



THE CONTRACT CLAUSE

A CONSTITUTIONAL HISTORY

James W. Ely, Jr.

Contract Clause In American History

Henry Steele Commager



Contract Clause In American History:

The Contract Clause in American History James W. Ely, 1997 A multidisciplinary overview This new series gathers a broad selection of the best scholarly literature dealing with property rights in American constitutional history The initial three volumes deal with the historical aspects of property ownership many of which are relevant to contemporary developments Another volume is devoted to the contract clause which was the heart of a great deal of constitutional litigation Two volumes deal directly and at length with current issues such as regulatory takings The authors come from a variety of disciplines including history law and political science bringing a multidisciplinary approach to the debate and providing an excellent background for understanding contemporary issues A versatile classroom and student research resource Because it gathers so many important articles from law reviews academic journals and books including classic essays by prominent 19th century authorities this collection is a valuable resource for law schools But its thorough exploration of a vital issue that has been the concern of legislators courts and citizens since the founding of the republic also makes it useful in American History classes Professors will appreciate the collection because it gives them access to a concentration of material for classroom use and it is a user friendly way to introduce students to a variety of opinions and diversity of sources that can get them started on doing their own research Students will appreciate the many articles as a veritable gold mine of information

The Contract Clause James W. Ely, Jr., 2016-10-28 Few provisions of the American Constitution have had such a tumultuous history as the contract clause Prompted by efforts in a number of states to interfere with debtor creditor relationships after the Revolution the clause Article I Section 10 reads that no state shall pass any Law impairing the Obligation of Contracts Honoring contractual commitments in the framers view would serve the public interest to encourage commerce and economic growth How the contract clause has fared as chronicled in this book by James W Ely Jr tells us a great deal about the shifting concerns and assumptions of Americans Its history provides a window on matters central to American constitutional history including the protection of economic rights the growth of judicial review and the role of federalism Under the leadership of Chief Justice John Marshall the Supreme Court construed the provision expansively and it rapidly became the primary vehicle for federal judicial review of state legislation before the adoption of the Fourteenth Amendment Indeed the contract clause was one of the most litigated provisions of the Constitution throughout the nineteenth century and its history reflects the impact of wars economic distress and political currents on reading the Constitution Ely shows how over time the courts carved out several malleable exceptions to the constitutional protection of contracts most notably the notion of an inalienable police power thus weakening the contract clause and enhancing state regulatory authority His study documents the near fatal blow dealt to the provision by New Deal constitutionalism when the perceived need for governmental intervention in the economy superseded the economic rights of individuals Though the 1970s saw a modest revival of interest in the contract clause the criteria for invoking it remain uncertain And yet as state and local governments try to trim the benefits of public

sector employees the provision has once again figured prominently in litigation In this book James Ely gives us a timely analytical lens for understanding these contemporary challenges as well as the critical historical significance of the contract clause [Law and Religion in American History](#) Mark Douglas McGarvie,2016-07-18 This book furthers dialogue on the separation of church and state with an approach that emphasizes intellectual history and the constitutional theory that underlies American society Mark Douglas McGarvie explains that the founding fathers of America considered the right of conscience to be an individual right to be protected against governmental interference While the religion clauses enunciated this right its true protection occurred in the creation of separate public and private spheres Religion and the churches were placed in the private sector Yet politically active Christians have intermittently mounted challenges to this bifurcation in calling for a greater public role for Christian faith and morality in American society Both students and scholars will learn much from this intellectual history of law and religion that contextualizes a four hundred year old ideological struggle

Annual Report of the American Historical Association American Historical Association,1911 **Documents of American History** Henry Steele Commager,1968 Designed to illustrate the course of American history from the Age of Discovery to the present [Documents of American History: Since 1865](#) Henry Steele Commager,1935 **Documents of American History: Since 1898** Henry Steele Commager,Milton Cantor,1988 Primary documents serve to provide an official record of American history since 1492 **Constitutional Law for a Changing America** Lee Epstein,Kevin T. McGuire,Thomas G. Walker,2020-09-17 Excellent balance of case excerpts and author explanation highly appropriate for undergraduate students Dr Wendy Brame Briar Cliff University Political factors influence judicial decisions Arguments and input from lawyers and interest groups the ebb and flow of public opinion and especially the ideological and behavioral inclinations of the justices all combine to shape the development of constitutional doctrine Drawing on political science as much as from legal studies Constitutional Law for a Changing America A Short Course helps students realize that Supreme Court cases are more than just legal names and citations With meticulous revising the authors streamline material while accounting for recent landmark cases and new scholarship Ideal for a one semester course the Eighth Edition of A Short Course offers all the hallmarks of the Rights and Powers volumes in a more condensed format Students and instructors benefit from the online Con Law Resource Center which houses the supplemental case archive links to CQ Press reference materials a moot court simulation instructor resources and more **The American Historical Review** John Franklin Jameson,Henry Eldridge Bourne,Robert Livingston Schuyler,1916 American Historical Review is the oldest scholarly journal of history in the United States and the largest in the world Published by the American Historical Association it covers all areas of historical research **Since 1898** Henry Steele Commager,1963 *The Political Development of American Debt Relief* Emily Zackin,Chloe N. Thurston,2024-06-21 A political history of the rise and fall of American debt relief Americans have a long history with debt They also have a long history of mobilizing for debt relief Throughout the nineteenth century

indebted citizens demanded government protection from their financial burdens challenging readings of the Constitution that exalted property rights at the expense of the vulnerable Their appeals shaped the country's periodic experiments with state debt relief and federal bankruptcy law constituting a pre industrial safety net Yet the twentieth century saw the erosion of debtor politics and the eventual retrenchment of bankruptcy protections The Political Development of American Debt Relief traces how geographic sectoral and racial politics shaped debtor activism over time enhancing our understanding of state building constitutionalism and social policy

The American and English Encyclopaedia of Law David Shephard Garland, Lucius Polk McGehee, James Cockcroft, Charles Porterfield, 1900

Land Law and Real Property in American History Kermit L. Hall, 1987 This work is a collection of articles examining the public policy questions posed by the evolution of the law of real property and public lands emphasizing the public policy changes in the area of proper use and taking of property

Property Rights in American History: The contract clause in American history, 1997

Writings on American History, 1930

Papers of the American Historical Association American Historical Association, 1886 Include proceedings of the annual meetings

The Origin and Growth of the American Constitution Hannis Taylor, 1911

In Re American Pouch Foods, Inc, 1983

The American Journal of International Law James Brown Scott, George Grafton Wilson, 1929 Vols for 1970 73 include American Society of International Law Proceedings no 64 67

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