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T H E  
C O N S T I T U T I O N S

O F T H E  
U N I T E D S T A T E S,

A C C O R D I N G T O T H E

L A T E S T A M E N D M E N T S :

T O W H I C H A R E A N N E X E D , T H E  
D E C L A R A T I O N O F I N D E P E N D E N C E ;

A N D T H E  
F E D E R A L C O N S T I T U T I O N ;

W I T H T H E A M E N D M E N T S T H E R E T O .



T H I S E D I T I O N C O N T A I N S T H E C O N S T I T U T I O N O F  
V E R M O N T , N O T I N A N Y F O R M E R O N E .



P H I L A D E L P H I A :

F R O M T H E P R E S S O F C A R E Y , S T E W A R T , A N D C O .

M , D C C , X C I .



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I NO 61

# CONSTITUTIONS, &c.



## CONSTITUTION OF NEW HAMPSHIRE.

*In congress at Exeter, January 5, 1776.*

**W**E, the members of the congress of the colony of New Hampshire, chosen and appointed, by the free suffrages of the people of said colony, and authorised and impowered by them, to meet together, and use such means, and pursue such measures, as we shall judge best for the public good;—and, in particular, to establish some form of government, provided that measure should be recommended by the continental congress; and a recommendation to that purpose having been transmitted to us, from the said congress—have taken into our serious consideration the unhappy circumstances, into which this colony is involved, by means of many grievous and oppressive acts of the British parliament, depriving us of our native and constitutional rights and privileges; to enforce obedience to which acts, a powerful fleet and army have been sent into this country, by the ministry of Great Britain, who have exercised a wanton and cruel abuse of their power, in destroying the lives and properties of the colonists, in many places, with fire and sword, taking the ships and lading from many of the honest and industrious inhabitants of this colony, employed in commerce, agreeable to the laws and customs a long time used here.

The sudden and abrupt departure of his excellency John Wentworth, esq. our late governor, and several of the council, leaving us destitute of legislation; and no executive courts being open, to punish criminal offenders, whereby the lives and properties of the honest people of this colony, are liable to the machinations and evil designs of wicked men:—

Therefore, for the preservation of peace and good order, and for the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of

establishing a form of government, to continue during the present unhappy and unnatural contest with Great Britain; protesting and declaring, that we never sought to throw off our dependance upon Great-Britain—but felt ourselves happy under her protection, while we could enjoy our constitutional rights and privileges—and that we shall rejoice, if such a reconciliation, between us and our parent state, can be effected, as shall be approved by the continental congress, in whose prudence and wisdom we confide.)

Accordingly, pursuant to the trust reposed in us, we do resolve, that this congress assume the name, power, and authority of a house of representatives, or assembly, for the colony of New Hampshire: and that said house then proceed to choose twelve persons, being reputable freeholders, and inhabitants within this colony, in the following manner, viz. five in the county of Rockingham, two in the county of Strafford, two in the county of Hillsborough, two in the county of Cheshire, and one in the county of Grafton,—to be a distinct and separate branch of the legislature, by the name of a council for this colony, to continue as such until the third Wednesday in December next; any seven of whom to be a quorum, to do business:

That such council appoint their president; and, in his absence, that the senior counsellor preside:

That a secretary be appointed by both branches, who may be a counsellor, or otherwise, as they shall choose:

That no act, or resolve, be valid, and put into execution, unless agreed to, and passed, by both branches of the legislature.

That all public officers, for the said colony, and each county, for the current year, be appointed by the council and assembly, except the several clerks of the executive courts, who shall be appointed by the justices of the respective courts:

That all bills, resolves, or votes, for raising, levying and collecting money, originate in the house of representatives:

That, at any sessions of the council and assembly, neither branch shall adjourn, for any longer time, than from Saturday till the next Monday, without consent of the other.

And it is further resolved, that, if the present unhappy dispute, with Great Britain, should continue longer than this present year—and the continental congress give no instructions or directions to the contrary—the council be chosen by the people of each respective county, in such manner, as the council and house of representatives shall order:

That general and field officers of the militia, on any vacancy, be appointed by the two houses, and all inferior officers be chosen by the respective companies :

That all officers of the army be appointed by the two houses, except they should direct otherwise, in case of any emergency :

That all civil officers, for the colony, and for each county, be appointed, and the time of their continuance in office, be determined, by the two houses, except clerks, and county treasurers, and recorders of deeds :

That a treasurer, and a recorder of deeds, for each county, be annually chosen, by the people of each county respectively ; the votes for such officers to be returned to the respective courts of general sessions of the peace, in the county, there to be ascertained, as the council and assembly shall hereafter direct :

That precepts, in the name of the council and assembly, signed by the president of the council, and speaker of the house of representatives, shall issue annually, at or before the first day of November, for the choice of a council, and house of representatives, to be returned by the third Wednesday in December then next ensuing, in such manner, as the council and assembly shall hereafter prescribe.

*In the house of representatives, September 19, 1776.*

Voted and resolved,

THAT, as any new towns, or settlements, in this state, shall increase in their number of inhabitants, from year to year, or from time to time, precepts shall issue for their sending delegates to council, and assembly, so as to be fully represented, according to their numbers, proportionable with other parts of the state. *Sent up for concurrence,* P. WHITE, speaker.

*In council, Eodem die.—Read and concurred.*

E. Thompson, Sec.

Copy examined, per E. Thompson, Sec.

MASSACHUSETTS.

*A constitution, or frame of government, agreed upon by the delegates of the people of the state of Massachusetts-bay, in convention, begun and held at Cambridge, on the first of September, 1779, and continued by adjournments, to the second of March, 1780.*

P R E A M B L E.

THE end of the institution, maintenance, and administration of government, is to secure the existence of the body ;



politic, to protect it, and to furnish the individuals, who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures, necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprize, of entering into an original, explicit, and solemn compact with each other—and of forming a new constitution of civil government, for ourselves and posterity;—and devoutly imploring his direction in so interesting a design, do agree upon, ordain, and establish, the following declaration of rights, and frame of government, as the constitution of the commonwealth of Massachusetts.

## P A R T. I.

### *A declaration of rights, of the inhabitants of the commonwealth of Massachusetts.*

*Art. I.* All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II. It is the right, as well as the duty, of all men in society, publicly, and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or

estate for worshipping God in the manner and season, most agreeable to the dictates of his own conscience; or for his religious profession or sentiments—provided he doth not disturb the public peace, or obstruct others in their religious worship.

III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion, and morality:—Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorise and require, and the legislature shall, from time to time, authorise and require the several towns, parishes, precincts, and other bodies-politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public protestant teachers of piety, religion, and morality, in all cases, where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority, to enjoin, upon all the subjects, an attendance upon the instructions of the public teachers, as aforesaid, at stated times and seasons, if there be any, on whose instructions they can conscientiously and conveniently attend:—

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies-politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them, for their support and maintenance.

And all monies, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher, or teachers, of his own religious sect or denomination, provided there be any, on whose instructions he attends: otherwise it may be paid towards the support of the teacher, or teachers, of the parish, or precinct, in which the said monies are raised.

And every denomination of christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of

any one sect or denomination, to another, shall ever be established by law.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the united states of America, in congress assembled.

V. All power residing originally in the people, and being derived from them—the several magistrates, and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are, at all times, accountable to them.

VI. No man, or corporation, or association of men, have any other title, to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services, rendered to the public. And this title being, in nature, neither hereditary, nor transmissible to children, or descendants, or relations by blood,—the idea of a man, born a magistrate, lawgiver, or judge, is absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honour, or private interest of any one man, family, or class of men. Therefore, the people alone have an incontestable, unalienable, and indefeasible right, to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness, require it.

VIII. In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods, and in such manner, as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places, by certain and regular elections and appointments.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications, as they shall establish by their frame of government, have an equal right, to elect officers, and to be elected for public employments.

X. Each individual of the society has a right, to be protected by it, in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to con-

tribute his share, to the expense of this protection; to give his personal service, or an equivalent, when necessary. But no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws, than those, to which their constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs, which he may receive, in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly, and without delay—conformably to the laws.

XII. No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favourable to him; to meet the witnesses against him, face to face; and to be fully heard in his defence, by himself, or his council, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law, that shall subject any person to a capital or infamous punishment, (excepting for the government of the army and navy) without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizure, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant, to a civil officer, to make search in all suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the

persons or objects of search, arrest, or seizure. And no warrant ought to be issued; but in cases, and with the formalities, prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, (except in cases, in which it has heretofore been otherwise used and practised) the parties have a right to a trial by a jury; and this method of procedure shall be held sacred; unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

XVI. The liberty of the press is essential to the security of freedom in a state; it ought not, therefore, to be restrained in this commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained, without the consent of the legislature; and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary, to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of all laws, necessary for the good administration of the commonwealth.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised, but by the legislature; or, by authority derived from it, to be exercised in such particular cases only, as the legislature shall expressly provide for.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the

people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever.

XXII. The legislature ought frequently to assemble, for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

XXIV. Laws, made to punish for actions, done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI. No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII. In time of peace, no soldier ought to be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made, but by the civil magistrate, in a manner ordained by the legislature.

XXVIII. No person can, in any case, be subjected to law martial, or to any penalties or pains, by virtue of that law, (except those employed in the army or navy, and except the militia in actual service) but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen, to be tried by judges, as free, impartial, and independent, as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honourable salaries, ascertained and established by standing laws.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judi-

cial shall never exercise the legislative and executive powers, or either of them: to the end, it may be a government of laws, and not of men.

## PART II.

### *The FRAME of GOVERNMENT.*

The people, inhabiting the territory, formerly called the province of Massachusetts bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body-politic or state, by the name of, *The commonwealth of Massachusetts.*

## CHAP. I.

### THE LEGISLATIVE POWER.

#### SECTION I.

### *The GENERAL COURT.*

ART. I, THE department of legislation shall be formed by two branches, a senate and house of representatives: each of which shall have a negative on the other.

The legislative body shall assemble every year, on the last Wednesday in May, and at such other times, as they shall judge necessary; and shall dissolve and be dissolved, on the day next preceding the said last Wednesday in May; and shall be styled, *The general court of Massachusetts.*

II. No bill or resolve, of the senate, or house of representatives, shall become a law, and have force as such, until it shall have been laid before the governor for his revival: and if he, upon such revision, approve thereof, he shall signify his approbation, by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in which soever the same shall have originated; who shall enter the objections, sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered; and if approved by two-thirds of the members present, it shall have the force of a law. But in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the

persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories, and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon:—to which courts and judicatories, are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish, all manner of wholesome, and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties, or without; (so as the same be not repugnant or contrary to this constitution) as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers, within the said commonwealth, the election and constitution of whom are not hereafter, in this form of government, or otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations, as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates



lying, within the said commonwealth; and also to impose, and levy, reasonable duties and excises, upon any produce, goods, wares, merchandises, and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts, as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner, that has hitherto been practised;—in order that such assessments may be made with equality, there shall be a valuation of estates, within the commonwealth, taken anew, once in every ten years at the least, and as much oftener as the general court shall order.

### C H A P. I.

#### SECTION II. SENATE.

*Art. I.* THERE shall be annually elected by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons, to be counsellors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the commonwealth may, from time to time, be divided by the general court, for that purpose. And the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth, the limits of each district, and the number of counsellors and senators to be chosen therein; provided that the number of such districts shall be never less than thirteen; and that no district be so large as to entitle the same to choose more than six senators. And the several counties, in this commonwealth, shall (until the general court shall determine it necessary to alter the said districts) be districts for choice of counsellors and senators (except that the counties of Duke's-county and Nantucket shall form one district for that purpose) and shall elect the following number for counsellors and senators, viz.

Suffolk	Six	York	Two
Essex	Six	Duke's county	} Five
Middlesex	Five	and Nantucket	
Hampshire	Four	Worcester	

Cumberland	—	One		Berkshire	—	Two
Lincoln	—	One				

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. There shall be a meeting, on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and counsellors. And at such meetings, every male inhabitant, of twenty-one years of age and upwards, having a freehold estate, within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote, for the senators, for the district, of which he is an inhabitant. And to remove all doubts, concerning the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, (for the purpose of electing and being elected into any office or place within this state) in that town; district or plantation, where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators: and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purports of the contents thereof, and delivered, by the town clerk of such town, to the sheriff of the county, in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office, seventeen days, at least, before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated (qualified as this constitution provides) who are or shall be impowered and required to assess taxes upon themselves, toward the support of government, shall have the same privilege of voting for

counsellors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation-meetings, for that purpose, shall be held annually on the same first Monday in April, at such place in the plantations respectively, as the assessors thereof shall direct; which assessors shall have like authority, for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons, living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for counsellors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town, where they shall be assessed, for that purpose accordingly.

III. And that there may be a due convention of senators on the last Wednesday in May annually, the governor, and five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons, as shall appear to be chosen by the majority of voters, to attend on that day, and take their seats accordingly;—provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare, who are elected by each district, to be senators, by a majority of votes; and in case there shall not appear to be the full number of senators returned, elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. the members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons, as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect, by ballot, a number of senators, sufficient to fill up the vacancies in such district; and in this manner, all such vacancies shall be filled in

every district of the commonwealth: and in like manner, all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen:—

Provided, nevertheless, that no person shall be capable of being elected as a senator, who is not seized in his own right, of a freehold within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum; and who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election; and at the time of his election he shall be an inhabitant in the district, for which he shall be chosen.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court, with full authority, to hear and determine all impeachments, made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment, the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further, than to removal from office, and disqualification to hold or enjoy any place of honour, trust or profit, under this commonwealth: but the party so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. Not less than sixty members of the senate, shall constitute a quorum for doing business.

