

**SOURCES OF THE CONSTITUTION
OF THE UNITED STATES,
CONSIDERED IN RELATION TO
COLONIAL AND ENGLISH
HISTORY**

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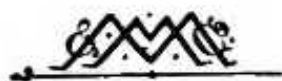
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CONSIDERED IN RELATION TO COLONIAL
AND ENGLISH HISTORY

BY
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In Tribute

TO THE

NATIONS WHICH IN VARYING WAYS BORE

RELATION TO

The Founding of America

SPAIN, ITALY, FRANCE, THE NETHERLANDS

SWEDEN, GERMANY, AND

GREAT BRITAIN

THIS WORK IS INSCRIBED

PREFACE.

AMERICA is sometimes said to be a nation without a past. The remark may mean much or little, according to its application. It is made most frequently in referring to civil institutions. In particular, there has been a tendency to regard the Constitution of the United States as without sources or antecedents, — a new invention in political science.

Mr. Gladstone has observed, that "as the British Constitution is the most subtle organism which has proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man." His words, though not necessarily carrying such meaning, have been often quoted as expressive of this old-time idea, that the American Constitution is wholly new, — that it is, in fact, an original creation of the convention which met in Philadelphia in 1787.¹ What Dr.

¹ Professor Morey well expresses this idea: "The organic law under which he [the American] lives is set forth in a written document. It was put into form at a given time and place. It was fashioned in the heat of discussion by a chosen body of men, whose

Von Holst aptly calls the "worship of the Constitution"¹ has largely stimulated the idea. The philosophy of modern democracy—which, under the influence of the theories of Rousseau, long ignored historical facts—has steadily cultivated it. And there is in it some truth; for not only was this constitution established as a written document by the convention, and in circumstances quite unique, but it has elements—many of them very important—which *are* altogether peculiar and characteristic. Hardly strange is it, that such traits of singularity should attract, as points of differentiation usually do, a somewhat disproportionate attention.

But it is beginning to be realized that the Constitution of the United States, though possessing elements of novelty, is not, after all, the new creation that this idea would imply. It is not, properly speaking, the original composition of one body of men, nor the outcome of one definite epoch,—it is more and better than that. It does not stand in historical isolation, free of antecedents. It rests upon very old principles,—principles laboriously worked out by long ages of constitutional struggle. It looks back to the annals of

work in its outlines and its details, he is accustomed to think, *was solely the product of their creative wisdom.* This idea was formerly so prevalent, that the apotheosis of the fathers occupies a large place in American political literature; and this view is not confined to native writers." — *Annals of the American Academy of Political and Social Science*, April, 1891, p. 530.

¹ Von Holst, *Constitutional and Political History of the United States*, I. 65.