.

Rules of proceeding.

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

Each House to keep a journal. Yeas and nays.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Adjournments of the Houses of Congress.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Compensation of the Senators and Representatives. Privileged from arrest, with exceptions. Not to be questioned in any other place for any speech or debate in either House.

§ 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Appointment to office of Senators or Representatives. No person holding any office under the U. S. to be a member of either House during his continuance in office.

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

Bills for raising revenue.

§ 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Bills, after having passed Congress, to be presented to the President. Proceedings when the President disapproves.

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

Every order, resolution, or vote, of both Houses (except on a question of adjournment) to be presented to the President of the U. S.

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

Powers of Congress.

§ 8. The Congress shall have power(*a*)

(*a*) Congress must possess the choice of means, and must be empowered to use any means, which are in fact conducive to the exercise of a power granted by the Constitution. United States *v.* Fisher, et al.; Assignees of Blight, 2 Cranch's Rep. 358; 1 Cond. Rep. 421.

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

To lay taxes, and provide for the common defence and welfare. Duties to be uniform.

To borrow money on the credit of the United States:

To borrow money.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:(*c*)

To regulate commerce.

To establish an uniform rule of naturalization,(*d*) and uniform laws on the subject of bankruptcies throughout the United States:(*e*)

Naturalization. Bankruptcies.

The powers granted to Congress are not exclusive of similar powers existing in the States, unless where the Constitution has expressly, in terms, given an exclusive power to Congress; or the exercise of a like power is prohibited to the States; or there is a direct repugnancy, or incompatibility in the exercise of it by the States. The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the State in which the same shall be located for forts, arsenals, dock-yards, &c.; of the second class, of the prohibition of a State to coin money, or emit bills of credit; of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction. In all other cases the States retain concurrent authority with Congress. Houston *v.* Moore, 5 Wheat. 1; 4 Cond. Rep. 589.

An act of Congress repugnant to the Constitution cannot become the law of the land. Marbury *v.* Madison, 1 Cranch, 137; 1 Cond. Rep. 267.

The mere grant of power to Congress does not imply a prohibition on the States to exercise the same power. Whenever the terms in which such a power is granted to Congress require that it should be exercised exclusively by Congress, the subject is as completely taken from the State legislatures, as if they had been expressly forbidden to act upon it. Sturges *v.* Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409.

(*a*) The power of Congress to levy and collect taxes, duties, imposts, and excises, is co-extensive with the territory of the United States. Loughborough *v.* Blake, 5 Wheat. 317; 4 Cond. Rep. 660.

The power of Congress to exercise exclusive legislation, in all cases whatever, within the District of Columbia, includes the power of taxing it. *Ibid.*

The authority of Congress to lay and collect taxes, does not interfere with the power of the States to tax for the support of their own governments; nor is the exercise of that power by the States, an exercise of any portion of the power that is granted to the United States. Gibbons *v.* Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.

(*b*) The constitutional provision that direct taxes shall be apportioned among the several States, according to their respective numbers, to be ascertained by a census, was not intended to restrict the power of imposing direct taxes to States only. Loughborough *v.* Blake, 5 Wheat. 317; 4 Cond. Rep. 660.

(*c*) An act of Congress, laying an embargo for an indefinite period of time, is constitutional and valid. The United States *v.* The William, 2 Hall's Am. Law Jour. 255.

The power of regulating commerce extends to the regulation of navigation. Gibbons *v.* Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.

The power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States. It does not stop at the external boundary of a State; but it does not extend to a commerce which is completely internal. *Ibid.*

The power to regulate commerce is general, and has no limitations but such as are prescribed by the Constitution itself. This power, so far as it extends, is exclusively vested in Congress, and no part of it can be exercised by a State. *Ibid.*

The power of regulating commerce extends to navigation carried on by vessels employed in transporting passengers. *Ibid.*

All those powers which relate to merely municipal legislation, or which may be properly called internal police, are not surrendered (by the States) or restrained, and consequently in relation to those the authority of a State is complete, unqualified, and exclusive. The City of N. York *v.* Miln, 11 Peters, 102.