### CHAPTER I. SECTION III.

#### HOUSE OF REPRESENTATIVES.

ART. I. THERE shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

II. And in order to provide for a representation of the citizens of this commonwealth, founded on the principle of equality, every corporate town, containing one hundred and fifty rateable polls, may elect one representative:—every corporate town, containing three hundred and seventy-five rateable polls,

may elect two representatives: every corporate town, containing six hundred rateable polls, may elect three representatives;— and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increasing number, for every additional representative:—

Provided nevertheless, that each town now incorporated, not having one hundred and fifty rateable polls, may elect one representative. But no place shall hereafter be incorporated with the privilege of electing a representative, unless there are, within the same, one hundred and fifty rateable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns, as shall neglect to choose and return members to the same, agreeably to this constitution.

The expenses of travelling to the general assembly, and returning home, once in every session and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

III. Every member of the house of representatives shall be chosen by written votes; and for one year at least, next preceding his election, shall have been an inhabitant of, and have been seized, in his own right, of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any rateable estate, to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.

IV. Every male person (being twenty-one years of age, and resident in any particular town in this commonwealth, for the space of one year next preceding) having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative, or representatives, for the said town.

V. The members of the house of representatives shall be chosen annually, in the month of May, ten days, at least, before the last Wednesday of that month.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments, made by them, shall be heard and tried by the senate.

VII. All money bills shall originate in the house of represen-

tatives : but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. Not less, than sixty members of the house of representatives, shall constitute a quorum for doing business.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle their rules and orders of proceeding in their own house. They shall have authority to punish, by imprisonment, every person, (not a member) who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest any witness, or other person, ordered to attend the house, in his way in going, or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from; or his attending the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases:—provided that no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try, and determine, all cases, where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

## CHAP. II. EXECUTIVE POWER.

### SECTION I. GOVERNOR.

ART. I. THERE shall be a supreme executive magistrate, who shall be styled, The governor of the commonwealth of Massachusetts; and whose title shall be, His excellency.

II. The governor shall be chosen annually: and no person

shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth, for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold within the commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the christian religion.

III. Those persons, who shall be qualified to vote for senators and representatives, within the several towns of this commonwealth, shall, at a meeting, to be called for that purpose, on the first Monday of April annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town-clerk, in the presence and with the assistance of the selectmen, shall, in open town-meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person, against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate, and the house of representatives, on the last Wednesday in May, to be by them examined: and in case of an election, by a majority of all the votes returned, the choice shall be by them declared and published. But if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the senate, of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the counsellors of this commonwealth for the time being; and the governor, with the said counsellors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution, and the laws of the land.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same, to any time the two houses shall desire; and to dissolve the same, on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same, from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same. And in case of any infectious distemper prevailing in the place, where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the state.

And the governor shall dissolve the said general court, on the day next preceding the last Wednesday in May.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment, or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

VII. The governor of this commonwealth, for the time being, shall be the commander in chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof; and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons, as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion (declared by the legislature to exist) as occa-



tion shall necessarily require; and to take and surprize, by all ways and means whatsoever, all and every such person or persons (with their ships, arms, ammunition, and other goods) as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be entrusted with all these and other powers, incident to the offices of captain-general, and commander in chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power, by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state, to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council: but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, the attorney general, the solicitor general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train band and alarm list of their respective companies, of twenty-one years of age and upwards. The field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments. The brigadiers shall be elected in like manner, by the field officers of their respective brigades. And such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and

manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

The major generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

And if the electors of brigadiers, field officers, captains, or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the commonwealth for the time being.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade majors; and the major generals their aids; and the governor shall appoint the adjutant general.

The governor, with advice of council, shall appoint all officers of the continental army, whom (by the confederation of the united states) it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

The divisions of the militia, into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

XI. No monies shall be issued out of the treasury of this commonwealth, and disposed of (except such sums, as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interests arising thereon) but by warrant, under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth—and for the protection and preservation of the inhabitants thereof, agreeably to the act and resolves of the general court.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods,

stores, provisions, ammunition, cannon with their appendages and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons. And the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbour or harbours adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be, after receiving the same, all letters, dispatches, and intelligence of a public nature, which shall be directed to them respectively.

XIII. As the public good requires, that the governor should not be under the undue influence of any of the members of the general court—by a dependance on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object, to his private concerns—and that he should maintain the dignity of the commonwealth, in the character of its chief magistrate—it is necessary that he should have an honourable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Permanent and honourable salaries shall also be established by law, for the justices of the supreme judicial court.

And if it shall be found, that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

#### C H A P. II.

### S E C T. II. L I E U T E N A N T - G O V E R N O R.

ART. I. THERE shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be, his honour; and who shall be qualified, in point of religion, property, and residence in the commonwealth, in the same manner with the governor: and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election shall be in the same manner: and if no one person shall be found to have

a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected in case no one person shall have a majority of the votes of the people to be governor.

II. The governor, and, in his absence, the lieutenant-governor, shall be the president of the council; but shall have no vote in council: and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

## C H A P. II.

### S E C T. III. *Council, and the manner of settling elections by the legislature.*

ART. I. THERE shall be a council, for advising the governor in the executive part of government, to consist of nine persons, besides the lieutenant-governor, whom the governor for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together. And the governor, with the said counsellors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

II. Nine counsellors shall be annually chosen, from among the persons returned for counsellors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room. And in case there shall not be found, upon the first choice, the whole number of nine persons, who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid, from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons, thus elected from the senate, and accepting the trust, shall be vacated in the senate.

III. The counsellors, in the civil arrangements of the commonwealth, shall have rank, next after the lieutenant-governor.

IV. Not more than two counsellors shall be chosen out of any one district of this commonwealth.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do, and execute, all and every such acts, matters, and things, as the governor or lieutenant-governor might or could, by virtue of this constitution, do or execute, if they or either of them, were personally present.

VII. And whereas the elections, appointed to be made by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned, from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there shall be no choice of them by the people: and afterwards the two houses shall proceed to the election of the council.

## C H A P. II.

### S E C T. IV. *Secretary, treasurer, commissary, &c.*

ART. I. THE secretary, treasurer, and receiver general, and the commissary general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And that the citizens of this commonwealth may be assured, from time to time, that the monies remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible, as treasurer and receiver general, more than five years successively.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable: and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

## C H A P T E R III.

### J U D I C I A R Y P O W E R.

ART. I. THE tenure, that all commission officers shall by law have in their offices shall be expressed in their respective com-

missions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behaviour, excepting such, concerning whom there is different provision made in this constitution; provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority, to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place, of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates: and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require. And the legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said courts shall be holden at the times and places, which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

## CHAPTER IV.

### DELEGATES to CONGRESS.

THE delegates of this commonwealth to the congress of the united states, shall, sometime in the month of June annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions, under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned in the same manner, in their stead.

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## CHAPTER V.

*The university at Cambridge, and encouragement of literature, &c.*

SECTION I. *The UNIVERSITY.*

ART. I. WHEREAS our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard college; in which university many persons of great eminence, have, by the blessing of God, been initiated in those arts and sciences, which qualified them for public employments, both in church and state: and whereas the encouragement of arts and sciences, and all good literature, tends to the honour of God, the advantage of the christian religion, and the great benefit of this and the other united states of America. It is declared, that the president and fellows of Harvard college, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy: and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard college, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattles, legacies, and conveyances, heretofore made, either to Harvard college, in Cambridge, in New England, or to the president and fellows of Harvard college, or to the said college, by some other description, under several charters successively—it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard college, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas, by an act of the general court of the colony of Massachusetts-bay, passed in the year one thousand six hundred and forty-two, the governor and deputy governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted trustees of Harvard college—And it being necessary, in the constitution of government, to ascertain, who shall be the legal successors to the said governor,

deputy-governor, and magistrates—it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed their successors; who, with the president of Harvard-college, for the time being, together with the ministers of the congregational churches, in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard college;—provided, that nothing herein shall be construed to prevent the legislature of this commonwealth, from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner, as might have been done by the legislature of the late province of the Massachusetts-bay.

CHAP. V. SECT. II. *The encouragement of literature.*

WISDOM and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education, in the various parts of the country, and among the different orders of the people, it shall be the duty of the legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, by rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry, and frugality, honesty and punctuality in their dealings; sincerity, good humour, and all social affections and generous sentiments among the people.

C H A P T E R VI.

*Oaths and subscriptions; incompatibility of and exclusion from offices; pecuniary qualifications; commissions; writs; confirmation of laws; habeas corpus; the enacting file; continuance of officers; provision for a future revival of the constitution, &c.*

ART. I. Any person, chosen governor, or lieutenant governor, counsellor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, take, make and subscribe the following declaration, viz.—

D 2.



“ I, *A. B.* do declare, that I believe the christian religion, and have a firm persuasion of its truth ; and that I am seized and possessed, in my own right, of the property, required by the constitution, as one qualification for the office or place, to which I am elected.”

And the governor, lieutenant governor, and counsellors, shall make and subscribe the said declaration, in the presence of the two houses of assembly ; and the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution ; and, forever afterwards, before the governor and council for the time being.

And every person, chosen to either of the places or offices aforesaid, as also any person, appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.—

“ I, *A. B.* do truly and sincerely acknowledge, profess, testify, and declare, that the commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same, against traitorous conspiracies, and all hostile attempts whatsoever :—and that I do renounce and abjure all allegiance, subjection, and obedience, to the king, *queen or government of Great Britain, as the case may be,* and every other foreign power whatsoever :—And that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing, or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth ; except the authority and power, which is or may be vested, by their constituents, in the congress of the united states : and I do further testify and declare, that no man or body of men, hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me God.”

“ I, *A. B.* do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties, incumbent

on, me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of this commonwealth. So help me God."

Provided always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "*I do swear,*" "*and abjure,*" "*oath,*" "*and abjuration,*" in the first oath; and in the second oath, the words, "*swear and;*" and in each of them the words, "*So help me God;*" subjoining, instead thereof, "*This I do under the pains and penalties of perjury.*"

And the said oaths or affirmations shall be taken and subscribed, by the governor, lieutenant governor, and counsellors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president, and five of the council, of the former constitution; and, forever afterwards, before the governor and council for the time being: and by the residue of the officers aforesaid, before such persons and in such manner, as from time to time shall be prescribed, by the legislature.

II. No governor, lieutenant governor or judge of the supreme judicial court, shall hold any other office, or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary, from any other state, or government, or power, whatever.

No person shall be capable of holding or exercising, at the same time, more than one of the following offices within this state, *viz.* judge of probate, sheriff, register of probate, or register of deeds: and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, (military offices, and the office of justice of the peace excepted) shall be held by one person.

No person, holding the office of judge of the supreme judicial court, secretary, attorney-general, solicitor general, treasurer or

receiver-general, judge of probate, commissary-general; president, professor, or instructor of Harvard college; sheriff, clerk of the house of representatives, register of probate, register of deeds, clerk of the supreme judicial court, clerk of the inferior court of common pleas, or officer of the customs, (including in this description naval officers) shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place, in case any judge, of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery, or corruption, in obtaining an election or appointment.

III. In all cases, where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight-pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected into offices, as the circumstances of the commonwealth shall require.

IV. All commissions shall be in the name of the commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

V. All writs, issuing out of the clerk's office, in any of the courts of law, shall be in the name of the commonwealth of Massachusetts: they shall be under the seal of the court from whence they issue: they shall bear test of the first justice of the court, to which they shall be returnable, (who is not a party) and be signed by the clerk of such court.

VI. All the laws, which have heretofore been adopted, used and approved in the province, colony, or state of Massachusetts-bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature: such parts only excepted, as are repugnant to the rights and liberties contained in this constitution.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this commonwealth, in the most free, easy,

cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting stile, in making and passing all acts, statutes, and laws, shall be, "Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same."

IX. To the end there may be no failure of justice, or danger arise to the commonwealth, from a change of the form of government,—all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead: and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers, under this constitution, are designated and invested with their respective trusts, powers, and authority.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety five, shall issue precepts to the selectmen of the several towns and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments, on the necessity or expediency of revising the constitution in order to amendments.

And if it shall appear, by the returns made, that two thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favour of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention, for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion, as their representatives, in the second branch of the legislature, are by this constitution to be chosen.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

JAMES BOWDOIN, *President.*

*Attest.* SAMUEL BARRET, *Secretary.*

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R H O D E - I S L A N D.

*Rhode Island charter, granted by king Charles II. in the fourteenth year of his reign.*

*Quintadecima pars patentum, Anno regni regis Caroli secundi quintodecimo.*

**C**HARLES the second, by the grace of God, &c. To all, to whom these presents shall come, greeting. Whereas we have been informed, by the petition of our trusty and well beloved subjects, John Clarke, on the behalf of Benedict' Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weekes, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Houlden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers, and free inhabitants of our island called Rhode-Island, and the rest of the colony of Providence plantations, in the Narraganset bay, in New England in America—That they, pursuing with peace and loyal minds their sober, serious, and religious intentions, of godly edifying themselves, and one another, in the holy christian faith and worship as they were persuaded together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did not only, by the consent and good encouragement of our royal progenitors, transport themselves, out of this kingdom of England, into America; but also since their arrival there, after their first settlement amongst other of our subjects in those parts, for the avoiding of discord, and those many evils which were likely to ensue upon those our subjects, not being able to bear, in

those remote parts, their different apprehensions in religious concernments; and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labour and travel, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of all that country; where by the good providence of God, (from whom the plantations have taken their name) upon their labour and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, islands, rivers, harbours, and roads, as are very convenient both for plantations, and also for building of ships, supply of pipe-staves, and other merchandise, which lie very commodious in many respects for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having, by near neighbourhood to, and friendly society with, the great body of Narraganset Indians, given them encouragement, of their own accord, to subject themselves, their people and lands unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavours, be laid a sure foundation of happiness to all America:—

And whereas, in their humble-address, they have freely declared, that it is much on their hearts (if they be permitted) to hold forth a lively experiment, that a most flourishing civil state may stand, and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty:—

Now, know ye, that we—(being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights appertaining to them, as our loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights appertaining to them, as our loving subjects; and to preserve unto them that liberty, in the true christian faith, and worship of God, which they have sought (with so much travel, and with peaceable minds and loyal subjection to our royal progenitors, and ourselves) to enjoy; and because some of the people and inhabitants of the

same colony cannot, in their private opinion, conform to the public exercise of religion, according to the liturgy, form, and ceremonies of the church of England, or take or subscribe the oaths and articles, made and established in that behalf; and for that the same, by reason of the remote distances of those places; will, as we hope, be no breach of the unity and uniformity established in this nation—) have therefore thought fit, and do hereby publish, grant, ordain, and declare that our royal will and pleasure is—

That no person within the said colony, at any time hereafter, shall be anywise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, who do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned—they behaving themselves peaceably and quietly, and not using this liberty, to licentiousness and profaneness, nor to the civil injury or outward disturbance of others;—any law, statute or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise notwithstanding.

