

Democratic Ideas of the 1776 Maryland Constitution

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Grade Level: Upper elementary

Duration of lesson: 1-2 periods

Overview:

The American Revolution is often viewed as the birth of modern democracy. But the representative democracy that Americans now enjoy only came about gradually, on a state-by-state basis. This lesson looks at the 1776 Maryland Constitution in order to show the limits of early American democratic ideals, and to bring out the various factions at the time that were fighting for new rights. The ruling Maryland gentry, for example, were loath to break from Britain, since many of their rights and privileges stemmed from the crown's government. Other Maryland delegates, however, believed the 1776 Convention to be the opportunity to expand voting rights to ordinary citizens, regardless of their property qualifications. In the end, Maryland's first constitution excluded some 40% of free households in the state, in contrast to neighboring Pennsylvania, which legislated the secret ballot and no property qualifications for either voting or being a political candidate.

This lesson will allow students to explore their state's early history, placing the Revolution in a local context. Students will also learn about the difference between ideals and realities in the history of American political life.

Related National History Standards:

Content Standards:

Era 3 Revolution and the New Nation (1754-1820s)

Standard 2: The impact of the American Revolution on politics, economy, and society

Historical Thinking Standards:

Standard 2 Historical Comprehension

A. Reconstruct the literal meaning of a historical passage.

Standard 5: Historical Issues-Analysis and Decision-Making

A. Identify issues and problems in the past.

F. Evaluate the implementation of a decision.

Lesson Objectives:

- Students will analyze primary source documents
- Students will evaluate how well the requirements for voting and holding office in the 1776 Maryland Constitution reflect democratic values.

Topic Background

In America, we like to think of our state and national government as democratic. The American Revolution is often viewed as the moment that brought real democracy to America. The question is: how true is that ideal? This lesson is an attempt to show students that Maryland's Revolutionary government was not especially "revolutionary" when it came to the ability of ordinary citizens to participate in government. As it turns out, under the 1776 Maryland Constitution, a minority of the population could vote and only a small number of the wealthiest white men could hold office. This lesson provides an opportunity for students to explore their own ideas about democracy and the American Revolution and to understand that democracy did not suddenly arrive in America in its present form. Instead, it was a gradual process in which the Revolution represented an important step toward a democratic nation. Maryland's Constitution of 1776 could be viewed as more of a stumbling block than a step in the right direction towards democracy.

Maryland's Revolution was not especially "revolutionary" because its leaders were wealthy men who were angry with Britain and unhappy about living in a monarchy but who also wanted to preserve their own power. The wealthy gentry had a stronghold on the political and economic decision making for the Maryland colony under the proprietorship. Maryland's political leaders were concerned about losing power to the ordinary citizens.

On the eve of declaring independence from Britain, many of Maryland's leaders were still hoping for reconciliation with their king. These leaders had many privileges and much political power under Britain's rule. The colonists' reactions to the taxes imposed by the king worried Maryland's leaders. The colonies' attempts to negotiate peacefully with Britain had fallen on the deaf ears of the king. The Maryland colony was becoming increasingly more unstable with the colonists using boycotts and physical violence to gain the attention of the king.

Since June 1774, the extralegal committee called the Maryland Convention had governed Maryland. The Maryland Convention was struggling to keep order in the colony. On June 28, 1776, the Maryland Convention voted unanimously to join with the other colonies to declare independence from Britain. Maryland needed to create a permanent form of government. Elected delegates were needed from the counties to attend the Convention for a Maryland constitution.

The ruling gentry class was determined to maintain most, if not all, of their economic and political power in the state. The property qualifications for voting rights that had existed during the proprietorship remained in place during the election of the Convention delegates. Voting qualifications prescribed that free men over 21 who could show proof of ownership of £40 sterling personal property or fifty acres of land were eligible to vote. Free African Americans who could meet the property requirement could technically vote. However, such property requirements limited the voting privilege to the elite landowners who were already running the affairs of the state. The property and wealth

qualifications denied about 40% of all households in Maryland, white and black, the ability to vote.

The ruling gentry such as Samuel Chase, Charles Carroll of Carrollton, Thomas Johnson and William Paca, thought it best for everyone if they remained in power. It was the Hall – Hammond faction, eleven men at the Convention who consistently opposed the leadership of Chase, Paca, Carroll and Johnson, who had visions of a greater democracy in the state's constitution.

