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1  **Doomsday Book**

William the Conqueror, 1086

2  **Overview**

- The Doomsday book was a survey of much of England and part of Wales completed in 1086.
- A survey was executed for William I of England, or William the Conqueror.
- One of main purpose was to determine who held what and what taxes had been liable under Edward the Confessor.
- Whatever written on the Doomsday was final and there was no appeal.
- The book was written in Latin and it was known by the English as 'Domesday', that is the Day of Judgement.
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3  **Domesday Book**

4  **The Survey**

- The survey was conducted in 1085 and completed in 1086.
- Through comparison of what details are recorded in which counties, six "circuits" can be determined (plus a seventh circuit for the Little Domesday shires).
 - Berkshire, Hampshire, Kent, Surrey, Sussex
 - Cornwall, Devon, Dorset, Somerset, Wiltshire (Exeter Domesday)
 - Bedfordshire, Buckinghamshire, Cambridgeshire, Hertfordshire, Middlesex
 - Leicestershire, Northamptonshire, Oxfordshire, Staffordshire, Warwickshire
 - Cheshire, Gloucestershire, Herefordshire, Shropshire, Worcestershire – the Marches
 - Derbyshire, Huntingdonshire, Lincolnshire, Nottinghamshire, Yorkshire

5  **Purpose**

- About the land; how it was occupied and by what sort of men
- It is generally recognized that the primary object of the survey was to ascertain and record the fiscal rights of the king
 - the national land-tax, paid on fixed assessment
 - certain miscellaneous dues, and
 - the proceed of the crown lands

6  **Summary**

- The oldest 'public record' in England and probably the most remarkable statistical document in the history of Europe.

7  **Battle of Hastings**

October 14, 1066

8  **Battle of Hastings**

- Started in 1066 AD
- Also called "the battle that changed history"
- The battle took place at Senlac Hill (England)

9  **Battle of Hastings**

- Duke William II of Normandy (Norman army) vs King Harold II (English army)
- Harold II was killed in the battle
- William gained control of England becoming its first Norman ruler as King William I.
- How did it become: want a change in English Law (beginning of feudal system)
- The earlier system of law "Earls"

10  **Battle of Hastings**

- Influence on the English language and many French words that started in the nobility and eventually became part of the English language itself.
- Under William's law, the king was the principle authority figure and served as the

- collective executive, judicial, and legislative branches of the government. This prevented the people from having significant say in the workings of the government.
- William introduction of the Feudal system to England.

11 **Magna Carta**

An English charter created in 1215 and passed into law in 1225

12 **Summary**

- Forced upon King James of England to set boundaries on his authorities
- Gave people some liberty to own and regulate their land and property

13 **Pre-constitution**

- To this day, "Foundation of the freedom of the individual against the arbitrary authority of the superior" – Lord Denning
- Extensive historical process that led to the rule of constitutional law in the English speaking world.
- Influenced early New England settlers and ultimately inspired U.S. Constitution

14 **Magna Carta Content Summary**

- English church is exempt from the law of magna carta because church holds the highest privilege in the hierarchy system.
- Heirs are to inherit all their ancestors' property.
- Widow inherits a third of husband's land property and she is to be given fullest right to the common property of her husband. She will receive the full necessities of life.
- No one is to seize the land or property of a debtor as long as he/she is able to and willing to pay the minimum principal amount.
- If involved in offenses, depending on the magnitude of the offense, you may be punished or fined only but your necessities are not to be taken away. Earls and Barons exempt from punishment or fine.
- You are not allowed to harvest corn from other people's land without paying the landlord.

15 **Content Summary Cont.**

- If a debtor dies, debt collectors (barons) can seize whatever he can find from this dead person. If not enough, the person who killed him/her has to pay back the debt. And if he dies of natural cause, then the family gets the responsibility.
- You are not allowed to take horses or carts from other people.
- Land seized from a felony cannot be held for more than a year; it needs to be returned to the King.
- No freeman can be punished or imprisoned unless by the law of the land.
- You cannot sell or give your land away to jeopardize paying the lord's fee (tax).
- You cannot give or sell your land to a religious house (a church) in anyway that you would receive it back else the Lord can seize it.

16 **The Declaration of Independence**

17 **The Declaration of Independence**

- "He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands."
- "For abolishing the free system of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies."

18 **The Declaration of Independence**

- This neighboring Province complained about in the Declaration of Independence was

the Province of Quebec.

- The Province of Quebec was a colony in North America received by Great Britain from France after the Seven Year's War. Under terms of the peace treaty, Canadians who did not choose to leave became British subjects.