And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the christian faith, and others, in all respects—we have further thought fit, and at the humble petition of the persons aforesaid, are graciously pleased to declare,

That they shall have and enjoy the benefit of our late act of indemnity, and free pardon, as the rest of our subjects in other our dominions and territories have; and to create and make them a body politic or corporate, with the powers or privileges herein after mentioned. And accordingly, our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted and declared; and by these presents, for us, our heirs and successors, do ordain, constitute, and declare, that they the said William Brenton, William Codrington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weekes, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Houlden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Haris, James Barker, Rainshorrew.

Williams and John Nickson, and all such others as are now, or hereafter shall be admitted free of the company and society of our colony of Providence plantations, in the Narraganset bay, in New England, shall be, from time to time, and for ever hereafter, a body corporate and politic, in fact and name, by the name of the governor and company of the English colony of Rhode Island, and Providence plantations, in New England, in America; and that by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable in the law to sue and be sued, to plead and be impleaded, to answer and to be answered unto, to defend and to be defended, in all and singular suits, causes, quarrels, matters, actions, and things, of what kind or nature soever; and also to have, take, possess, acquire, and purchase lands, tenements, or hereditaments, or any goods or chattles, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, at their own will and pleasure, as other our liege people of this our realm of England, or any corporation or body politic within the same, may lawfully do;

And further, that they the said governor and company, and their successors, shall, and may, for ever hereafter, have a common seal, to serve and use for all matters, causes, things, and affairs whatsoever, of them and their successors; and the same seal to alter, change, break, and make new, from time to time, at their will and pleasure, as they shall think fit.

And further, we will and ordain, and by these presents, for us, our heirs and successors, declare and appoint, that, for the better ordering and managing of the affairs and business of the said company and their successors, there shall be one governor, one deputy-governor, and ten assistants, to be from time to time constituted, elected, and chosen, out of the freemen of the said company, for the time being, in such manner and form, as is hereafter in these presents expressed; which said officers shall apply themselves to take care, for the best disposing and ordering of the general business and affairs of, and concerning the lands and hereditaments herein aftermentioned to be granted, and the plantation thereof, and the government of the people there.

And for the better execution of our royal pleasure herein, we do, for us, our heirs and successors, assign, name, constitute and appoint, the aforesaid Benedict Arnold, to be the first and present governor of the said company; and the said William Brenton,



to be the deputy-governor; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeshall, James Barker, William Field, and Joseph Clarke, to be the ten present assistants of the said company, to continue in the said several offices respectively, until the first Wednesday which shall be in the month of May now next coming.

And further, we will, and by these presents, for us, our heirs, and successors, do ordain and grant, that the governor of the said company, for the time being, or in his absence, by occasion of sickness, or otherwise, by his leave or permission, the deputy-governor for the time being, shall and may, from time to time, upon all occasions, give order for the assembling of the said company, and calling them together, to consult and advise of the business and affairs of the said company; and that for ever hereafter, twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener, in case it shall be requisite, the assistants, and such of the freemen of the said company, not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other place, town, or city, who shall be from time to time thereunto elected or deputed, by the major part of the freemen of the respective towns or places to which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said company, and plantations.

And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said governor and company of the English colony of Rhode-Island and Providence plantations, in New England in America, and their successors, that the governor or in his absence, or by his permission, the deputy governor, of the said company for the time being, the assistants, and such of the freemen of the said company, as shall be so aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly, as aforesaid, shall be called the general assembly; and that they, or the greatest part of them then present (whereof the governor or deputy-governor, and six of the assistants at least, to be seven,) shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint, alter, and change such days, times and places of meetings, and general assembly, as they shall think fit; and to chuse,

nominate, and appoint such and so many persons as they shall think fit, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit; and to elect, and constitute such offices and officers, and to grant such needful commissions, as they shall think fit, and requisite, for ordering, managing, and dispatching of the affairs of the said governor and company, and their successors; and from time to time, to make, ordain, constitute, and repeal, such laws, statutes, orders and ordinances, forms, and ceremonies of government and magistracy, as to them shall seem meet, for the good and welfare of the said company, and for the government and ordering of the lands and hereditaments herein after mentioned to be granted, and of the people that do, or at any time hereafter shall inhabit, or be within the same; so as such laws, ordinance, and constitutions, so made, be not contrary and repugnant unto, but, (as near as may be) agreeable to, the laws of this our realm of England, considering the nature and constitution of the place and people there; and also, to appoint, order, and direct, erect and settle such places and courts of jurisdiction, for hearing and determining of all actions, cases, matters and things, happening within the said colony and plantation, and which shall be in dispute, and depending there, as they shall think fit; and also to distinguish and set forth the several names and titles, duties, powers, and limits, of each court, office, and officer, superior and inferior; and also, to contrive and appoint such forms of oaths and attestations, not repugnant, but (as near as may be) agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite, with respect to the due administration of justice, and due execution and discharge of all offices and places of trust, by the persons that shall be therein concerned; and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe, limit and distinguish the number and bounds of all places, towns and cities, within the limits and bounds herein after mentioned, and not herein particularly named, that have or shall have the power of electing and sending of freemen to the said general assembly; and also to order, direct, and authorise the imposing of lawful and reasonable fines, mulcts, imprisonments, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations, within this our kingdom of England; and again, to alter, revoke, annul or pardon, under their common seal, or otherwise, such fines, mulcts, imprisonments, sentences, judgments and condemnations, as shall be

thought fit; and to direct, rule, order, and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet; whereby our said people, and inhabitants in the said plantations, may be so religiously, peaceably, and civilly governed, as that, by their good life, and orderly conversation, they may win and invite the native Indians of the country, to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding and requiring, and by these presents, for us, our heirs, and successors, ordaining and appointing, that all such laws, statutes, orders, and ordinances, instructions, impositions and directions, as shall be so made by the governor, deputy, assistants, and freemen, or such number of them as aforesaid, and published in writing under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patents, or the duplicate or exemplification thereof, shall be, to all and every such officers, superior or inferior, from time to time, for the putting of the same orders, laws, statutes, ordinances, instructions, and directions, in due execution, against us, our heirs and successors, a sufficient warrant and discharge.

And further, our will and pleasure is, and we do hereby, for us, our heirs and successors, establish and ordain, that yearly, once in the year for ever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere, if urgent occasion do require, the governor, deputy governor and assistants of the said company, and other officers of the said company, or such of them as the general assembly shall think fit, shall be, in the said general court or assembly, to be held from that day or time, newly chosen for the year ensuing, by the greater part of the said company for the time being, as shall be then and there present. And if it shall happen, that the present governor, deputy governor, and assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their rooms, or any of them, or any other the officers of the said company, shall die, or be removed from his or their several offices or places, before the said general day of election, (whom we do hereby declare, for any misdemeanor or default, to be removable by the governor, assistants and company, or such greater part of them, in any of the said public courts to be assembled, as aforesaid) that then, and in every such case, it shall and may be lawful to and for the said governor, deputy governor, assistants, and company aforesaid, or such greater part of

them so to be assembled, as is aforesaid, in any of their assemblies, to proceed to a new election of one or more of their company, in the room or place, rooms or places, of such officer or officers so dying, or removed, according to their directions. And immediately upon and after such election or elections made, of such governor, deputy governor, assistant or assistants, or any other officer of the said company, in manner and form aforesaid, the authority, office and power, before given to the former governor, deputy governor, and other officer and officers so removed, in whose stead and place new shall be chosen, shall, as to him and them, and every of them respectively, cease and determine:— Provided always, and our will and pleasure is, that as well such as are by these presents appointed to be the present governor, deputy governor, and assistants of the said company, as those which shall succeed them, and all other officers, to be appointed and chosen as aforesaid, shall, before the undertaking the execution of the said offices and places respectively, give their solemn engagement, by oath or otherwise, for the due and faithful performance of their duties, in their several offices and places, before such person or persons, as are by these presents hereafter appointed to take and receive the same;—that is to say, the said Benedict Arnold, who is herein before nominated and appointed the present governor of the said company, shall give the aforesaid engagement, before William Brenton, or any two of the said assistants of the said company, unto whom we do by these presents give full power and authority to require and receive the same: and the said Wm. Brenton, who is hereby before-nominated and appointed the present deputy governor of the said company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the assistants of the said company, unto whom we do, by these presents, give full power and authority to require and receive the same; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, who are herein before nominated and appointed the present assistants of the company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them, to whom respectively we do hereby give full power and authority to require, administer or receive the same. And further our will and pleasure is, that all and every other future governor, or deputy governor, to be elected and chosen by virtue of these presents, shall give the said engagement before two or more of the said assistants, of the said com-

pany for the time being, unto whom we do, by these presents, give full power and authority to require, administer or receive the same; and the said assistants, and every of them, and all and every other officer or officers, to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements to their offices and places respectively belonging, before the governor, or deputy governor, for the time being; unto which said governor, or deputy governor, we do by these presents give full power and authority to require, administer or receive the same accordingly.

And we do likewise, for us, our heirs and successors, give and grant unto the said governor and company, and their successors, by these presents, that for the more peaceable and orderly government of the said plantations, it shall and may be lawful for the governor, deputy governor, assistants, and all other officers and ministers of the said company, in the administration of justice, and exercise of government, in the said plantations, to use, exercise, and put in execution, such methods, rules, orders, and directions, (not being contrary and repugnant to the laws and statutes of this our realm) as have been heretofore given, used, and accustomed in such cases respectively, to be put in practice, until at the next, or some other general assembly, especial provision shall be made in the cases aforesaid.

And we do further, for us, our heirs and successors, give and grant unto the said governor and company, and their successors, by these presents, that it shall and may be lawful to and for the said governor, or, in his absence, the deputy governor, and major part of the said assistants for the time being, at any time, when the said general assembly is not sitting, to nominate, appoint and constitute such and so many commanders, governors, and military officers, as to them shall seem requisite, for the leading, conducting, and training up the inhabitants of the said plantations in martial affairs, and for the defence and safeguard of the said plantations; and that it shall and may be lawful to and for all and every such commander, governor, and military officer, that shall be so as aforesaid, or by the governor, or in his absence the deputy governor, and six of the assistants, and major part of the freemen of the said company, present at any general assemblies, nominated, appointed and constituted, according to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, marshal, array, and put in warlike posture, the inhabitants of the said colony, for their especial defence and safety; and to lead and conduct the said

inhabitants, and to encounter, repulse, and resist by force of arms, as well by sea as by land, to kill, slay, and destroy, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons, as shall at any time hereafter attempt or enterprize the destruction, invasion, detriment or annoyance of the said inhabitants or plantations; and to use and exercise the law martial, in such cases only as occasion shall necessarily require; and to take and surprize, by all ways and means whatsoever, all and every such person and persons, with their ship or ships, armour, ammunition, or other goods of such persons, as shall in hostile manner invade or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants; and upon just causes to invade and destroy the natives, Indians, or other enemies of the said colony.

Nevertheless, our will and pleasure is, and we do hereby declare, to the rest of our colonies in New-England, that it shall not be lawful for this our said colony of Rhode-Island and Providence plantations, in America, in New England, to invade the natives inhabiting within the bounds and limits of their said colonies, without the knowledge and consent of the said other colonies. And it is hereby declared, that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds or limits hereafter mentioned, (they having subjected themselves unto us, and being by us taken into our special protection) without the knowledge and consent of the governor and company of our colony of Rhode-Island and Providence plantation.

Also our will and pleasure is, and we do hereby declare unto all Christian kings, princes and states, that if any person, who shall hereafter be of the said company or plantation, or any other, by appointment of the said governor and company, for the time being, shall at any time or times hereafter, rob or spoil, by sea or land, or do any hurt, or unlawful hostility, to any of the subjects of us, our heirs and successors, or to any of the subjects of any prince or state, being then in league with us, our heirs and successors; upon complaint of such injury done to any such prince or state, or their subjects, we, our heirs and successors, will make open proclamation, within any parts of our realm of England, fit for that purpose, that the person or persons committing any such robbery or spoil, shall, within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince, or others so complaining, may be fully satisfied and contented.

ed; and if the said person or persons, who shall commit any such robbery or spoil, shall not make satisfaction accordingly, within such time so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection: and that then it shall and may be lawful and free for all princes or others, to prosecute with hostility such offenders, and every of them, their and every of their procurers, aiders, abettors and counsellors in that behalf.

Provided also, and our express will and pleasure is, and we do by these presents, for us, our heirs and successors, ordain and appoint, that these presents shall not in any manner hinder any of our loving subjects whatsoever, from using and exercising the trade of fishing upon the coast of New England, in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the sea, or salt-water, rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land, belonging to the said colony and plantations, such wharfs, stages, and work-houses, as shall be necessary for the salting, drying and keeping of their fish, to be taken or gotten upon that coast.