The act of the legislature of New York passed February 1824, entitled, "An Act concerning passengers in vessels arriving in the port of New York," is not a regulation of commerce, but of police; and being so, it was passed in the exercise of a power which belonged to that State. *Ibid.*

The power to regulate commerce, includes the power to regulate navigation, as connected with the commerce with foreign nations and among the States. It does not stop at the mere boundary line of a State, nor is it confined to acts done on the waters, or in the necessary course of the navigation thereof. It extends to such acts done on the land, which interfere with, obstruct, or prevent the due exercise of the powers to regulate commerce and navigation with foreign nations, and among the States. Any offence which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers. The United States *v.* Lawrence Coombe, 12 Peters, 72.

Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the Constitution, of a power given to Congress, to regulate commerce, and the prohibition of the States for imposing a duty on imported goods. *Ibid.*; Gibbons *v.* Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.

(*d*) Under the Constitution of the United States, the power of naturalization is exclusively in Congress. Chirac *v.* Chirac, 2 Wheat. 259; 4 Cond. Rep. 111; Houston *v.* Moore, 5 Wheat. 1; 4 Cond. Rep. 589.

(*e*) The powers of Congress to establish uniform laws on the subject of bankruptcy throughout the

To coin money. To fix the standard of weights and measures.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To punish counterfeiters.

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

Post-offices.

To establish post-offices and post-roads:

To promote the progress of science and useful arts.

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

Inferior tribunals.

To constitute tribunals inferior to the Supreme Court:

Piracies on the high seas.

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:(*a*)

To declare war.

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

To raise armies.

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

Navy, &c.

To provide and maintain a navy:

Government of the army and navy.

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

Militia.

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

For the organization, &c. of the militia.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.(*b*)

Exclusive Legislation over seat of govern- of the U. S.

Exclusive authority over places purchased with the consent of States.

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. And,

To make laws for carrying into execution all powers vested in government of U. S.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.(*c*)

Migration or importation of persons.

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

United States, does not exclude the right of the States to legislate on the same subject, except when the power is actually exercised by Congress, and the State laws conflict with those of Congress. Ogden *v.* Saunders, 12 Wheat. 213; 6 Cond. Rep. 523; Sturges *v.* Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409.

Since the adoption of the Constitution of the United States, a state has authority to pass a Bankrupt law, provided such law does not impair the obligation of contracts; and provided there be no act of Congress in force to establish a uniform system of bankruptcy, conflicting with such law. Sturges *v.* Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409.

(*a*) The act of the 3d March, 1819, chap. 76, sec. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime. United States *v.* Smith, 5 Wheat. 153; 4 Cond. Rep. 619. See also United States *v.* Palmer, 3 Wheat. 610; 4 Cond. Rep. 352.

(*b*) The act of Congress of Feb. 28, 1795, to provide for the calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions, is within the constitutional powers of Congress. Martin *v.* Mott, 12 Wheat. 19; 6 Cond. Rep. 410.

(*c*) Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. United States *v.* Fisher et al., 2 Cranch, 358; 1 Cond. Rep. 421. Van Horne's Lessee *v.* Dorrance, 2 Dall. 304; Marbury *v.* Madison, 1 Cranch, 137; 1 Cond. Rep. 267, 268. The United States *v.* Bevans, 3 Wheat. 336; 4 Cond. Rep. 275. McCulloch *v.* Maryland, 4 Wheat. 316; 4 Cond. Rep. 466. United States *v.* Tingey, 5 Peters, 115. Anderson *v.* Dunn, 6 Wheat. 204. Dugan *v.* The United States, 3 Wheat. 172; 4 Cond. Rep. 223. The Exchange, 7 Cranch, 116; 2 Cond. Rep. 439. Osborn *v.* The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741. Harrison *v.* Sterry, 5 Cranch, 289; 2 Cond. Rep. 260. Postmaster General *v.* Early, 12 Wheat. 136; 6 Cond. Rep. 480.

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

Writ of Habeas Corpus.

No bill of attainder or *ex post facto* law shall be passed.(*b*)

Bills of attainder, or ex post facto laws.

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

Capitation or other direct tax.

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

No tax or duty on articles exported from any State.

No preference to ports of one State over another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No money drawn from the treasury but by law. Receipts and expenditures published.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

No title of nobility to be granted.