19 **The Declaration of Independence**

- The Arbitrary government in this Province complained about, was set up by the Quebec Act of 1774.
- Effects of Quebec Act on the Province of Quebec:
 1. Territory: In addition to the territory of the French province of Canada, the borders were expanded to include land that is now Illinois, Indiana, Michigan, Ohio, and Wisconsin.
 2. Religion: The Act allowed public office holders to be Catholic by replacing previous Protestant sworn oath with an open faith oath to George III.
 3. Structure of government: The governor was to be appointed by the Crown, and he was to govern with help of a legislative council; there were no provisions for an elected legislative assembly.
 4. Law: The tradition French system of private law was restored for use in civil matters. British forms of justice were to be applied for criminal cases.
 5. Land use: The French system of seigneuries as a means of distributing land and managing its use was restored. The British had instituted a Township system of land management in 1763.

20 **The Declaration of Independence**

- Effects of Quebec Act on the Thirteen Colonies
 1. The Quebec Act angered the Americans and was termed one of the Intolerable Acts by the Patriots, and contributed to the coming of the American revolution.
 2. Frontiersmen from Virginia and other colonies were already entering that area. Land development companies such as the Ohio Company had already been formed to acquire ownership of large tracts and sell land to settlers.
 3. The governments of New York, Pennsylvania and Virginia were angered by the unilateral assignment of the Ohio lands to Quebec, which had been granted them in their royal charters.

21 **United States Constitution**

22 **Two Constitutions**

- The United States has operated under two constitutions.
- The first, The Articles of Confederation, was in effect from March 1, 1781, when Maryland ratified it.
- The second, The Constitution, replaced the Articles when ratification was completed on June 21, 1788.

23 **The Constitution**

- Was written by several committees over the summer of 1787.
- Committee of Style and Arrangement: most responsible for the final form we know today.
- Members: Alexander Hamilton, William Johnson, Rufus King, James Madison, and Gouverneur Morris

24 **Preamble**

- A nation made up not of elites, but of the common man.
- Dissatisfied with the Articles of Confederation and strived for something better – a more perfect union.

- Injustice, unfairness of laws and in trade, was of great concern to the people of 1787.
- Benefit from what the government could provide: tranquility, justice, and defense.
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25 **Article 1**

- The Legislative: composed of the House and Senate
- Passes all federal laws
- Establish all lower federal courts
- Can override a Presidential veto
- Can impeach the President
- 10 Sections

26 **Article I Sections**

- Section I: The Legislature
- Section 2: The House
- Section 3: The Senate
- Section 4: Elections, Meetings
- Section 5: Membership, Rules, Journals
- Section 6: Compensation
- Section 7: Revenue Bills, Legislative Process, Presidential Veto
- Section 8: Powers of Congress
- Section 9: Limits of Congress
- Section 10: Powers prohibited of States

27 **Section 2: The House**

- Establishing that Representatives and direct taxes "shall be apportioned among the several States...according to their respective Numbers,"
- Direct tax: generally means a tax paid directly to the government
- Indirect tax: or "collected tax" is one which is collected by intermediaries who turn over the proceeds to the government (i.e. sales tax)
- Three taxes are definitely known to be direct:
 - a capitation
 - a tax upon real property
 - a tax upon personal property

28 **Section 8: Powers of Congress**

- Known as the taxing and spending clause. It is the clause that gives the federal government its power of taxation.
- Power to tax:
 - "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises..."
- Essential to the administering of government.
- Lack of power to tax renders government ineffectual.
- Congress has employed the taxing power in uses other than solely for the raising of revenue, such as:
 - regulatory taxation: taxing to regulate commerce
 - prohibitive taxation: taxing to discourage, suppress, or even exterminate commerce
 - tariffs: taxing as a means of protectionism
- Borrowing power.

29 **Section 9: Powers Denied Congress**

- This section reiterates the provision from Section 2 that direct taxes must be apportioned by state populations.
- Duties on exports from States - no tax may be imposed on exports from any state.
- Congress may not give preference to ports of one state over those of another, neither

may it require ships from one state to pay duties in another.

30 **Article 2**

- The Executive Branch: composed of the President, Vice-President, and the Departments
- Veto power over all bills
- Appoint judges and other officials
- Makes treaties
- Ensures all laws are carried out
- Commander in chief of the military
- Pardon
- 4 Sections
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31 **Article 2 Sections**

- Section 1: The President
- Section 2: Civilian Power over Military, Cabinet, Pardon Power, Appointments
- Section 3: State of the Union, Convening Congress
- Section 4: Disqualification

32 **Article 3**

- The Judicial: composed of the federal courts and the Supreme Court
- Power to try federal cases and interpret the laws of the nation in those cases
- Power to declare any law executive act unconstitutional
- 3 Sections

33 **Article 3 Sections**

- Section 1: Judicial powers
- Section 2: Trial by Jury, Original Jurisdiction, Jury Trials
- Section 3: Treason