And further, for the encouragement of the inhabitants of our said colony of Providence plantation, to set upon the business of taking whales, it shall be law-ful for them, or any of them, having struck a whale, dubertus, or other great fish, it or them to pursue unto that coast, and into any bay, river, cove, creek or shore, belonging thereto, and it or them upon the said coast, or in the said bay, river, cove, creek, or shore belonging thereto, to kill and order for the best advantage, without molestation, they making no wilful waste or spoil; any thing in these presents contained, or any other matter or thing to the contrary notwithstanding.

And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards, (the soil and climate both seeming naturally to concur to the production of vines) or be industrious in the discovery of fishing-banks, in or about the said colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in cases of like nature.

And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant, unto the

Said governor and company of the English colony of Rhode-Island and Providence plantation, in the Narraganset bay, in New England, in America, and to every inhabitant there, and to every person, and persons trading thither, and to every such person or persons, as are or shall be free of the said colony, full power and authority, from time to time, and all times hereafter, to take, ship, transport, and carry away, out of any of our realms and dominions, for, and towards the plantation and defence of the said colony, such and so many of our loving subjects, and strangers, as shall or will willingly accompany them in and to their said colony and plantation, except such person, or persons, as are or shall be therein restrained by us, our heirs, and successors, or any law or statute of this realm; and also to ship and transport all and all manner of goods, chattels, merchandise, and other things whatsoever, that are or shall be useful or necessary for the said plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs, and successors, such duties, customs and subsidies, as are or ought to be paid or payable for the same.

And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant, unto the said governor and company, and their successors, that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said colony of Providence plantations, or which shall hereafter go to inhabit within the said colony, and all and every of their children which have been born there, or which shall happen hereafter to be born there, or on the sea going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects, within any the dominions of us, our heirs and successors, to all intents, constructions, and purposes, whatsoever, as if they and every of them were born within the realm of England.

And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by these presents, for us, our heirs and successors, do give, grant, and confirm unto the said governor and company, and their successors, all that part of our dominions, in New England, in America, containing the Nahantick and Nanhygansett alias Narraganset bay, and countries and parts adjacent, bounded on the west, or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and so along the said river, as the greater or



middle stream thereof reacheth or lies up into the north country, northward unto the head thereof, and from thence by a straight line drawn due north, until it meet with the south line of the Massachusetts colony; and on the north or northerly, by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east or eastwardly three English miles, to the east and north-east of the most eastern and north eastern parts of the aforesaid Narraganset bay, as the said bay lieth or extendeth itself from the ocean on the south or southwardly, unto the mouth of the river which runneth towards the town of Providence, and from thence along the eastwardly side or bank of the said river (higher called by the name of Seacunck river) up to the falls called Patucket falls, being the most westwardly line of Plymouth colony; and so from the said falls, in a straight line due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean, and in particular the lands belonging to the town of Providence, Patuxit, Warwicke, Misquammacock, alias Pawcatuck, and the rest upon the main land, in the tract aforesaid, together with Rhode-Island, Blocke-Island and all the rest of the islands and banks in the Narraganset bay, and bordering upon the coast of the tract aforesaid, (Fisher's island only excepted), together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood-grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, pre-eminences and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, to them or any of them belonging, or in any-wise appertaining—to have and to hold the same, unto the said governor and company, and their successors for ever upon trust, for the use and benefit of themselves, and their associates, freemen of the said colony, their heirs and assigns;—to be holden of us, our heirs and successors, as of the manor of East-Greenwich in our county of Kent, in free and common soccage, and not in capite, nor by knight's service;—yielding and paying therefor to us, our heirs and successors, only the fifth part of all the ore of gold and silver, which, from time to time, and at all times hereafter, shall be there gotten, had or obtained, in lieu and satisfaction of all services, duties, fines, forfeitures, made or to be made, claims or demands whatsoever, to be to us, our heirs or successors, therefore or thereabout rendered, made or paid; any grant or clause, in a late grant to the governor and company of Connecticut co-

lony in America, to the contrary thereof in any wise notwithstanding; the aforesaid Pawcatuck river having been yielded, after much debate, for the fixed and certain bounds between these our said colonies, by the agents thereof, who have also agreed, that the said Pawcatuck river shall also be called alias Narrogancett or Narrogansett river, and to prevent future disputes that otherwise might arise thereby, for ever hereafter shall be construed, deemed and taken to be the Narrogancett river, in our late grant to Connecticut colony, mentioned as the easterly bounds of that colony.

And further, our will and pleasure is, that in all matters of public controversies, which may fall out between our colony of Providence plantation, to make their appeal therein to us, our heirs and successors, for redress in such cases, within this our realm of England; and that it shall be lawful to and for the inhabitants of the said colony of Providence plantations, without let or molestation, to pass and repass with freedom into and through the rest of the English colonies, upon their lawful and civil occasions, and to converse, and hold commerce, and trade with such of the inhabitants of our other English colonies, as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence, in any of the said colonies provided, or that shall be provided, to the contrary in any wise notwithstanding.

And lastly, we do, for us, our heirs, and successors, ordain and grant unto the said governor and company, and their successors, by these presents, that these our letters patents shall be firm, good, effectual, and available, in all things in the law, to all intents, constructions, and purposes whatsoever, according to our true intent and meaning herein before declared; and shall be construed, reputed and adjudged, in all cases, most favourably on the behalf, and for the best benefit and behoof of the said governor and company, and their successors, although express mention, &c.-- In witness, &c. Witness, &c.

*Per ipsum regem.*

The state of Rhode-Island and Providence plantations has not assumed a form of government different from that contained in the foregoing chapter. For in that, the king ceded to the governor and company, all powers, legislative, executive, and judicial, reserving to himself, as an acknowledgment of his sovereignty, a render of the fifth part of the gold and silver ore that should be found within the territory. The governor, chief magistrates, and legislators are chosen by the freemen as usual, and all judicial, and executive officers are annually elected by the go-

vernor and company, or upper and lower house of assembly. All processes original and judicial, formerly issued in the king's name, but they now issue in the name of the governor and company. The oaths of allegiance and of office are made conformable to the principles of the revolution. The governor, in his legislative capacity, cannot give a negative to any act of the two houses; but, in common with the other magistrates, has one voice only.

The state is divided into five counties, in each of which there is a court of common pleas and general sessions of the peace, held twice every year, for the trial of all causes not capital, that arise within their limits; from which an appeal lies, to the superior court of judicature, court of assize and general jail delivery, whose jurisdiction extends over the whole state, and who also sit twice a year in each county. The constitution admits not of religious establishments, any farther than depends upon the voluntary choice of individuals. All men professing one Supreme Being, are equally protected by the laws; and no particular sect can claim pre-eminence.



## ACCOUNT OF THE CONSTITUTION OF CONNECTICUT.

**C**ONNECTICUT is divided into six counties, and each county is divided into a number of towns. Each town has a right to send two representatives to the general court or assembly. The general court consists of two branches, called the upper and lower house. The upper house is composed of the governor, deputy-governor, and twelve assistants or counsellors; and the lower house, of the representatives of the several towns. This court has the sole power to make and repeal laws, grant levies, dispose of lands belonging to the state, to particular towns and persons: to erect and stile judicatories and officers, as they shall see necessary, for the good government of the people; also to call to account any court, magistrate, or other officer, for any misdemeanor and mal-administration; and for just cause, may fine, displace, or remove them, or deal otherwise, as the nature of the case shall require; and deal or act in any other matter, that concerns the good of the state, except the election of governor, deputy-governor, assistants, treasurer, and secretary, which shall be done by the freemen, at the yearly court of election, unless there be any vacancy, by reason of death or otherwise, after the election, which may be filled up by the general court. This court has power also, for reasons satisfactory to them, to grant

suspension, release, and jail delivery upon reprieve, in capital and criminal cases. The general court has two stated sessions annually, on the second Thursdays of May and October.

The governor, or, in his absence, the deputy-governor, may call the assembly, on special emergencies, to meet at any other time. The governor, deputy-governor, assistants, and secretary, are annually elected, on the second Thursday in May. The representatives are newly chosen for each stated session. The judges and justices are annually appointed by the general court; the same persons are commonly re-appointed, from time to time, during their capacity to serve, unless guilty of misbehaviour. The sheriffs are appointed by the governor and council, without limitation of time; but may be superseceded, by the authority, that appoints them. The governor, for the time being, is captain general of the militia; the deputy-governor, lieutenant-general; the other general officers, and the field officers, are appointed by the general court, and commissioned by the governor. The captains and subalterns are chosen by the vote of the company and householders, living within the limits of the company; the persons, so chosen, must be approved by the general court, and commissioned by the governor, before they have power to execute their offices. All the military officers hold their offices during the pleasure of the assembly; nor can they resign their commissions, without leave of the captain-general, under penalty of doing duty in the ranks, as private soldiers. The mode of electing the governor, deputy-governor, assistants, treasurer, and secretary, is, that the freemen, in the several towns, meet on the Monday next after the first Tuesday in April, annually (being the day appointed by law, for that purpose, and choosing representatives) and give in their votes for the persons they choose for said offices respectively, with their names written on a piece of paper, which votes are received and sealed up by a constable, in the freemen's meeting—the votes for each of said offices, in a different paper—writing on the outside the name of the town, and the office, for which the votes are given in; which are sent by the representatives, to the general court, to be held on the second Thursday of May next ensuing; at which time, after the house of representatives have chosen a speaker and clerk, a committee is chosen of members of both houses, to sort and count the votes, and declare the names of the persons chosen to said offices. Any freeman, qualified to vote for representatives, &c. may be elected to any office in the government. In choosing assistants, twenty persons are nominated by the votes of the freemen, given in at

their meeting for choosing representatives in September annually, and sealed up and sent to the general court, in October then next; which are counted by a committee of both houses, and the twenty persons, who have the greatest number of votes, stand in nomination, out of which number, twelve are to be chosen assistants, by the freemen, the next April, in manner afore described.

The qualifications, requisite to entitle a person to vote in elections of the officers of government, are, maturity in years, quiet and peaceable behaviour, a civil conversation, and forty shillings freehold, or forty pounds personal estate; if the selectmen of the town certify a person qualified in those respects, he is admitted a freeman, on his taking an oath of fidelity to the state.

The names of all, that are thus admitted, are enrolled in the town-clerk's office, and continue freemen during life, unless disfranchised by a sentence of the superior court, on conviction of a misdemeanor.

The governor, or, in his absence, the deputy governor, in the upper house—and the speaker, in the lower house of assembly—have a casting voice, when the members of the respective houses, including the governor and speaker, are equally divided in opinion on any question.

There is, in this state, a superior court, consisting of one chief judge and four other judges, who have authority in all criminal cases, extending to life, limb, and banishment, and to hear and determine all civil actions, brought by appeal from the county courts, or on writs of error. This court also hath authority in all matters of divorce. There are two stated sessions of the superior court, in each county annually.

There are also county courts held in the several counties, consisting of one judge and four justices of the quorum, who have jurisdiction in all criminal cases, arising within their respective counties, where the punishment does not extend to life, limb, or banishment. The county courts also have original jurisdiction, in all civil actions, wherein the demand exceeds forty shillings.

The superior and county courts try matters of fact, by a jury, according to the course of the common law.

Justices of the peace have authority to hear and determine civil actions, where the demand does not exceed forty shillings. They also have authority, in some cases of a criminal nature, punishable by fine not exceeding forty shillings, or whipping not exceeding ten stripes, or sitting in the stocks.

This state is also divided into a number of probate districts,

less than counties; in each of which, is appointed a judge, for the probate of wills, granting administration on intestate estates, appointing guardians for minors, ordering distribution of intestate estates, &c. An appeal lies, from any decree of this court, to the superior court.

The superior, county, and probate courts appoint their respective clerks.

The general court has, till very lately, been the only court of chancery in this state. But by a late law, the county courts determine matters of equity, from five pounds, to two hundred pounds value; the superior court from two hundred to eight hundred pounds value; and the general assembly, all cases exceeding the last mentioned sum.

All attorneys at law are admitted and sworn by the county courts; there is no attorney general, but there used to be one king's attorney in each county; but since the king has abdicated the government, they are now attorneys to the governor and company.

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## CONSTITUTION OF THE STATE OF NEW-YORK,

*established by the convention, authorised and empowered for that purpose, April 20, 1777.*

**T**HIS convention, in the name and by the authority of the good people of this state, doth ordain, determine, and declare, that no authority shall, on any pretence whatever, be exercised over the people or members of this state, but such as shall be derived from and granted by them.

II. This convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the supreme legislative power, within this state, shall be vested in two separate and distinct bodies of men—the one to be called, the assembly of the state of New-York—the other to be called, the senate of the state of New-York—who together shall form the legislature, and meet once at least in every year, for the dispatch of business.

III. And whereas laws, inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed; be it ordained, that the governor for the time being, the chancellor, and the judges of the supreme court—or any two of them, together with the governor—shall be, and hereby are, con-

stituted a council, to revise all bills about to be passed into laws by the legislature; and for that purpose shall assemble themselves, from time to time, when the legislature shall be convened; for which, nevertheless, they shall not receive any salary or consideration, under any pretence whatever. And that all bills, which have passed the senate and assembly, shall, before they become laws, be presented to the said council, for their revival and consideration; and if, upon such revision and consideration, it should appear improper to the said council, or a majority of them, that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the senate or house of assembly (in whichsoever the same shall have originated) who shall enter the objections, sent down by the council, at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, two thirds of the said senate or house of assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be re-considered, and, if approved by two thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays, be it further ordained, that if any bill shall not be returned by the council within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill, within ten days, impracticable; in which case, the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.

IV. That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportions following, viz.

For the city and county of New-York, *nine*.

The city and county of Albany, *ten*.

The county of Dutchess, *seven*.

The county of Westchester, *six*.

