

FOUNDING DOCUMENTS TREASURE HUNT

Learning Objective(s): The student will

1. Identify passages from the English Bill of Rights, Magna Carta, the Mayflower Compact, and the United States Declaration of Independence;
2. Paraphrase the passage into today's language.

TEKS: 8.3B; 8.15A; WH.20B; Govt.1B

Materials Needed: Copies of the "Founding Documents Treasure Hunt" worksheet, copies of the Magna Carta, Mayflower Compact, English Bill of Rights, and the United States Declaration of Independence.

Vocabulary: Compact, declaration

Teaching Strategy:

1. Pass out copies of the texts of the Magna Carta, the Mayflower Compact, English Bill of Rights, and the United States Declaration of Independence.
2. Using the quotations on the worksheet, have the students individually or in groups identify the source of the quotation and paraphrase the quotation in today's language.
3. Once the work sheet has been completed the students will share their paraphrase of the quote with the entire class.

Answers: 1. A; 2. B; 3. D; 4. C; 5. C; 6. A; 7. C; 8. D; 9. D; 10. D; 11. C; 12. A; 13. B; 14. D; 15. C; 16. C; 17. A; 18. A; 19. D; 20. C; 21. A; 22. B; 23. C; 24. D; 25. C.

Extension for GT/AP: Have students identify corresponding passage in the Texas or the United States Constitution.



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DIRECTIONS: Locate each of the following quotations from the summaries of the early English laws. Indicate in the space provided from which law the quotation comes (use the letters preceding the laws). Finally, paraphrase the quotation in today's language.

- A. THE MAGNA CARTA, 1215
- B. THE MAYFLOWER COMPACT, 1620
- C. ENGLISH BILL OF RIGHTS, 1689
- D. THE UNITED STATES DECLARATION OF INDEPENDENCE, 1776

- _____ 1. ". . . English Church shall be free, and shall have her whole rights and her liberties inviolable;"
- _____ 2. "[We do] covenant and combine ourselves together into a civil body politic for our better ordering and preservation and furtherance of the ends aforesaid;"
- _____ 3. "When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another"
- _____ 4. ". . . [R]aising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law"
- _____ 5. ". . . [S]uspending of laws or the execution of laws by regal authority without consent of Parliament is illegal;"
- _____ 6. "All merchants shall have safety and security in coming into England, and going out of England, and in staying in and traveling through England"
- _____ 7. ". . . [F]or redress of all grievances and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently"
- _____ 8. "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights"
- _____ 9. "He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People."
- _____ 10. In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms"
- _____ 11. ". . . [J]urors who pass upon men in trials for high treason ought to be freeholders;"
- _____ 12. "No freeman shall be seized, imprisoned, dispossessed, outlawed, or exiled, or in any way destroyed"

- _____ 13. “[T]o enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices from time to time, as shall be thought most meet and convenient for the general good of the colony”
- _____ 14. “He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.
- _____ 15. “. . . [L]evying money for or to the use of the crown by pretense of prerogative without grant of Parliament . . . is illegal;”
- _____ 16. “. . . [E]xcessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”
- _____ 17. “No scutage nor aid shall be imposed in our kingdom, unless by the common council of our kingdom”
- _____ 18. “No bailiff, for the future, shall put any man to his law upon his own simple affirmation, without credible witnesses produced for that purpose.”
- _____ 19. “For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.”
- _____ 20. “. . . [F]reedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;”
- _____ 21. “. . . [W]e firmly command that the Church of England be free”
- _____ 22. “In Witness whereof, we have hereunto subscribed our names at Cape Cod”
- _____ 23. “. . . [E]lection of members of Parliament ought to be free;”
- _____ 24. “...[W]e mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.
- _____ 25. “. . . [I]t is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.”

MAGNA CARTA

"To none will we sell . . . deny . . . delay right or justice."

More than seven hundred years have passed since that dramatic moment in 1215 when a group of bold English barons, determined at any cost to limit the power of King John, forced him to sign the Magna Carta. This ancient document, brittle and yellow with age, has been preserved as a priceless treasure, cherished not only in England, not only in the Western World, but by all men everywhere who believe that only under law can men be truly free.

In the Great Charter, the king agreed to certain limitations on his powers. Although the document did not protect the common people, it did represent a milestone in the history of human rights, for it served as a precedent for the growth of constitutional government. Evidence of how greatly American thinking was influenced by this document can be found in an examination of its provisions for due process of law¹, freedom of movement, and taxation only with the consent of the legislature.