34 **Article 4**

- Relates to the states
- Outlines duties states have to each other and federal government has to the states
- Admission of new states
- Changing of state boundaries
- 4 Sections

35 **Article 4 Sections**

- Section 1: Each State to honor all others
- Section 2: State citizens, Extradition
- Section 3: New States
- Section 4: Republican government

36 **Article 5**

- Describes process to alter the Constitution
- Proposing amendment and ratification
- 2/3 of both houses or by national convention
- President is not part of the amendment process – can't veto an amendment proposal or ratify

37 **Article 6**

- Validity of prior debts and engagements
- Supremacy of the Constitution, laws, and treaties
 - Supremacy Clause – establishes the Constitution, Federal Statutes, and US treaties as "the supreme law of the land"
 - Deals with the relationship between the federal government and the states
- Oaths of Office

38  **Article 7**

- Method for ratification or acceptance of the Constitution
- Original 13 states – 9 had to accept the Constitution before it would officially go into effect

39  **The Amendments**

- 1st Amendment: Freedom of expression and religion
- 2nd Amendment: Bearing arms
- 3rd Amendment: Quartering soldiers
- 4th Amendment: Search and seizure
- 5th Amendment: Rights of persons
- 6th Amendment: Rights of accused in criminal prosecutions
- 7th Amendment: Civil trials
- 8th Amendment: Further guarantees in criminal cases
- 9th Amendment: Unenumerated Rights
- 10th Amendment: Reserved powers
- 11th Amendment: Suits against states
- 12th Amendment: Election of President
- 13th Amendment: Slavery and involuntary servitude
- 14th Amendment: Rights guaranteed: privileges and immunities of citizenship, due process, and equal protection

40  **The Amendments**

- 15th Amendment: Rights of citizens to vote
- 16th Amendment: Income tax
- 17th Amendment: Popular election of Senators
- 18th Amendment: Prohibition of intoxicating liquors
- 19th Amendment: Women's suffrage rights
- 20th Amendment: Terms of President, Vice President, members of Congress: Presidential vacancy
- 21st Amendment: Repeal of the 18th Amendment
- 22nd Amendment: Presidential Tenure
- 23rd Amendment: Presidential Electors for the District of Columbia
- 24th Amendment: Abolition of the poll tax qualification in federal elections
- 25th Amendment: Presidential vacancy, disability, and inability
- 26th Amendment: Reduction of voting age qualification
- 27th Amendment: Congressional pay limitation

41  **Amendment 3**

- Guarantees that the army cannot force homeowners to give them room and board

42  **Amendment 4**

- Protects the people from the government improperly taking property, papers, or people, without a valid warrant based on probable cause (good reason).

43  **Amendment 5**

- Property being taken without just compensation
- Protects people from being held for committing a crime unless they are properly indicted
- May not be tried twice for the same crime
- Need not be forced to testify against yourself – “plead the Fifth”
- Contains due process guarantees
 - life, liberty, or property without “due process of law”
 - extends to all persons and corporate entities

- does not include an equal protection clause (14th amendment does)

44 **Amendment 5 – The Takings Clause**

- Eminent domain is an action of (federal, state, or local governments) to seize a citizen's private property for public use.
 - public utilities, highways, and railroads
- The Takings Clause – the last clause of 5th amendment limits the power of eminent domain by requiring that "just compensation" be paid if private property is taken for public use.
- "just compensation" is "fair market value"
- Condemnation via eminent domain

45 **Amendment 10**

- "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are respectively, or to the people."
- States regulate many of our rights, not the national government because they are not mentioned in the Constitution.
- Examples: the states determine the rules for marriages, divorces, driving licenses, voting, state taxes, job and school requirements, rules for police and fire departments, and many more.

46 **Amendment 14**

- Ratified on July 9, 1868
- Granted citizenship to "all persons born or naturalized in the United States," which included former slaves recently freed.
- Forbids states from denying any person "life, liberty or property, without due process of law" or to "deny any person within its jurisdiction the equal protection of the laws."

47 **Amendment 16: Status of Income Tax Clarified**

- Passed by Congress on July 2, 1909, and ratified February 3, 1913
- Established Congress's right to impose a Federal income tax
- Civil War financial requirements prompted the first American income tax in 1861
- Congress repealed the income tax in 1872, but the concept did not disappear
- This amendment settled the constitutional question of how to tax income
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48 **Amendment 16: Income tax**

- Case law that effected this amendment and the federal court's interpretations of this amendment have changed considerably over time.
 - Pollock vs Farmer's Loan & Trust Co. (1895)
 - Brushaber vs Union Pacific Railroad (1916)
 - Bowers vs Kerbaugh-Empire Co. (1926)
 - Commissioner vs Glenshaw Glass Co. (1955)
 - The Penn Mutual case
 - Murphy vs IRS (July 3, 2007)