The county of Ulster, *six*.

The county of Suffolk, *five*.

The county of Queens, *four*.

The county of Orange, *four*.

The county of Kings, *two*.

The county of Richmond, *two*.

The county of Tryon, *six*.

The county of Charlotte, *four*.

The county of Cumberland, *three*.

The county of Gloucester, *two*.

V. That as soon, after the expiration of seven years, (subsequent to the termination of the present war) as may be, a census of the electors and inhabitants in this state be taken, under the direction of the legislature. And if, on such census, it shall appear, that the number of representatives in assembly, from the said counties, is not justly proportioned to the number of electors, in the said counties respectively, that the legislature do adjust and apportion the same by that rule. And further, that once in every seven years, after the taking of the said first census, a just account of the electors, resident in each county, shall be taken; and if it shall thereupon appear, that the number of electors, in any county, shall have increased or diminished one or more seventieth parts of the whole number of electors, which, on the said first census, shall be found in this state, the number of representatives for such county shall be increased or diminished accordingly—that is to say, one representative for every seventieth part as aforesaid.

VI. And whereas an opinion hath long prevailed among divers of the good people of this state, that voting at elections by ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*:—To the end, therefore, that a fair experiment be made, which of those two methods of voting is to be preferred:

Be it ordained, that as soon as may be, after the termination of the present war, between the united states of America and Great Britain, an act or acts be passed by the legislature of this state, for causing all elections, thereafter to be held in this state, for senators and representatives in assembly, to be by ballot, and directing the manner, in which the same shall be conducted. And whereas it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniencies and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by ballot:

It is further ordained, that if, after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the state, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; provided two thirds of the members, present in each house respectively, shall concur therein: And further, that, during the continuance of the present war, and until the legislature of this state shall provide for the election of senators and representatives in assembly, by ballot, the said elections shall be made *viva voce*.



VII. That every male inhabitant, of full age, who shall have personally resided within one of the counties of this state, for six months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds, within the said county, or have rented a tenement therein, of the yearly value of forty shillings, and been rated and actually paid taxes to this state:—provided, always, that every person, who now is a freemen of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for representatives in assembly, within his said place of residence.

VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer, or either of the inspectors, take an oath, or, if of the people called quakers, an affirmation, of allegiance to the state.

IX. That the assembly, thus constituted, shall choose their own speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business, in like manner, as the assemblies of the colony of New-York of right formerly did; and that a majority of the said members shall, from time to time, constitute a house, to proceed upon business.

X. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the senate of the state of New-York shall consist of twenty-four freeholders, to be chosen out of the body of the freeholders; and that they be chosen by the freeholders of this state, possessed of freeholds, of the value of one hundred pounds, over and above all debts charged thereon.

XI. That the members of the senate be elected for four years; and, immediately after the first election, they be divided by lot into four classes, six in each class, and numbered one, two, three, and four; that the seats of the members of the first class shall be vacated at the expiration of the first year, the second class the second year, and so on continually, to the end, that the fourth part of the senate, as nearly as possible, may be annually chosen.

XII. That the election of senators shall be after this manner; that so much of this state, as is now parcelled into counties, be divided into four great districts; the southern district to com-

prehend the city and county of New York, Suffolk, Westchester, Kings, Queens, and Richmond counties; the middle district to comprehend the counties of Dutchess, Ulster, and Orange; the western district, the city and county of Albany, and Tryon county; and the eastern district, the counties of Charlotte, Cumberland; and Gloucester: That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following; to wit, in the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. And be it ordained, that a census shall be taken, as soon as may be, after the expiration of seven years from the termination of the present war, under the direction of the legislature: and if, on such census, it shall appear, that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders, qualified as aforesaid in each district. That when the number of electors, within any of the said districts, shall have increased one twenty-fourth part of the whole number of electors, which, by the said census, shall be found to be in this state, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators, to be chosen as aforesaid, shall be necessary to constitute a senate, sufficient to proceed upon business; and that the senate shall, in like manner with the assembly, be the judges of its own members. And be it ordained, that it shall be in the power of the future legislatures of this state, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as shall to them appear necessary.

XIII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that no member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of this state by this constitution, unless by the law of the land, or the judgment of his peers.

XIV. That neither the assembly nor the senate shall have the power to adjourn themselves, for any longer time than two days, without the mutual consent of both.

XV. That whenever the assembly and senate disagree, a conference shall be held, in the presence of both, and be managed by committees, to be by them respectively chosen by ballot. That the doors both of the senate and assembly, shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the jour-

nals of all their proceedings shall be kept, in the manner heretofore accustomed by the general assembly of the colony of New York; and (except such parts, as they shall, as aforesaid, respectively determine not to make public) be from day to day (if the business of the legislature will permit) published.

XVI. It is nevertheless provided, that the number of senators shall never exceed one hundred, nor the number of assembly, three hundred; but that whenever the number of senators shall amount to one hundred, or of the assembly to three hundred, then and in such case, the legislature shall, from time to time thereafter, by laws for that purpose, apportion and distribute the said one hundred senators, and three hundred representatives, among the great districts and counties of this state, in proportion to the number of their respective electors; so that the representation of the good people of this state, both in the senate and assembly, shall forever remain proportionate and adequate.

XVII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the supreme executive power and authority of this state, shall be vested in a governor; and that statedly, once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this state shall be, by ballot, elected governor, by the freeholders of this state, qualified, as before described, to elect senators; which elections shall be always held at the times and places of choosing representatives in assembly for each respective county; and that the person, who hath the greatest number of votes within the said state, shall be governor thereof.

XVIII. That the governor shall continue in office three years, and shall, by virtue of his office, be general and commander in chief of all the militia, and admiral of the navy of this state; that he shall have power to convene the assembly and senate on extraordinary occasions; to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and, at his discretion, to grant reprieves and pardons to persons convicted of crimes, other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature at their subsequent meeting; and they shall either pardon, or direct the execution of the criminal, or grant a farther reprieve.

XIX. That it shall be the duty of the governor, to inform the legislature, at every session, of the condition of the state, so far as may respect his department; to recommend such matters to their consideration, as shall appear to him to concern its good.

government, welfare, and prosperity; to correspond with the continental congress, and other states; to transact all necessary business, with the officers of government, civil and military; to take care, that the laws are faithfully executed, to the best of his ability; and to expedite all such measures, as may be resolved upon by the legislature.

XX. That a lieutenant-governor shall, at every election of a governor, (and as often as the lieutenant governor shall die, resign, or be removed from office,) be elected in the same manner with the governor, to continue in office until the next election of a governor; and such lieutenant governor shall, by virtue of his office, be president of the senate, and, upon an equal division, have a casting voice in their decisions, but not vote on any other occasion.

And in case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be chosen, or the governor, absent or impeached, shall return or be acquitted. Provided, that where the governor shall, with the consent of the legislature, be out of the state, in time of war, at the head of a military force thereof, he shall still continue in his command of all the military force of the state both by sea and land.

XXI. That whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise *pro hac vice*. And if, during such vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall, in like manner as the lieutenant governor, administer the government, until others shall be elected by the suffrage of the people, at the succeeding election.

XXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the treasurer of this state shall be appointed by act of the legislature, to originate with the assembly: provided that he shall not be elected out of either branch of the legislature.

XXIII. That all officers, other than those, who, by this constitution, are directed to be otherwise appointed, shall be appointed in the manner following; to wit, The assembly shall, once in every year, openly nominate and appoint one of the senators from each great district, which senators shall form a council, for the ap-

pointment of the said officers, of which the governor for the time being, or the lieutenant governor, or the president of the senate, (when they shall respectively administer the government) shall be president, and have a casting voice, *but no other vote*; and with the advice and consent of the said council, shall appoint all the said officers; and that a majority of the said council be a quorum. And further, the said senators shall not be eligible to the said council, for two years successively.

XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the governor; and that the chancellor, the judges of the supreme court, and first judge of the county court in every county, hold their offices during good behaviour, or until they shall have respectively attained the age of sixty years.

XXV. That the chancellor, and judges of the supreme court, shall not, at the same time, hold any other office, excepting that of delegate to the general congress, upon special occasions; and that the first judges of the county courts, in the several counties, shall not, at the same time, hold any other office, excepting that of senator, or delegate to the general congress. But if the chancellor, or either of the said judges, be elected or appointed to any other office, excepting as is before excepted, it shall be at his option, in which to serve.

XXVI. That sheriffs and coroners be annually appointed; and that no person shall be capable of holding either of the said offices, more than four years successively; nor the sheriff of holding any other office at the same time.

XXVII. And be it further ordained, that the register, and clerks in chancery, be appointed by the chancellor; the clerks of the supreme court, by the judges of the said court; the clerk of the court of probates, by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of the admiralty. The said marshal, registers, and clerks, to continue in office during the pleasure of those, by whom they are to be appointed, as aforesaid.

And that all attornies, solicitors, and counsellors at law, hereafter to be appointed, be appointed by the court, and licensed by the first judge of the court, in which they shall respectively plead or practise; and be regulated by the rules and orders of the said courts.

XXVIII. And be it further ordained, that where, by this convention, the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the coun-

oil of appointment—provided, that new commissions shall be issued to judges of the county courts (other than to the first judge) and to justices of the peace, once at the least in every three years.

XXIX. That town clerks, supervisors, assessors, constables, collectors, and all other officers, heretofore eligible by the people, shall always continue to be so eligible, in the manner directed by the present or future acts of the legislature.

That loan officers, county treasurers, and clerks of the supervisors, continue to be appointed in the manner directed by the present or future acts of the legislature.

XXX. That delegates, to represent this state in the general congress of the united states of America, be annually appointed as follows; *to wit*, The senate and assembly shall each openly nominate as many persons, as shall be equal to the whole number of delegates to be appointed; after which nomination, they shall meet together, and those persons, named in both lists, shall be delegates; and out of those persons, whose names are not in both lists, one half shall be chosen by the joint ballot of the senators and members of assembly, so met together as aforesaid.

XXXI. That the style of all laws shall be as follows; *to wit*, “Be it enacted by the people of the state of New York, represented in senate and assembly:” And that all writs and other proceedings shall run in the name of *the people of the state of New York*, and be tested in the name of the chancellor, or chief judge of the court, from whence they shall issue.

XXXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine and declare, that a court shall be instituted, for the trial of impeachments, and the correction of errors, under the regulations which shall be established by the legislature; and to consist of the president of the senate, for the time being, and the senators, chancellor, and judges of the supreme court, or the major part of them; except, that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person, so impeached, shall be suspended from exercising his office, until his acquittal: and in like manner, when an appeal, from a decree in equity, shall be heard, the chancellor shall inform the court, of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined, shall be brought up by writ of error, on a question of law, on a judgment in the supreme court, the judges of that court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

XXXIII. That the power of impeaching all officers of the state, for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in assembly; but that it shall always be necessary, that two third parts of the members present shall consent to and agree in such impeachment. That previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence; and that no judgment of the said court shall be valid, unless it be assented to, by two third parts of the members then present; nor shall it extend farther, than to removal from office, and disqualification to hold and enjoy any place of honour, trust, or profit, under this state. But the party, so convicted, shall be, nevertheless, liable and subject to indictment, trial, judgment, and punishment, according to the laws of the land.

XXXIV. And it is further ordained, that, in every trial on impeachment, or indictment for crimes or misdemeanors, the party, impeached or indicted, shall be allowed counsel, as in civil actions.

XXXV. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that such parts of the common law of England, and of the statute law of England and Great Britain, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony on the 19th day of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this state, subject to such alterations and provisions, as the legislature of this state shall, from time to time, make concerning the same. That such of the said acts, as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common law, and all such of the said statutes, and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of christians or their ministers, or concern the allegiance heretofore yielded to, and the supremacy, sovereignty, government, or prerogatives, claimed or exercised by the king of Great Britain, and his predecessors, over the colony of New York, and its inhabitants, or are repugnant to this constitution—be, and they hereby are, abrogated and rejected. And this convention doth further ordain, that the resolves or resolutions of the congresses of the colony of New York, and of the convention of the state of New York, now in force, and not repugnant to the government established by this

constitution, shall be considered as making part of the laws of this state; subject, nevertheless, to such alterations and provisions as the legislature of this state may, from time to time, make concerning the same.

XXXVI. And be it further ordained, that all grants of lands within this state, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void: but that nothing, in this constitution contained, shall be construed to affect any grants of land, within this state, made by the authority of the said king or his predecessors, or to annul any charters to bodies politic, by him, or them, or any of them, made, prior to that day. And that none of the said charters shall be adjudged to be void, by reason of any non-user or misuser of any of their respective rights or privileges, between the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this constitution. And further, that all such of the officers, described in the said charters respectively, as, by the terms of the said charters, were to be appointed by the governor of the colony of New York, with or without the advice and consent of the council of the said king, in the said colony, shall henceforth be appointed by the council, established by this constitution, for the appointment of officers in this state, until otherwise directed by the legislature.

XXXVII. And whereas it is of great importance to the safety of this state, that peace and amity with the Indians, within the same, be at all times supported and maintained;—and whereas the frauds, too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities:—Be it ordained, that no purchases or contracts for the sale of lands, made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which may hereafter be made with or of the said Indians, within the limits of this state, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the legislature of this state.

XXXVIII. And whereas we are required, by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance, wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: this convention



doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed, within this state, to all mankind. Provided that the liberty of conscience, hereby granted, shall not be so construed, as to excuse acts of licentiousness, or justify practices, inconsistent with the peace or safety of this state.

XXXIX. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function; therefore no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding, any civil or military office or place, within this state.