Led by Rezin Hammond and John Hall, the opposing delegates were also wealthy men, owning land and slaves, who nevertheless believed that common men should have a greater voice in the government. In June 1776, they proposed a form of government in which the legislature would be the most powerful branch of the government. The "Instructions of the Freemen of Anne Arundel County" were printed in the *Maryland Gazette* on July 18, 1776, two weeks before the new elections and contained the signatures of hundreds of freemen.

In the "Instructions", Hammond and Hall outlined their proposal for the new state's government which included the following points: Maryland's new government would have a strong legislature so the voice of the people would be heard; there would be no property qualifications on voting; justices of the peace, county clerks, sheriffs and surveyors would be elected by the people; all elections would be by voice vote, poll taxes would be abolished, and all freemen who paid taxes would be eligible to vote.

The conservatives, including Chase, Paca, Matthew Tilghman, and Johnson, strongly disagreed and recommended strict property qualifications for voting and holding office, long terms for all legislative officials and a strong central government. The two factions of power would jostle for position and try to outwit each other with proposed policy. In the end the conservative election restrictions would become part of the 1776 Maryland Constitution.

Not many Marylanders' agreed with the gentry's constitution. Many did not feel they were gaining much more representation in the newly formed government of Maryland than they had under British rule. The colonists expected more from the Revolution. In particular, many white men demanded the right to vote—especially if they were expected to fight a war for this new government.

To the north of Maryland, in Pennsylvania, a new state constitution was also adopted in 1776. Marylanders who were unhappy about their undemocratic new state constitution had a clear example of a democratic state government in the constitution of neighboring Pennsylvania. The Pennsylvania Constitution is generally regarded as the most democratic in America for the time. Pennsylvania's elections were through secret ballots and no property qualifications existed for voting or being a political candidate.

In 1776, Maryland's Constitution was much more conservative. Maryland's voters would cast their ballots by voice leaving them open to political pressures and retribution. The restrictions on the voting qualifications in the new Constitution would allow only about 63% of the free household heads the ability to vote.

Maryland's undemocratic state constitution made it difficult to recruit men for the Revolutionary cause. The failure to include ordinary people in the state's political process created fertile ground for the Loyalists, who believed they would be better off under a monarchy than without a political voice in the new state's government. Many disillusioned Marylanders would watch the Revolution from the sidelines, weary of both Britain's rule and the lack of new rights in the Maryland State Constitution of 1776.

If you were counted among the wealthy gentry, your perspective of the 1776 Maryland Constitution would most likely be favorable. For everyone else, democratic rights would evolve more gradually as the state's constitution was amended over time.

Bibliography:

Countryman, Edward. *The American Revolution*. New York: Hill and Wang, 1985.

Brugger, Robert J. *Maryland: A Middle Temperament*. Baltimore: The Johns Hopkins University Press, 1988.

Hoffman, Ronald. *A Spirit of Dissension: Economics, Politics and the Revolution in Maryland*. Baltimore: The Johns Hopkins University Press. 1975.

Papenfuse, Dr. Edward C. *Writing it All Down: The Art of the Constitution Making for the State and the Nation, 1776-1833*. Archives of Maryland: Documents for the Classroom. MSA SC 2221-04. Annapolis, Maryland 1993.

Vocabulary

- Constitution:** The written instrument embodying the fundamental principles of the state that establishes power and duties of the government and guarantees certain rights to the people.
- Freehold:** An interest in real property that does not have a stated end, such as a life estate.
- Pounds:** The currency of Great Britain.
- Suffrage:** The civil right to vote, or the exercise of that right.
- Viva voce:** An oral examination.
- Burgesses:** A freeman or citizen of an English borough.
- Dissent:** To differ in opinion or feeling.

Teaching Procedures

Materials Needed:

- Chart Paper and Markers
- Magnifying glasses (optional)

1. Display a transparency of Resource Sheet #1, “What is *Democracy?*” Reveal only the first question and have the students respond to it (“What is meant by the word *democracy?*”) List the students’ responses on the transparency.