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

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.(*e*) No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Limitation of the powers of the States.

Art. II. § 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

Executive power vested in a President of the U. S. Duration of office.

(*a*) *Ex parte* Burford, 3 Cranch, 448. *Ex parte* Bollman, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte* Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. *Ex parte* Tobias Watkins, 3 Peters, 193. *Ex parte* Milburn, 9 Peters, 704. Martin *v.* Mott, 12 Wheat. 19; 6 Cond. Rep. 410.

(*b*) The prohibition of the Federal Constitution of ex post facto laws extends to penal statutes only; and does not extend to cases affecting only the civil rights of individuals. Calder et al. *v.* Bull, 3 Dall. 386; 1 Cond. Rep. 172. Fletcher *v.* Peck, 6 Cranch, 87; 2 Cond Rep. 308. Ogden *v.* Saunders, 12 Wheat. 213; 6 Cond. Rep. 523.

(*c*) Briscoe *v.* The Bank of the Commonwealth of Kentucky, 11 Peters, 257. Craig *v.* The State of Missouri, 4 Peters, 431. Sturges *v.* Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409. Ogden *v.* Saunders, 12 Wheat. 213; 6 Cond. Rep. 523. Cooper *v.* Telfair, 4 Dall. 14; 1 Cond. Rep. 211.

(*d*) If any act of the legislature is repugnant to the Constitution, it is, ipso facto, void; and it is the duty of the court so to declare it. Vanhorne's Lessee *v.* Dorrance, 2 Dall. 304.

The Constitution fixes the limits to the exercise of legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet here there can be no doubt that any act of the Legislature repugnant to the Constitution is absolutely void. *Ibid.* Fletcher *v.* Peck, 6 Cranch, 87; 2 Cond. Rep. 308.

The legislature of a state can pass no ex post facto law. An ex post facto law is one which renders an act punishable, which was not punishable when it was committed. *Ibid.* Houston *v.* Moore, 5 Wheat. 1; 4 Cond. Rep. 589.

The invalidity of a state law, as impairing the obligation of contracts, does not depend on the extent of the change which the law effects in the contract. Green *v.* Biddle, 8 Wheat. 1; 5 Cond. Rep. 369. Briscoe *v.* The Bank of the Commonwealth of Kentucky, 11 Peters, 257. New Jersey *v.* Wilson, 7 Cranch, 164; 2 Cond. Rep. 457. Terrett *v.* Taylor, 9 Cranch, 43; 3 Cond. Rep. 254. Trustees of Dartmouth College *v.* Woodward, 4 Wheat. 518; 4 Cond. Rep. 526. The Proprietors of the Charles River Bridge *v.* The Proprietors of the Warren Bridge, 11 Peters, 420. Sturges *v.* Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409. Hawkins *v.* Barney's Lessee, 5 Peters, 456. Mason *v.* Haile, 12 Wheat. 370; 6 Cond. Rep. 535. Farmers' and Mechanics' Bank *v.* Smith, 6 Wheat. 131; 5 Cond. Rep. 35. Satterlee *v.* Matthewson, 2 Peters, 380. Wilkinson *v.* Leland, 2 Peters, 627.

(*e*) Brown *v.* The state of Maryland, 12 Wheat. 419; 6 Cond. Rep. 554.

Manner of electing President and Vice President.

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

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

Electors of President and Vice President.

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

Qualifications of the President.

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

Vacancy in the office of President. How supplied.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

Compensation for the services of the President.

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

Before he enter on the execution of his office, he shall take the following oath or affirmation:

Oath of office of the President.

"I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

§ 2. The President shall be commander-in-chief of the army and

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(*a*) By an amendment to the Constitution, a substitute for this paragraph was adopted. Amendment, Art. 12, § 1. This amendment was proposed in October 1803, and was ratified before September 1804. See the amendment, *post*.

navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

Powers and duties of the President.

May grant reprieves and pardons.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur;(*a*) and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.(*b*)

May make treaties, by and with the advice and consent of the Senate.

Appointments to office.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Vacancies during the recess of the Senate.

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

Give Congress information of the State of the Union.

Convene Congress on extraordinary occasions. When he may adjourn Congress.

Other powers and duties.