XL. And whereas it is of the utmost importance to the safety of every state, that it should always be in a condition of defence; and it is the duty of every man, who enjoys the protection of society, to be prepared and willing to defend it; this convention, therefore, in the name and by the authority of the good people of this state, doth ordain, determine, and declare, that the militia of this state, at all times hereafter, as well in peace as in war, shall be armed, and disciplined, and in readiness for service. That all such of the inhabitants of this state (being of the people called quakers) as, from scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the legislature; and do pay to the state, such sums of money, in lieu of their personal service, as the same may, in the judgment of the legislature, be worth: And that a proper magazine of warlike stores, proportionate to the number of inhabitants, be, forever hereafter, at the expense of this state, and by acts of the legislature, established, maintained, and continued, in every county in this state.

XLI. And this convention doth further ordain, determine, and declare, in the name and by the authority of the good people of this state, that trial by jury, in all cases, in which it hath heretofore been used in the colony of New York, shall be established, and remain inviolate forever. And that no acts of attainder shall be passed by the legislature of this state, for crimes, other than those committed before the termination of the present war; and that such acts shall not work a corruption of blood. And further, that the legislature of this state shall, at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.

**XLII.** And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that it shall be in the discretion of the legislature, to naturalize all such persons, and in such manner, as they shall think proper; provided all such of the persons, so to be by them naturalized, as, being born in parts beyond sea, and out of the united states of America, shall come to settle in, and become subjects of this state, shall take an oath of allegiance to this state, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate, and state, in all matters, ecclesiastical, as well as civil.

*By order,*

**LEONARD GANSEVOORT.**

*Prof. pro. tem.*

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## CONSTITUTION OF NEW-JERSEY.

**W**HEREAS all the constitutional authority, ever possessed by the kings of Great Britain, over these colonies, or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society;—allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn:—And whereas George the third, king of Great-Britain, has refused protection to the good people of these colonies; and by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause, than asserting their just rights;—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, in the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence; and as the honourable the continental congress, the supreme council of the American colonies, has advised such of the colonies, as have not yet gone into the measure, to adopt, for themselves respectively, such government, as shall best conduce to their own happiness and safety, and the well-being of America in general:—We, the representatives of the colony of New-Jersey, having been elected by all the counties in

the freest manner, and in congress assembled, have, after mature deliberations, agreed upon a set of charter rights and the form of a constitution, in manner following, viz.

I. That the government of this province shall be vested in a governor, legislative council, and general assembly.

II. That the legislative council, and general assembly, shall be chosen, for the first time, on the second Tuesday in August next; the members whereof shall be the same in number and qualifications, as are herein after mentioned; and shall be and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony; until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

III. That on the second Tuesday in October yearly, and every year for ever (with the privilege of adjourning from day to day, as occasion may require) the counties shall severally choose one person, to be a member of the legislative council of this colony, who shall be, and have been, for one whole year next before the election, an inhabitant and freeholder in the county, in which he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county: that, at the same time, each county shall also choose three members of assembly; provided that no person shall be entitled to a seat in the said assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county: that on the second Tuesday next after the day of election, the council and assembly shall separately meet; and that the consent of both houses shall be necessary to every law; provided, that seven shall be a quorum of the council, for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto. Provided always, that if a majority of the representatives of this province, in council and general assembly convened, shall, at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done: any thing in this charter, to the contrary notwithstanding: so that the whole number of representatives in assembly, shall not, at any time, be less than thirty-nine.

IV. That all inhabitants of this colony, of full age who as

h fifty pounds, proclamation money, clear estate in the same, have resided within the county, in which they claim a vote, twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly; and also all other public officers, that shall be elected by the people of county at large.

7. That the assembly, when met, shall have power to choose speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills, to be passed into laws; and to empower their speaker to convene them, whenever any extraordinary emergency shall render it necessary.

VI. That the council shall also have power to prepare bills, pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony; save only, that they shall not prepare or alter any money bill—which shall be the privilege of the assembly: that the council shall, from time to time, be convened by the governor or vice-president, but must be convened, at all times, when the assembly sits; for which purpose the speaker of the house of assembly shall always, immediately after an adjournment, give notice to the governor, or vice president, of the time and place, to which the house is adjourned.

VII. That the council and assembly jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the colony, to be governor for one year, who shall be constant president of the council, and have a casting vote in their proceedings; and that the council themselves shall choose a vice president, who shall act as such in the absence of the governor.

VIII. That the governor, or, in his absence, the vice-president of the council, shall have the supreme executive power, be chancellor of the colony, and act as captain-general and commander in chief of all the militia, and other military force in this colony; and that any three or more of the council shall, at all times, be a privy-council, to consult them; and that the governor be ordinary or surrogate general.

IX. That the governor and council, (seven whereof shall be a quorum) be the court of appeals, in the last resort, in all causes of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

X. That captains, and all other inferior officers of the militia,

shall be chosen by the companies, in the respective counties; but field and general officers, by the council and assembly.

XI. That the council and assembly shall have power to make the great seal of this colony, which shall be kept by the governor, or, in his absence, by the vice-president of the council, to be used by them, as occasion may require: and it shall be called *the great seal of the colony of New-Jersey*.

XII. That the judges of the supreme court shall continue in office for seven years: the judges of the inferior court of common pleas in the several counties, justices of the peace, clerks of the supreme court, clerks of the inferior court of common pleas and quarter sessions, the attorney-general, and provincial secretary, shall continue in office for five years: and the provincial treasurer shall continue office for one year; and that they shall be severally appointed by the council and assembly, in manner aforesaid, and commissioned by the governor, or, in his absence, the vice-president of the council. Provided always, that the said officers, severally, shall be capable of being re-appointed, at the end of the terms severally before limited; and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehaviour, by the council, on an impeachment of the assembly.

XIII. That the inhabitants of each county, qualified to vote as aforesaid, shall at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may re-elect the same person to such offices, until he shall have served three years, but no longer; after which, three years must elapse, before the same person is capable of being elected again. When the election is certified to the governor, or vice-president, under the hands of six freeholders of the county, for which they were elected, they shall be immediately commissioned to serve in their respective offices.

XIV. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal shall, for that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people, by advertisements.

XV. That the laws of the colony shall begin in the following style, viz. "Be it enacted by the council and general assembly of this colony, and it is hereby enacted by authority of the same: that all commissions, granted by the governor or vice-presi-

sent, shall run thus—"The colony of New Jersey to A.B. &c, greeting:" and that all writs shall likewise run in the name of the colony: and that all indictments shall conclude in the following manner, viz. "Against the peace of this colony, the government and dignity of the same."

XVI. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

XVII. That the estates of such persons, as shall destroy their own lives, shall not, for that offence, be forfeited; but shall descend in the same manner, as they would have done, had such persons died in the natural way; nor shall any article, which may occasion accidentally the death of any one, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

XVIII. That no person shall ever, within this colony, be deprived of the inestimable privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience; nor, under any pretence whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.

XIX. That there shall be no establishment of any one religious sect in this province, in preference to another; and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed by others their fellow subjects.

XX. That the legislative department of this government may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme or other courts, sheriffs, or any other person or persons possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in the assembly; but that, on his being elected, and taking his seat, his office or post shall be considered as vacant.

XXI. That all the laws of this province, contained in the edj-

## CONSTITUTION, &c.

tion lately published by mr. Allinson, shall be and remain in full force, until altered by the legislature of this colony (such only excepted, as are incompatible with this charter) and shall be, according as heretofore, regarded in all respects, by all civil officers, and others, the good people of this province.

XXII. That the common law of England, as well as so much of the statute law, as have been heretofore practised in this colony, shall still remain in force, until they shall be altered by a future law of the legislature; such parts only excepted, as are repugnant to the rights and privileges contained in this charter; and that the inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, without repeal, for ever.

XXIII. That every person, who shall be elected, as aforesaid, to be a member of the legislative council, or house of assembly, shall, previous to his taking his seat in council or assembly, take the following oath or affirmation, viz. :

“ I, *A. B.* do solemnly declare, that, as a member of the legislative council [*or assembly, as the case may be,*] of the colony of New-Jersey, I will not assent to any law, vote or proceeding, which shall appear to me injurious to the public welfare of said colony, nor that shall annul or repeal that part of the third section in the charter of this colony, which establishes, that the elections of members of the legislative council and assembly shall be annual; nor that part of the twenty-second section in said charter, respecting the trial by jury, nor that shall annul, repeal, or alter any part or parts of the eighteenth or nineteenth sections of the same.”

And any person or persons, who shall be elected as aforesaid, is hereby empowered to administer, to the said members, the said oath or affirmation.

( Provided always, and it is the true intent and meaning of this Congress, that if a reconciliation, between Great-Britain and these colonies, should take place, and the latter be taken again under the protection and government of the crown of Britain, this charter shall be null and void—otherwise to remain firm and inviolable. )

In PROVINCIAL CONGRESS, New-Jersey,

Burlington, July 2, 1776.

By order of congress,

Extract from the minutes, SAMUEL TUCKER, President,

WILLIAM PATERSON, Secretary.

*constitution of the commonwealth of Pennsylvania, as ratified in convention, the 2d day of September, 1790.*

**WE**, the people of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

## ARTICLE I.

**T**HE legislative power of this commonwealth, shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

III. No person shall be a representative, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county, in which he shall be chosen; unless he shall have been absent on the public business of the united states, or of this state. No person, residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person, residing without the limits of any such city, town, or borough, be elected a member therefor.

IV. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia, and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have, at least, one representative: but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeable to the ratio, which shall then be established.

V. The senators shall be chosen for four years, by the citizens of Philadelphia, and of the several counties, at the same time, in the same manner, and at the same places, where they shall vote for representatives.

VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as herein after



directed, according to the number of taxable inhabitants in each, and shall never be less than one fourth, nor greater than one third, of the number of representatives.

VII. The senators shall be chosen in districts, to be formed by the legislature; each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided, in forming a district.

VIII. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district, for which he shall be chosen; unless he shall have been absent on the public business of the united states, or of this state.

IX. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided, by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated, at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class at the expiration of the fourth year; so that one fourth may be chosen every year.

X. The general assembly shall meet on the first Tuesday of December in every year, unless sooner convened by the governor.

XI. Each house shall choose its speaker and other officers: and the senate shall also choose a speaker, *pro tempore*, when the speaker shall exercise the office of governor.

XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members, in such manner, and under such penalties, as may be provided.

XIII. Each house may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free state.

XIV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy.

he yeas and nays of the members, on any question, shall, desire of any two of them, be entered on the journals.

The doors of each house, and of committees of the whole, be open, unless when the business shall be such as ought to be secret.

I. Neither house shall, without the consent of the other, be adjourned for more than three days, nor to any other place than that in which the two houses shall be sitting.

II. The senators and representatives shall receive a compensation, for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall, in all cases, be privileged, except treason, felony, and breach or surety of the peace, not to be arrested, during their attendance at the session of their respective houses, and in going to and returning from the same. And for any speech or debate in either house, they shall not be questioned in any other place.

III. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office, or to any office in this commonwealth, which shall have been created, or the duties of which shall have been increased, during such time as he shall be a member of congress, or other person holding any office of attorney at law, and in the militia) under the united States or this commonwealth, shall be a member of either house, during his continuance in congress, or in office.

X. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

IV. All bills, for raising revenue, shall originate in the house of representatives: but the senate may propose amendments, as in and to bills.

VI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

VII. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it: if he shall not approve, he shall return it, with his objections, to the house, in which it shall have originated, who shall consider the objections at large upon their journals, and proceed to reconsider it. If, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered: and if approved by two-thirds of that house, it shall be a law.

But in such cases, the votes of both houses shall be determined by yeas and nays: and the names of the persons voting for and against the bill, shall be entered on the journals of each

house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him; it shall be a law, in like manner as if he had signed it; unless the general assembly, by their adjournment, prevent its return; in which case, it shall be a law, unless sent back within three days after their next meeting.

XXIII. Every order, resolution, or vote, to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor; and, before it shall take effect, be approved by him; or, being disapproved, shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

## A R T I C L E II.

I. THE supreme executive power of this commonwealth shall be vested in a governor.

II. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them, in the presence of the members of both houses of the legislature. The person having the highest number of votes, shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor, by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

III. The governor shall hold his office during three years from the third Tuesday of December next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

IV. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state seven years next before his election; unless he shall have been absent on the public business of the united states, or of this state.

V. No member of congress, or person holding any office under the united states, or this state, shall exercise the office of governor.

VI. The governor shall, at stated times, receive, for his services, a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

VII. He shall be commander in chief of the army and navy of

## P E N N S Y L V A N I A .

ommonwealth, and of the militia; except when they shall be  
into the actual service of the united states.

II. He shall appoint all officers, whose offices are established  
is constitution, or shall be established by law, and whose ap-  
ointments are not herein otherwise provided for; but no person  
be appointed to an office within any county, who shall not  
been a citizen and inhabitant therein one year next before  
ppointment, if the county shall have been so long erected;  
if it shall not have been so long erected, then within the limits  
e county or counties, out of which it shall have been taken.  
member of congress from this state, nor any person holding  
exercising any office of trust or profit under the united states,  
at the same time, hold or exercise the office of judge, fe-  
ty, treasurer, prothonotary, register of wills, recorder of  
, sheriff, or any office in this state, to which a salary is by  
annexed, or any other office which future legislatures shall  
be incompatible with offices or appointments under the uni-  
ates.

. He shall have power to remit fines and forfeitures, and  
reprieves and pardons, except in cases of impeachment.

He may require information, in writing, from the officers  
: executive department, upon any subject relating to the du-  
f their respective offices.

. He shall, from time to time, give to the general assembly  
nation of the state of the commonwealth, and recommend to  
consideration such measures as he shall judge expedient.

I. He may, on extraordinary occasions, convene the general  
bly; and, in case of disagreement between the two houses,  
respect to the time of adjournment, adjourn them to such  
as he shall think proper, not exceeding four months.