Reveal the dictionary definition and discuss any unfamiliar words. Have the students identify the freedoms of people who live in a democracy, such as the right to vote, free speech, and personal liberties. Continue the discussion with the two remaining questions on the transparency: Does the right to vote really matter? Who is allowed to vote in Maryland today? Responses should include the right to vote regardless of gender, race, and socio-economic status

2. Display a transparency copy of Resource Sheet #2, “Who Could Vote in Maryland in 1776?” Ask the students if they believe the people depicted in the images (upper class land owning Caucasian, African American, Native American, woman) would be allowed to vote in Maryland in 1776. Have them support their answers and record their responses on the chart paper.
3. Review with the students the meaning of *constitution*. (The written instrument embodying the fundamental principles of the state that establishes power and duties of the government and guarantees certain rights to the people.) Explain to the students that they will be reading excerpts from the first draft of the Maryland Constitution from November 1776. Explain that they will be analyzing the requirements for a citizen to be able to vote or be elected to an office.
4. Divide the student into four groups. Distribute Resource Sheet #3, “The Constitution of Maryland” (pages 1-3) and Resource Sheet #4, “Transcript of Maryland Constitution” (pages 1- 2)

Students may want to use magnifying glasses to examine the information as presented on Resource Sheet 3. Circulate the room to check on students’ progress.

Distribute Resource Sheet 5, “Maryland Constitution Focus Questions.” Model working with the first focus question with the students. Review the remaining questions with the students. Assign each group a different section of the Constitution to analyze. Have students work in cooperative groups to complete the resource sheet. Monitor the students’ progress and assist them as needed. (20-25 minutes)

As a whole class, have the students share their responses to focus questions 1 through 4.

5. Examine the transparency of Resource Sheet #2 again. Ask students if the voting rights are different today. Have the students identify which groups would be able to vote or hold office today that was not allowed to do so in 1776. Ask students if the present elections rights are more democratic than those of the first draft of the 1776 MD Constitution and have them support their answer. Have students revisit the motivation questions using information obtained in the lesson.
6. To assess student understanding, distribute Resource Sheet #6, “Exit Pass – Maryland Constitution,” listing three things they have learned in the lesson.
7. As possible extension activities:

Have the students draw a broadside either in support or against the voting rights of the first draft of the 1776 MD Constitution.

Have the students create and justify their own democratic voting regulations or qualifications.

Primary Source Annotation:

Instructions of the Freemen of Anne Arundel County, were printed in the Maryland Gazette on July 18, 1776.

<http://www.mdarchives.state.md.us/megafile/msa/speccol/sc4800/sc4872/003145/html/m3145-1950.html>

The “Instructions” is a proposal of a new form of government prepared by the Hammond-Hall faction of the Country Party of the Maryland Convention. The document outlined a proposal for the new state constitution. The “Instructions” eliminated many of the voting qualifications that existed in Maryland at the time.

The Constitution and Form of Government Proposed for the Consideration of the Delegates of Maryland from the *Proceedings of the Convention of the Province of Maryland* held in Annapolis between August 14, 1776

<http://www.mdarchives.state.md.us/megafile/msa/speccol/sc4800/sc4872/003145/html/m3145-1950.html> .

A transcription of this document can be found at

<http://www.mdarchives.state.md.us/megafile/msa/speccol/sc2900/sc2908/000001/000078/html/am78--316.html> .

This primary source document outlines the state constitution proposed by the more conservative faction of the Country Party headed by Samuel Chase. The voting qualifications stated in this document will end up in the Maryland Constitution of 1776.

Portrait of a black Revolutionary War sailor
The Newport Historical Society (P999)

An unknown artist, circa 1780, painted this oil portrait of an unidentified Revolutionary War sailor. This sailor's dress uniform suggests that he served in the navy, rather than with a privateer.

Portrait of Mrs. Robert Gilmour with her daughters Jane and Elizabeth
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http://www.history.org/Foundation/journal/Summer05/images/Pix_39TL.jpg

Painted by Charles Willson Peale ca. 1788.

Shawnee Hunter

The Ohio Historical Society, Number: 077A, T 31, Box 2

<http://www.ohiohistorycentral.org/ohc/h/ima/st3.shtml>

The Shawnee Indians were living in the Ohio Valley as early as the late 1600s. The Iroquois Indians were unwilling to share these rich hunting grounds and

drove the Shawnees away. Some went to Illinois, others went to Pennsylvania, Maryland or Georgia. As the power of the Iroquois weakened, the Shawnee Indians moved back into Ohio from the south and the east.

Portrait of Samuel Chase
Maryland Historical Society

Samuel Chase, 1836. MSA SC 1545-1115.

<http://www.mdarchives.state.md.us/msa/speccol/sc5100/sc5123/000002/html/cover.html>

Painted by John Beale Bordley in 1836.