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

Removals from office by impeachment and conviction of crimes.

Art. III. § 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.(*c*)

Judicial powers.

Judges to hold office during good behaviour.

Compensation not to be diminished during continuance in office.

§ 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the

Extent of judicial power.

(*a*) The decisions of the Supreme Court of the United States on the powers and duties of the President of the United States have been the following: Marbury *v.* Madison, 1 Cranch, 137; 1 Cond. Rep. 267; 1 Peters, 296; 12 Peters, 524. Williams *v.* The Suffolk Ins. Com., 13 Peters, 415.

(*b*) Am. Ins. Comp. *v.* Canter, 1 Peters, 511, 517; with Mr. Justice Johnson's opinion. Ex parte Duncan N. Hennen, 13 Peters, 230.

(*c*) The decisions of the Supreme Court of the United States on the 1st and 2d sections of the 3d article of the Constitution have been: The State of Rhode Island *v.* The State of Massachusetts, 12 Peters, 657–72. M'Bride *v.* Hoey, 11 Peters, 167. Marbury *v.* Madison, 1 Cranch, 137; 1 Cond. Rep. 267. Ex parte Crane, 5 Peters, 190. Ex parte Milburn, 9 Peters, 704. Town of Pawlet *v.* Clark et al., 9 Cranch, 292; 3 Cond. Rep. 408. Ex parte Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. M'Cluny *v.* Silliman, 2 Wheat. 369; 4 Cond. Rep. 162. The United States *v.* Bevans, 3 Wheat. 336; 4 Cond. Rep. 275. United States *v.* Hamilton, 3 Dall. 17. Ex parte Bollman, 4 Cranch, 75; 2 Cond. Rep. 33. Ex parte Tobias Watkins, 3 Peters, 193. Cherokee Nation *v.* The State of Georgia, 5 Peters, 1. Cohens *v.* The State of Virginia, 6 Wheat. 264. Osborn *v.* The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741. The United States *v.* Ortega, 11 Wheat. 467; 6 Cond. Rep. 394. Fowler *v.* Lindsey et al., 3 Dall. 411. The United States *v.* Goodwin, 7 Cranch, 108; 2 Cond. Rep. 434.

The third article of the Constitution of the United States enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting on it. That power is capable of acting, only when the subject is submitted to it by a party who asserts his rights in a form prescribed by law. It then becomes a case.

Osborn et al. *v.* The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741.

United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Original jurisdiction of the Supreme Court.

Appellate jurisdiction of the Supreme Court.

In all cases affecting ambassadors, other public ministers and consuls,(*a*) and those in which a State shall be party, the Supreme Court shall have original jurisdiction.(*b*) In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.(*c*)

Trial by jury.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason. Conviction for treason.

§ 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment of treason. Attainder.

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

The public acts, &c., of the States to have full faith and credit.

Art. IV. § 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.(*d*)

Citizens of the States entitled to equal privileges.

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

Fugitives from justice.

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

Fugitives from labour.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall

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(*a*) An indictment under the crimes act of 1790, chap. 9, sec. 28, for infracting the law of nations by offering violence to the person of a foreign minister, is a case "affecting ambassadors and other public ministers, or consuls," within the second section of the third article of the Constitution of the United States. The United States *v.* Ortega, 11 Wheat. 467; 6 Cond. Rep. 394.

(*b*) On the original jurisdiction of the Supreme Court, the following cases have been decided: Ex parte Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. M'Cluny *v.* Sullivan, 2 Wheat. 369; 4 Cond. Rep. 162. The Columbian Insurance Company *v.* Wheelwright, 7 Wheat. 534; 5 Cond. Rep. 334. United States *v.* Hamilton, 3 Dall. 17. Ex parte Tobias Watkins, 3 Peters, 193. Ex parte Crane et al., 5 Peters 190. United States *v.* Ravara, 2 Dall. 297. Cherokee Nation *v.* The State of Georgia, 5 Peters, 1. The State of New Jersey *v.* The State of New York, 5 Peters, 284. Ex parte Juan Madrazzo, 7 Peters, 627. The State of Rhode Island *v.* The State of Massachusetts, 12 Peters, 657–755. Cohens *v.* The State of Virginia, 6 Wheat. 264; 5 Cond. Rep. 90. Osborn *v.* The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741. Fowler et al. *v.* Lindsey et al., 3 Dall. 411.