II. He shall take care that the laws be faithfully executed.

V. In case of the death or resignation of the governor, or  
s removal from office, the speaker of the senate shall exer-  
the office of governor, until another governor shall be duly  
fied. And if the trial of a contested election shall continue  
r than until the third Tuesday in December next ensuing the  
on of a governor; the governor of the last year, or the spea-  
f the senate, who may be in the exercise of the executive au-  
ty, shall continue therein, until the determination of such  
sted election, and until a governor shall be qualified as afore-

V. A secretary shall be appointed and commissioned during  
overnor's continuance in office, if he shall so long behave

himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the legislature; and shall perform such other duties as shall be enjoined him by law.

### ARTICLE III.

I. IN elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector; provided, that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote  *viva voce* .

III. Electors shall, in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

### ARTICLE IV.

I. THE house of representatives shall have the sole power of impeaching.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted, without the concurrence of two thirds of the members present.

III. The governor, and all other civil officers, under this commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit under this commonwealth. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

### ARTICLE V.

I. THE judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

II. The judges of the supreme court, and of the several courts

common pleas, shall hold their offices during good behaviour. For any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the assent of two thirds of each branch of the legislature. The justices of the supreme court, and the presidents of the several courts of common pleas, shall, at stated times, receive, for their services, an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any office of profit under this commonwealth.

III. The jurisdiction of the supreme court shall extend over all causes: and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties.

IV. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner. The governor shall appoint in each county, not fewer than three, nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided, by law, into circuits, none of which shall include more than six, nor fewer than three counties. A president shall be appointed of each circuit, who, during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

V. The judges of the court of common pleas, in each county, shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders within the county: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or jail delivery in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under the regulations, as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

VI. The supreme court and the several courts of common pleas, beside the powers heretofore usually exercised by them, shall have the powers of a court of chancery, so far as relates to the perjury, the obtaining testimony, the obtaining of evidence from places not within the state, and the care of the persons and estates of those who are *non compos mentis*: and the legislature shall vest, in the

said courts, such other powers, to grant relief in equity, as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

VII. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof: and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

VIII. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

IX. The president of the court, in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace so far as relates to criminal matters.

X. The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law: they shall be commissioned during good behaviour; but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both houses of the legislature.

XI. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

XII. The style of all process shall be, The commonwealth of Pennsylvania; all prosecutions shall be carried on, in the name and by the authority of the commonwealth of Pennsylvania, and conclude, *against the peace and dignity of the same.*

#### A R T I C L E VI.

I. SHERIFFS and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. Two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified: but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies, in either of the said offices, shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

I. The freemen of this commonwealth shall be armed and disciplined for its defence. Those, who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed, in such manner, and for such time, as shall be directed by law.

II. Prothonotaries, clerks of the peace and orphans' courts, registers of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county, in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith, for any term, not exceeding five years, after the county shall have been erected.

V. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the great seal, and signed by the governor.

7. The state treasurer shall be appointed, annually, by the joint vote of the members of both houses. All other officers, in the treasury department, attorneys at law, election officers, officers relating to taxes, to the poor and highways, constables, and other township officers, shall be appointed in such manner as is directed by law.

## ARTICLE VII.

I. THE legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the state, in such manner, that the poor may be taught *gratis*.

II. The arts and sciences shall be promoted in one or more seminaries of learning.

III. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain, as if the constitution of this state had not been altered or amended.

## ARTICLE VIII.

MEMBERS of the general assembly, and all officers, executive and judicial, shall be bound by oath or affirmation, to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

## ARTICLE IX.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE,

I. THAT all men are born equally free and independent, and



have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

II. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have, at all times, an unalienable and indefeasible right, to alter, reform, or abolish their government, in such manner as they may think proper.

III. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

IV. That no person, who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

V. That elections shall be free and equal.

VI. That trial by jury shall be as heretofore, and the right thereof remain inviolate.

VII. That the printing presses shall be free to every person, who undertakes to examine the proceedings of the legislature or any branch of government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man: and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers, investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

VIII. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and that no warrant, to search any place or to seize any person or

9, shall issue without describing them as nearly as may be, without probable cause, supported by oath or affirmation.

5. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his council; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage: he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

6. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising on the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or, by leave of the court, in cases of oppression, and misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb: nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

7. That all courts shall be open; and every man, for any injury done him in his lands, goods, person, or reputation, shall have the remedy by the due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought in any part of the commonwealth in such manner, in such courts, and in such cases, as the legislature may, by law, direct.

8. That no power of suspending laws, shall be exercised, unless by the legislature, or its authority.

9. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

10. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great: and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

11. That no commission of oyer and terminer or jail delivery shall be issued.

12. That the person of a debtor, where there is no strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

13. That no *ex post facto* law, nor any law impairing contracts, shall be made.

XVIII. That no person shall be attainted of treason or felony by the legislature.

XIX. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth; that the estates of such persons, as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

XX. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

XXI. That the right of the citizens to bear arms, in defence of themselves and the state, shall not be questioned.

XXII. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

XXIII. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor, in time of war, but in a manner, to be prescribed by law.

XXIV. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behaviour.

XXV. That emigration from the state shall not be prohibited.

XXVI. To guard against transgressions of the high powers which we have delegated, WE DECLARE, That every thing in this article, is excepted out of the general powers of government, and shall forever remain inviolate.

#### S C H E D U L E.

*THAT no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained,*

I. **T**HAT all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals, as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

II. That the president and supreme executive council shall continue to exercise the executive authority of this common-

3. as heretofore, until the third Tuesday of December next : so intermediate vacancies in the council shall be supplied by elections.

6. That all officers, in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices, until the first day of September one thousand hundred and ninety-one—unless their commissions shall expire by their own limitations, or the said offices become vacant by death or resignation—and no longer, unless re-appointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

7. That justice shall be administered in the several counties of this state, until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

8. That no person, now in commission as sheriff, shall be eligible at the next election, for a longer term than will, with the term, which he shall have served in the said office, complete the term of three years.

9. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution, established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives, as is now prescribed by law.

10. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, *to wit*: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of York shall be a district, and shall elect one senator: the county of Montgomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne, and Huntingdon shall be a district, and shall elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Allegheny shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumera-

tion before-mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies, which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

VIII. That the elections of senators shall be conducted, and the returns thereof made, to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making return of the election of representatives. In those districts, which consist of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place herein after mentioned within the district, of which such county is a part, where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district: that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York shall meet at the court house, in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middletown in the county of Berks; the judges of the district composed of the counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne, and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Allegany, shall meet in Westmoreland county, at the court house in the town of Greensborough; and the judges of the district, composed of the counties of Washington and Fayette shall meet at the court house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purposes aforesaid.

IX. That the election of the governor shall be conducted, in the several counties, in the manner prescribed by the laws of the state for the election of representatives: and the returns in each county shall be sealed by the judges of the elections, and trans-

mitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the united states of America, the fifteenth. In testimony whereof we have hereunto subscribed our names.

THOMAS MIFFLIN, PRESIDENT.

James Wilson,  
 Hilary Baker,  
 William Lewis,  
 Thomas M'Kean,  
 George Gray,  
 William Robinson, junior,  
 Robert Hare,  
 Enoch Edwards,  
 Samuel Ogden,  
 Thomas Jenks,  
 John Barclay,  
 Abraham Stout,  
 William Gibbons,  
 Thomas Bull,  
 James Boyd,  
 Edward Hand,  
 Robert Coleman,  
 Sebastian Graff,  
 John Hubly,  
 John Breckbill,  
 Henry Miller,  
 Henry Slegle,  
 William Reed,  
 Benjamin Tyson,  
 Benjamin Pedan,  
 Matthew Dill,  
 William Irvine,  
 James Power,  
 Joseph Heister,  
 Christian Lower,  
 Abraham Lincoln,

Paul Groskop,  
 Baltzer Gehr,  
 Samuel Sitgreaves,  
 John Arndt,  
 Peter Rhoads,  
 Joseph Powell,  
 John Piper,  
 Charles Smith,  
 Simon Snyder,  
 William Findley,  
 William Todd,  
 Alexander Addison,  
 John Hoge,  
 David Redick,  
 James Rofs,  
 John Smilie,  
 Albert Gallatin,  
 James M'Lene,  
 George Matthews,  
 James Morris,  
 Lindfay Coates,  
 Jonathan Shoemaker,  
 John Gloninger,  
 William Brown,  
 Alexander Graydon,  
 Timothy Pickering,  
 Andrew Henderfon,  
 John Gibson,  
 Thomas Beale,  
 John Sellers,  
 Nathaniel Newlin.

*Attest.* Joseph Redman, *secretary.*

Jacob Shallus, *assistant secretary.*

## CONSTITUTION OF DELAWARE.

*A DECLARATION OF RIGHTS and fundamental rules of the Delaware state, formerly styled, The government of the counties of Newcastle, Kent, and Sussex, upon Delaware.*

I. **T**HAT all government, of right, originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding; and that no man ought, or of right can be compelled to attend any religious worship, or maintain any ministry, contrary to, or against his own free will and consent; and that no authority can or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the right of conscience, in the free exercise of religious worship.

III. That all persons, professing the christian religion, ought forever to enjoy equal rights and privileges in this state; unless, under colour of religion, any man disturb the peace, the happiness, or safety of society.

IV. That the people of this state have the sole, exclusive, and inherent right of governing and regulating the internal police of the same.

V. That persons entrusted with the legislative and executive powers, are the trustees and servants of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, by the legislative singly, or a treacherous combination of both, the people may, and of right ought to establish a new or reform the old government.

VI. That the right, in the people, to participate in the legislature, is the foundation of liberty and of all free government; and for this end, all elections ought to be free and frequent; and every freeman, having sufficient evidence of a permanent common interest with, and attachment to the community, hath a right of suffrage.

VII. That no power of suspending laws, or the execution of laws, ought to be exercised, unless by the legislature.

VIII. That, for redress of grievances, and for amending and strengthening of the laws, the legislature ought to be frequently convened.

**IX.** That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

**X.** That every member of society hath a right to be protected, the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: nor can any man, who is conscientiously scrupulous of bearing arms in any case, be justly compelled thereto, if he will pay such equivalent.

**XI.** That retrospective laws, punishing offences committed before the existence of such laws, are oppressive and unjust, and ought not to be made.

**XII.** That every freeman, for every injury done him in his goods, lands, or person, by any other person, ought to have remedy, by the course of the law of the land, and ought to receive justice and right for the injury done to him, freely without fee, fully without any denial, and speedily without delay, according to the law of the land.

**XIII.** That trial, by jury, of facts, where they arise, is one of the greatest securities of the lives, liberties, and estates of the people.

**XIV.** That in all prosecutions for criminal offences, every man hath a right to be informed of the accusation against him, to be allowed counsel, to be confronted with the accusers or witnesses, to examine evidence on oath in his favour, and to a speedy trial, by an impartial jury, without whose unanimous consent he ought not to be found guilty.

**XV.** That no man, in the courts of common law, ought to be compelled to give evidence against himself.

**XVI.** That excessive bail ought not to be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

**XVII.** That all warrants, without oath, to search suspected places, or to seize any person or his property, are grievous and oppressive; and all general warrants—to search suspected places, or to apprehend all persons suspected, without naming or describing the place or any person in special—are illegal and ought not to be granted.

**XVIII.** That a well regulated militia is the proper, natural, and necessary defence of a free government.

**XIX.** That standing armies are dangerous to liberty, and



## CONSTITUTION

ought not to be raised or kept up, without the consent of the legislature.

XX. That, in all cases, and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

XXI. That no soldier ought to be quartered in any house, in time of peace, without the consent of the owner; and in time of war, in such manner only, as the legislature shall direct.

XXII. That the independency and uprightnes of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people.

XXIII. That the liberty of the press ought to be inviolably preserved.

*The constitution, or system of government, agreed to and resolved upon by the representatives, in full convention, of the Delaware state, formerly styled, The government of the counties of Newcastle, Kent, and Suffex, upon Delaware; the said representatives being chosen by the freemen of the said state, for that express purpose.*

I. **T**HE government of the counties of Newcastle, Kent, and Suffex, upon Delaware, shall hereafter, in all public, and other writings, be called, *The Delaware state.*

II. The legislature shall be formed of two distinct branches. They shall meet once or oftener in every year, and shall be called, *The general assembly of Delaware.*

III. One of the branches of the legislature shall be called, *The house of assembly*, and shall consist of seven representatives, to be chosen for each county annually, of such persons as are freeholders of the same.

IV. The other branch shall be called, *The council*, and consist of nine members; three to be chosen for each county at the time of the first election of the assembly, who shall be freeholders of the county, for which they are chosen, and be upwards of twenty-five years of age. At the end of one year after the general election, the counsellor, who had the smallest number of votes in each county, shall be displaced, and the vacancies, thereby occasioned, supplied by the freemen of each county choosing the same or another person, at a new election, in manner aforesaid. At the end of two years after the first general election, the counsellor, who stood second in number of votes in each county, shall be displaced, and the vacancies, thereby occasioned, supplied by a new election, in manner aforesaid. And at the

and of three years from the first general election, the counsellor, who had the greatest number of votes in each county, shall be displaced, and the vacancies, thereby occasioned, supplied by a new election in manner aforesaid. And this rotation, of a counsellor being displaced at the end of three years in each county, and his office supplied by a new choice, shall be continued afterwards in due order annually forever; whereby, after the first general election, a counsellor will remain in trust for three years, from the time of his being elected, and a counsellor will be displaced, and the same or another chosen in each county at every election.

V. The right of suffrage, in the election of members for both houses, shall remain, as exercised by law at present; and each house shall choose its own speaker, appoint its own officers, judge of the qualifications and elections of its own members, settle its own rules of proceeding, and direct writs of election, for supplying intermediate vacancies. They may also severally expel any of their own members for misbehaviour, but not a second time in the same sessions for the same offence, if re-elected; and they shall have all other powers, necessary for the legislature of a free and independent state.

