

5HD408

„Fenomén industrializace a průmyslové revoluce na příkladu USA. Faktory hospodářského růstu USA v poslední třetině 19. století.“

Materiál je doplňkovou didaktickou pomůckou k handoutu na dané téma. Je určen pro studijní a výukové účely, především k diskuzi v rámci semináře.



EVROPSKÁ UNIE
Evropské strukturální a investiční fondy
Operační program Výzkum, vývoj a vzdělávání

MŠMT
MINISTERSTVO ŠKOLSTVÍ,
MLÁDEŽE A TĚLOVÝCHOVY

13th Amendment to the U.S. Constitution: Abolition of Slavery (1865)

AMENDMENT XIII

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

Passed by Congress January 31, 1865. Ratified December 6, 1865.

1862 Homestead Act (Zákon o usedlostech)

CHAP. LXXV. —An Act to secure Homesteads to actual Settlers on the Public Domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed:

Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2.

And be it further enacted, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified:

Provided, however, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry ; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry ; or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death ; shall. prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States ; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law:

And provided, further, That in case of the death of both father and mother, leaving an Infant child, or children, under twenty-one years of age, the right and fee shall ensure to the benefit of said infant child or children ; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3.

And be it further enacted, That the register of the land office shall note all such applications on the tract books and plats of, his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4.

And be it further enacted, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5.

And be it further enacted, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

EC. 6.

And be it further enacted, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver:

Provided, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preemption rights : And provided, further, That all persons who may have filed their applications for a preemption right prior to the passage of this act, shall be entitled to all privileges of this act: Provided, further, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7.

And be it further enacted, That the fifth section of the act entitled " An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, required or authorized by this act.

SEC. 8.

And be it further enacted, That nothing in this act shall be construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preemption rights.

APPROVED, May 20, 1862.

Pacific Railway Act (1862)

The question of "internal improvements" was constantly before Congress in the 19th century: Should Congress assist in improving the country's transportation system? One such improvement was the dream of constructing a railroad that would cross the entire country. In the 1850s Congress commissioned several topographical surveys across the West to determine the best route for a railroad, but private corporations were reluctant to undertake the task without Federal assistance. In 1862 Congress passed the Pacific Railway Act, which designated the 32nd parallel as the initial transcontinental route and gave huge grants of lands for rights-of-way. The act was an effort to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure the use of that line to the government.

The legislation authorized two railroad companies, the Union Pacific and the Central Pacific, to construct the lines. Beginning in 1863, the Union Pacific, employing more than 8,000 Irish, German, and Italian immigrants, built west from Omaha, NE; the Central Pacific, whose workforce included over 10,000 Chinese laborers, built eastward from Sacramento, CA. Each company faced unprecedented construction problems—mountains, severe weather, and the hostility of Native Americans. On May 10, 1869, in a ceremony at Promontory, UT, the last rails were laid and the last spike driven. Congress eventually authorized four transcontinental railroads and granted 174 million acres of public lands for rights-of-way.

Thomas Edisons Patent Application for the Light Bulb (1880)

Thomas Edison propelled the United States out of the gaslight era and into the electric age. From the time he was a boy, he was mesmerized by the mechanics of the universe and, with virtually no formal education, brought forth innovations that continue to dominate our lives. Out of his New Jersey laboratories, which were themselves inventions—thoroughly equipped and fully staffed—came 1,093 patented inventions and innovations that made Edison one of the most prolific inventors of all time.

Three of his most famous inventions, the phonograph, a practical incandescent light bulb, and the moving picture camera, dazzled the public and revolutionized the way people live throughout the world. His thundering dynamos transformed the United States into the world's greatest industrial superpower.

In 1878 the creation of a practical long-burning electric light had eluded scientists for decades. With dreams of lighting up entire cities, Edison lined up financial backing, assembled a group of brilliant scientists and technicians, and applied his genius to the challenge of creating an effective and affordable electric lamp. With unflagging determination, Edison and his team tried out thousands of theories, convinced that every failure brought them one step closer to success. On January 27, 1880, Edison received the historic patent embodying the principles of his incandescent lamp that paved the way for the universal domestic use of electric light.

Sherman Anti-Trust Act (1890)

The Sherman Antitrust Act of 1890 was the first measure passed by the U.S. Congress to prohibit trusts. It was named for Senator John Sherman of Ohio, who was a chairman of the Senate finance committee and the Secretary of the Treasury under President Hayes. Several states had passed similar laws, but they were limited to intrastate businesses. The Sherman Antitrust Act was based on the constitutional power of Congress to regulate interstate commerce.

A trust was an arrangement by which stockholders in several companies transferred their shares to a single set of trustees. In exchange, the stockholders received a certificate entitling them to a specified share of the consolidated earnings of the jointly managed companies. The trusts came to dominate a number of major industries, destroying competition. For example, on January 2, 1882, the Standard Oil Trust was formed. Attorney Samuel Dodd of Standard Oil first had the idea of a trust. A board of trustees was set up, and all the Standard properties were placed in its hands. Every stockholder received 20 trust certificates for each share of Standard Oil stock. All the profits of the component companies were sent to the nine trustees, who determined the dividends. The nine trustees elected the directors and officers of all the component companies. This allowed the Standard Oil to function as a monopoly since the nine trustees ran all the component companies.

The Sherman Act authorized the Federal Government to institute proceedings against trusts in order to dissolve them. Any combination “in the form of trust or otherwise that was in restraint of trade or commerce among the several states, or with foreign nations” was declared illegal. Persons forming such combinations were subject to fines of \$5,000 and a year in jail. Individuals and companies suffering losses because of trusts were permitted to sue in Federal court for triple damages. The Sherman Act was designed to restore competition but was loosely worded and failed to define such critical terms as “trust,” “combination,” “conspiracy,” and “monopoly.” Five years later, the Supreme Court dismantled the Sherman Act in *United States v. E. C. Knight Company* (1895). The Court ruled that the American Sugar Refining Company, one of the other defendants in the case, had not violated the law even though the company controlled about 98 percent of all sugar refining in the United States. The Court opinion reasoned that the company’s control of manufacture did not constitute a control of trade.

The Court's ruling in *E. C. Knight* seemed to end any government regulation of trusts. In spite of this, during President Theodore Roosevelt's "trust busting" campaigns at the turn of the century, the Sherman Act was used with considerable success. In 1904 the Court upheld the government's suit to dissolve the Northern Securities Company in *State of Minnesota v. Northern Securities Company*. By 1911, President Taft had used the act against the Standard Oil Company and the American Tobacco Company. In the late 1990s, in another effort to ensure a competitive free market system, the Federal Government used the Sherman Act, then over 100 years old, against the giant Microsoft computer software company.



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