(*c*) Upon the appellate powers of the Supreme Court, the following cases have been decided: United States *v.* Goodwin, 7 Cranch, 108; 2 Cond. Rep. 434. Wiscart *v.* Dauchy, 3 Dall. 321; 1 Cond. Rep. 144. United States *v.* Moore, 3 Cranch, 159; 1 Cond. Rep. 480. Osborn *v.* The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741. Owings *v.* Norwood's Lessee, 5 Cranch, 344; 2 Cond. Rep. 275. Martin *v.* Hunter's Lessee, 1 Wheat. 304; 3 Cond. Rep. 575. Gordon *v.* Caldcleugh, 3 Cranch, 268; 1 Cond. Rep. 524. Ex parte Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. Inglee *v.* Coolidge, 2 Wheat. 363; 4 Cond. Rep. 155. Gelston et al. *v.* Hoyt, 3 Wheat. 246; 4 Cond. Rep. 244. Nicholls et al. *v.* Hodges' Ex'r, 1 Peters, 562. Buel *v.* Van Ness, 8 Wheat. 312; 5 Cond. Rep. 445. Miller *v.* Nicholls, 4 Wheat. 311; 4 Cond. Rep. 465. Matthews *v.* Zane et al. 7 Wheat. 164; 5 Cond. Rep. 265. Houston *v.* Moore, 3 Wheat. 433; 4 Cond. Rep. 286. Williams *v.* Norris, 12 Wheat. 117; 6 Cond. Rep. 462. Montgomery *v.* Hernandez, 12 Wheat. 129; 6 Cond. Rep. 475. Gibbons *v.* Ogden, 6 Wheat. 448; 5 Cond. Rep. 134. Weston et al. *v.* The City Council of Charleston, 2 Peters, 449.

(*d*) Mills *v.* Duryee, 7 Cranch, 481; 2 Cond. Rep. 578. Hampton *v.* M'Connel, 3 Wheat. 234; 4 Cond. Rep. 243. See act of May 26, 1790, chap. 11. Act of March 27, 1804, chap. 56.

be delivered up on claim of the party to whom such service or labour may be due.(*a*)

New States. Formation of new States out of other States.

§ 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

Congress to have power to dispose of and make regulations respecting the territories or other property of the U. S.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Guarantee by the U. S. of a republican form of government to every State; and each State to be protected from invasion, and against domestic violence.

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

Amendments to Constitution.

No State, without its consent, shall be deprived of an equal suffrage in the Senate.

ART. V. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Debts &c., contracted before the adoption of the Constitution to be valid against the U. S.

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

The Constitution and laws of the U. S. or treaties, the supreme law of the land.

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

Oath or affirmation to support the Constitution.

No religious test a qualification for office.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Ratification of the Constitution.

ART. VII. The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand

(*a*) Prigg *v.* The Commonwealth of Pennsylvania, 16 Peters, 539. The clause in the Constitution relating to fugitives from labour, manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labour, operates pro tanto, a discharge of the slave therefrom. The question can never be how much he is discharged from; but whether he is discharged from any service by the natural and necessary operation of the State laws, or State regulations. The question is not one of quantity and degree, but of withholding or controlling the incidents of a positive right.

The owner of a fugitive slave has the same right to take him in a State to which he has escaped or fled, that he had in the State from which he escaped; and it is well known that this right to seizure or re-capture is universally acknowledged in all the slave-holding States. *Ibid.*

seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, PRESIDENT, and Deputy from Virginia.

New Hampshire.—John Langdon, Nicholas Gilman.
Massachusetts.—Nathaniel Gorham, Rufus King.
Connecticut.—William Samuel Johnson, Roger Sherman.
New York.—Alexander Hamilton.
New Jersey.—William Livingston, David Brearley, William Paterson, Jonathan Dayton.
Pennsylvania.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.
Delaware.—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.
Maryland.—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.
Virginia.—John Blair, James Madison, Jun.
North Carolina.—William Blount, Richard Dobbs Spaight, Hugh Williamson.
South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
Georgia.—William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, *Secretary.*