June 15, 1215

John, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou: to his archbishops, bishops, abbots, earls, barons, justiciaries [royal judiciary officers], foresters, sheriffs, governors, officers, and to all bailiffs [sheriff's deputies], and his faithful subjects *Greeting*.

Know ye, that we, in the presence of God, . . . have confirmed [given assurance], for us and our heirs forever:

1. That the English Church shall be free, and shall have her whole rights and her liberties inviolable [safe from sudden change]; . . . We have also granted to all the freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be enjoyed and held by them and by their heirs, from us and from our heirs . . .

12. No scutage [tax for military purposes] nor aid² shall be imposed in our kingdom, unless by the common council of our kingdom; excepting to redeem [ransom] our person, to make our eldest son a knight, and once to marry our eldest daughter, and not for these unless a reasonable aid shall be demanded . . .

14. And also to have the common council of the kingdom, we will cause to be summoned the archbishops, bishops, abbots, earls, and great barons, individually by our letters . . .

38. No bailiff, for the future, shall put any man to his law upon his own simple affirmation, without credible witnesses produced for that purpose³.

39. No freeman shall be seized, imprisoned, dispossessed [deprived of his land], outlawed, or exiled, or in any way destroyed; nor will we proceed against or prosecute him except by the lawful judgment of his peers [equals], or by the law of the land.

40. To none will we sell, to none will we deny, to none will we delay right or justice.

41. All merchants shall have safety and security in coming into England, and going out of England, and in staying in and traveling through England, as well by land as by water to buy and sell, without any unjust exactions [demands], according to ancient and right customs, excepting in the time of war, and if they be of a country at war against us; and if such are found in our land at the beginning of a war, they shall be apprehended [arrested] without injury to their bodies and goods until it be known to us or to our Chief Justiciary how the merchants of our country are treated who are found in the country at war against us; and if ours be in safety there, the others shall be in safety in our land.

42. It shall be lawful to any person, for the future, to go out of our kingdom, and to return, safely and securely by land or by water, saving [preserving] his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom

60. Also all these customs and liberties aforesaid, which we have granted to be held in our kingdom, for so much of it as belongs to us, all our subjects, as well clergy as laity [nonclergy, or laymen], shall observe toward their tenants as far as concerns them

63. Wherefore our will is, and we firmly command that the Church of England be free, and that the men in our kingdom have and hold the aforesaid liberties, rights, and concessions, well and in peace, freely and quietly, fully and entirely, to them and their heirs, of us and our heirs, in all things and places forever, as is aforesaid. It is also sworn, both on our part and on that of the barons, that all the aforesaid shall be observed in good faith and without any evil intention

Given by our hand in the meadow which is called Runnymede, between Windsor and Staines, this 15th day of June, in the 17th year of our reign.

¹ *due process of law*: in this case freedom from arbitrary arrest and unreasonable searches and seizures.

² *aid*: a tax or payment paid by a vassal to a feudal lord.

³ *credible witnesses produced for that purpose*: No bailiff can arrest anyone on the basis of what he himself believes. He must have the testimony of reliable witnesses that the arrested person has committed an offense.

ENGLISH BILL OF RIGHTS

". . . suspending of laws . . . without consent of Parliament is illegal. . . ."

In 1688-89 the English people, weary of the arbitrary actions of their king, drove James II from the throne. The "Glorious Revolution," as it has been called, brought an end to the old theory of the divine right of kings and clearly established the principle of the supremacy of Parliament.

Parliament took steps to insure its victory by adopting the English Bill of Rights. Later, American colonial legislatures claimed the rights of Englishmen spelled out in this famous document. And still later, a number of the historic liberties included in the English Bill of Rights were incorporated in the Constitution of the United States and in the American Bill of Rights.

1689

. . . WHEREAS, the late King James II . . . did endeavor to subvert [overthrow] and extirpate [wipe out] the Protestant religion and the laws and liberties of this kingdom . . . and whereas the said late King James II having abdicated [given up] the government, and the throne being vacant . . . the said lords . . . being now assembled in a full and free representative of this nation, . . . do in the first place . . . declare:

1. *That* the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament is illegal; . . .
3. *That* the commission [authority] for erecting the late [recent] court of commissioners for ecclesiastical causes and all other commissions and courts of like nature are illegal and pernicious [corrupt]; . . .
4. *That* levying money for or to the use of the crown by pretense of prerogative [right] without grant of Parliament . . . is illegal;
5. *That* it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.
6. *That* . . . raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law
8. *That* election of members of Parliament ought to be free;
9. *That* the freedom of speech and debates or proceedings in Parliament ought not to be impeached [challenged as to the validity thereof] or questioned in any court or place out of Parliament¹;
10. *That* excessive bail² ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
11. *That* jurors ought to be duly impaneled and returned,³ and jurors who pass upon men in trials for high treason ought to be freeholders [landholders];
12. *That* all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void; and

13. *That*, for redress of all grievances and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently Having, therefore, an entire confidence that his said Highness, the Prince of Orange, will perfect the deliverance so far advanced by him and will preserve them from the violation of their rights which they have here asserted and from all other attempts upon their religion, rights, and liberties, the said lords . . . and Commons assembled at Westminster do resolve that William and Mary, Prince and Princess of Orange, be and be declared King and Queen of England, France, and Ireland, and the dominions thereunto belonging

¹ *out of Parliament*: This is now known as the principle of Congressional Immunity. See Article 1, Section 6, of the Constitution. Under this provision our Congressmen cannot be arrested or brought into court for what they say on the floor of Congress.

² *bail*: security given to assure appearance of the released upon demand by the court.

³ *returned*: This means that proper attention should be paid to the selection of jurors and that said jurors should make "return" of their action upon a particular matter to the proper court authority.

(Excerpt from Living American Documents, by Starr, Todd and Curti, Harcourt, Brace and World Inc., 1961)

THE MAYFLOWER COMPACT

" . . . to enact . . . just and equal laws . . . for the general good of the colony "

On November 11, 1620, the storm-battered vessel bearing the Pilgrims to the lonely shores of the New World sailed in from the open sea and dropped anchor in the chill waters of what is now Provincetown Harbor. The Mayflower was far off its course, and the Pilgrims had no legal right to settle in New England or to establish a government. But they had no choice, for winter was close at hand, and the colony had to be started. Confronted by the need for action, the Pilgrim leaders drafted the Mayflower Compact. Later, the men gathered in the smoke-blackened cabin of the ship and, in the flickering light of a fish-oil lamp, signed their names to the now historic document.

The Mayflower Compact became an important landmark along the road leading to democracy. True, it did not extend the privilege of participating in government to others besides the Pilgrims themselves. True, it did not outline, or even attempt to outline, a plan of government. But "and this is the significant point" the Compact did commit the Pilgrims to the creation of a government based on the consent of the governed.

November 11, 1620

In the name of God, Amen. We whose names are underwritten, the loyal subjects of our dread [revered and feared] sovereign Lord King *James*, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc., having undertaken, for the glory of God, and advancement of the Christian faith, and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents [this document] solemnly and mutually in the presence of God, and of one another, covenant [promise] and combine ourselves together into a civil body politic [group organized for government] for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue [authority] hereof, to enact, constitute, and frame such just and equal laws, ordinances [regulations], acts, constitutions, and offices from time to time, as shall be thought most meet [fitting] and convenient for the general good of the colony unto which we promise all due submission and obedience.

In WITNESS whereof, we have hereunto subscribed our names at Cape Cod, the eleventh of November, in the year of the reign of our sovereign Lord King *James* of England, France, and Ireland the eighteenth, and of Scotland the fifty-fourth.
Anno Domini, 1620.

Mayflower Compact

[Signed by forty-one men on the *Mayflower*.]

JOHN CARVER
WILLIAM BRADFORD
EDWARD WINSLOW
WILLIAM BREWSTER
JOSES FLETCHER
JOHN GOODMAN
SAMUEL FULLER
CHRISTOPHER MARTIN
WILLIAM MULLINS
WILLIAM WHITE
RICHARD WARREN
JOHN HOWLAND
STEPHEN HOPKIS
DIGERY PRIEST
ISAAC ALLERTON
MILES STANDISH
JOHN ALDEN
JOHN TURNER
THOMAS WILLIAMS
GILBERT WINSLOW
EDMUND MARGESSON
PETER BROWN
RICHARD BITTERIDGE
GEORGE SOULE
EDWARD TILLY
JOHN TILLY
FRANCIS COOKE
THOMAS ROGERS

FRANCIS EATON
JAMES CHILTON
JOHN CRAXTON
JOHN BILLINGTON
THOMAS TINKER
JOHN RIDGATE
EDWARD FULLER
RICHARD CLARK
RICHARD GARDINER
JOHN ALLERTON
THOMAS ENGLISH
EDWARD DOTEN
EDWARD LIESTER