VI. All money bills, for the support of government, shall originate in the house of assembly, and may be altered, amended, or rejected, by the legislative council. All other bills and ordinances may take rise in the house of assembly, or legislative council, and may be altered, amended, or rejected by either.

VII. A president or chief magistrate shall be chosen by joint ballot of both houses, to be taken in the house of assembly, and the box examined by the speakers of each house, in the presence of the other members; and in case the numbers, for the two highest in votes, should be equal, then the speaker of the council shall have an additional casting voice; and the appointment of the person, who has the majority of votes, shall be entered at large on the minutes and journals of each house, and a copy thereof, on parchment, certified and signed by the speakers respectively, and sealed with the great seal of the state, which they are hereby authorized to affix, shall be delivered to the person, so chosen president, who shall continue in that office three years, and until the meeting of the next general assembly, and no longer; nor be eligible until the expiration of three years, after he shall have been out of that office. An adequate, but moderate salary shall be settled on him, during his continuance in office. He may draw for such sums of money, as shall be appropriated by the general

assembly, and be accountable to them for the same; he may, by and with the advice of the privy council, lay embargoes, or prohibit the exportation of any commodity, for any time, not exceeding thirty days, in the recess of the general assembly; he shall have the power of granting pardons or reprieves, except where the prosecution shall be carried on by the house of assembly, or the law shall otherwise direct; in which cases no pardon or reprieve shall be granted, but by a resolve of the house of assembly; and may exercise all the other executive powers of government, limited and restrained, as by this constitution is mentioned, and according to the laws of the state. And on his death, inability, or absence from the state, the speaker of the legislative council, for the time being, shall be vice-president; and in case of his death, inability, or absence from the state, the speaker of the house of assembly shall have the powers of a president, until a new nomination be made by the general assembly.

VIII. A privy-council, consisting of four members, shall be chosen by ballot, two by the legislative council, and two by the house of assembly: provided, that no regular officer of the army or navy, in the service and pay of the continent, or of this, or of any other state, shall be eligible. And a member of the legislative council, or of the house of assembly, being chosen of the privy-council, and accepting thereof, shall thereby lose his seat. Three members shall be a quorum; and their advice and proceedings shall be entered on record, and signed by the members present, (to any part of which, any member may enter his dissent) to be laid before the general assembly, when called for by them. Two members shall be removed by ballot, one by the legislative council, and one by the house of assembly, at the end of two years; and those, who remain, the next year after; who shall severally be ineligible, for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner. And this rotation of a privy counsellor shall be continued afterwards in due order, annually, forever. The president may, by summons, convene the privy-council, at any time, when the public exigencies may require, and at such place, as he shall think most convenient, when and where they are to attend accordingly.

IX. The president, with the advice and consent of the privy-council, may embody the militia, and act as captain-general and commander in chief of them, and the other military force of this state, under the laws of the same.

X. Either house of the general assembly may adjourn themselves respectively. The president shall not prorogue, adjourn, or dissolve

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the general assembly; but he may, with the advice of the privy council, or on the application of a majority of either house, call them before the time, to which they shall stand adjourned; and the two houses shall always sit at the same time and place; for which purpose, immediately after every adjournment, the speaker of the house of assembly shall give notice to the speaker of the other house, of the time, to which the house of assembly stands adjourned.

XI. The delegates for Delaware, to the congress of the united states of America, shall be chosen annually, or superseded in the mean time, by joint ballot of both houses in the general assembly.

XII. The president and general assembly shall, by joint ballot, appoint three justices of the supreme court for the state, one of whom shall be chief justice, and a judge of admiralty, and also four justices of the courts of common pleas and orphans' courts, for each county, one of whom in each court shall be styled *chief justice* (and, in case of division on the ballot, the president shall have an additional casting voice) to be commissioned by the president, under the great seal—who shall continue in office during good behaviour. And during the time the justices of the said supreme court, and courts of common pleas, remain in office, they shall hold none other, except in the militia. Any one of the justices of either of said courts shall have power, in case of the non-coming of his brethren, to open and adjourn the court. An adequate, fixed, but moderate salary shall be settled on them, during their continuance in office. The president and privy-council shall appoint the secretary, the attorney-general, registers for the probate of wills, and granting letters of administration, registers in chancery, clerks of the courts of common-pleas and orphans' courts, and clerks of the peace, who shall be commissioned as aforesaid, and remain in office during five years, if they behave themselves well; during which time, the said registers in chancery, and clerks, shall not be justices of either of the said courts, of which they are officers, but they shall have authority to sign all writs, by them issued, and take recognizances of bail. The justices of the peace shall be nominated by the house of assembly; that is to say, they shall name twenty-four persons for each county, of whom the president, with the approbation of the privy-council, shall appoint twelve, who shall be commissioned, as aforesaid, and continue in office during seven years, if they behave themselves well; and in case, of vacancies, or if the legislature shall think proper to increase the number, they shall be nominated and appointed in like manner. The members of

the legislative and privy-councils shall be justices of the peace for the whole state, during their continuance in trust; and the justices of the courts of common pleas shall be conservators of the peace in their respective counties.

XIII. The justices of the courts of common pleas and orphans' courts shall have the power of holding inferior courts of chancery, as heretofore, unless the legislature shall otherwise direct.

XIV. The clerks of the supreme court shall be appointed by the chief justice thereof, and the recorders of deeds, by the justices of the courts of common pleas for each county severally, and commissioned by the president, under the great seal, and continue in office five years, if they behave themselves well.

XV. The sheriffs and coroners of the respective counties shall be chosen annually, as heretofore; and any person, having served three years as sheriff, shall be ineligible for three years after; and the president and privy council shall have the appointment of such of the two candidates, returned for the said offices of sheriff and coroner, as they shall think best qualified, in the same manner, that the governor heretofore enjoyed this power.

XVI. The general assembly, by joint ballot, shall appoint the generals and field officers, and all other officers in the army or navy of this state. And the president may appoint, during pleasure, until otherwise directed by the legislature, all necessary civil officers, not herein before mentioned.

XVII. There shall be an appeal from the supreme court of Delaware, in matters of law and equity, to a court of seven persons, to consist of the president for the time being, who shall preside therein, and six others, to be appointed, three by the legislative council, and three by the house of assembly, who shall continue in office during good behaviour, and be commissioned by the president, under the great seal; which court shall be styled, *The court of appeals*, and have all the authority and powers heretofore given by law, in the last resort, to the king in council, under the old government. The secretary shall be the clerk of this court: and vacancies therein, occasioned by death or incapacity, shall be supplied by new elections, in manner aforesaid.

XVIII. The justices of the supreme court and courts of common pleas, the members of the privy-council, the secretary, the trustees of the loan office, and clerks of the courts of common pleas, during their continuance in office, and all persons concerned in any army or navy contracts, shall be ineligible to either house of assembly; and any member of either house, accepting of any other of the offices herein before mentioned (excepting the

office of a justice of the peace) shall have his seat thereby vacated, and a new election shall be ordered.

XIX. The legislative council and assembly shall have the power of making the great seal of this state, which shall be kept by the president, or, in his absence, by the vice-president, to be used by them, as occasion may require. It shall be called, *The great seal of the Delaware state*, and shall be affixed to all laws and commissions.

XX. Commissions shall run in the name of *The Delaware state*, and bear test by the president. Writs shall run in the same manner, and bear test in the name of the chief justice, or justice first named in the commissions for the several courts, and be sealed with the public seals of such courts. Indictments shall conclude, *Against the peace and dignity of the state*.

XXI. In case of vacancy of the offices, above directed to be filled by the president and general assembly, the president and privy council may appoint others in their stead, until there shall be a new election.

XXII. Every person, who shall be chosen a member of either house, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take the following oath or affirmation, if conscientiously scrupulous of taking an oath, *to wit*.

“I, *A. B.* will bear true allegiance to the Delaware state, submit to its constitution and laws, and do no act wittingly, whereby the freedom thereof may be prejudiced.”

And also make and subscribe the following declaration, *to wit*.

“I, *A. B.* do profess faith in God the Father, and in Jesus Christ, his only Son, and the Holy Ghost, one God, blessed forevermore; and I do acknowledge the holy scriptures of the old and new testament to be given by divine inspiration.”

And all officers shall also take an oath of office.

XXIII. The president, when he is out of office, and within eighteen months after, and all others, offending against the state, either by mal-administration, corruption, or other means, by which the safety of the commonwealth may be endangered, within eighteen months after the offence committed, shall be impeachable, by the house of assembly, before the legislative council: such impeachment to be prosecuted by the attorney general, or such other person or persons, as the house of assembly may appoint, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or removed from office *pro tempore*, or subjected to such pains and

penalties, as the laws shall direct. And all officers shall be removed, on conviction of misbehaviour, at common law, or on impeachment, or upon the address of the general assembly.

XXIV. All acts of assembly, in force in this state on the fifteenth day of May last (and not hereby altered, or contrary to the resolutions of congress, or of the late house of assembly of this state,) shall so continue, until altered or repealed by the legislature of this state, unless where they are temporary, in which case they shall expire, at the times respectively limited for their duration.

XXV. The common law of England, as well as so much of the statute law as has been heretofore adopted in practice in this state, shall remain in force, unless they shall be altered by a future law of the legislature; such parts only excepted, as are repugnant to the rights and privileges contained in this constitution, and the declaration of rights, &c. agreed to by this convention.

XXVI. No person, hereafter imported into this state from Africa, ought to be held in slavery, under any pretence whatever; and no Negro, Indian, or Mulatto slave, ought to be brought into this state, for sale, from any part of the world.

XXVII. The first election for the general assembly of this state, shall be held on the twenty-first day of October next, at the court houses in the several counties, in the manner heretofore used in the election of the assembly, except as to choice of inspectors and assessors, where assessors have not been chosen on the sixteenth day of September instant, which shall be made on the morning of the day of election, by the electors, inhabitants of the respective hundreds in each county. At which time, the sheriffs and coroners, for the said counties respectively, are to be elected: and the present sheriffs of the counties of Newcastle and Kent, may be re-chosen to that office, until the first day of October in the year of our Lord one thousand seven hundred and seventy-nine; and the present sheriff for the county of Sussex may be re-chosen to that office until the first day of October in the year of our Lord one thousand seven hundred and seventy-eight, provided the freemen think proper to re-elect them at every general election; and the present sheriffs and coroners respectively shall continue to exercise their offices as heretofore, until the sheriffs and coroners, to be elected on the said twenty-first day of October, shall be commissioned and sworn into office. The members of the legislative council and assembly shall meet, for transacting the business of the state on the twenty-eighth day of October next, and continue in office, until the first day of October, which will be in the year

one thousand seven hundred and seventy-seven; on which day, and on the first day of October in each year forever after, the legislative council, assembly, sheriffs, and coroners, shall be chosen by ballot, in manner directed by the several laws of this state, for regulating elections of members of assembly, and sheriffs and coroners; and the general assembly shall meet on the twentieth day of the same month for transacting the business of the state; and if any of the said first and twentieth days of October should be Sunday, then, and in such case, the elections shall be held, and the general assembly meet the next day following.

XXVIII. To prevent any violence or force being used at the said elections, no persons shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other state, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: provided always, that every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.

XXIX. There shall be no establishment of any one religious sect in this state, in preference to another; and no clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this state, or of being a member of either of the branches of the legislature, while they continue in the exercise of the pastoral function.

XXX. No article of the declaration of rights and fundamental rules of this state, agreed to by this convention, nor the first, second, fifth, (except that part thereof, that relates to the right of suffrage) twenty-sixth and twenty-ninth articles of this constitution, ought ever to be violated, on any pretence whatever. No other part of this constitution shall be altered, changed or diminished, without the consent of five parts in seven of the assembly, and seven members of the legislative council.

*Friday, September 20, 1776.*



*A DECLARATION OF RIGHTS, and the constitution and form of government, agreed to by the delegates of Maryland, in free and full convention assembled.*

A DECLARATION OF RIGHTS, &c.

**T**HE parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and, in pursuance of such claim, endeavoured, by force of arms, to subjugate the united colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people;—Therefore, we, the delegates of Maryland, in free and full convention assembled, taking into our most serious consideration the best means of establishing a good constitution in this state, for the sure foundation and more permanent security thereof, declare,

I. That all government, of right, originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used, and practised, by the courts of law or equity; and also to all acts of assembly, in force on the first of June seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by acts of convention, or this declaration of rights—subject, nevertheless, to the revision of, and amendment or repeal by, the legislature of this state: and the inhabitants of Maryland are also entitled to all property, derived to them from or under the charter, granted by his majesty Charles I. to Cæcilius Calvert baron of Baltimore.

IV. That all persons invested with the legislative or executive powers of government, are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the

people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance, against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

V. That the right, in the people, to participate in the legislature, is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man, having property in, a common interest with, an attachment to the community, ought to have a right of suffrage.

VI. That the legislative, executive, and judicial powers of government, ought to be forever separate and distinct from each other.

VII. That no power of suspending laws, or the execution of laws, unless by, or derived from the legislature, ought to be exercised or allowed.

VIII. That freedom of speech and debates, or proceedings in the legislature, ought not to be impeached in any other court or judicature.

IX. That a place, for the meeting of the legislature, ought to be fixed, the most convenient to the members thereof, and to the depository of public records; and the legislature ought not to be convened or held at any other place, but from evident necessity.

X. That, for redress of grievances, and for amending, strengthening, and preserving the laws, the legislature ought to be frequently convened.

XI. That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

XII. That no aid, charge, tax, fee, or fees, ought to be set, rated, or levied, under any pretence, without consent of the legislature.

XIII. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of government; but every other person in the state ought to contribute his proportion of public taxes, for the support of government, according to his actual worth, in real or personal property, within the state; yet fines, duties, or taxes, may properly and justly be imposed or laid, with a political view, for the good government and benefit of the community.

XIV. That sanguinary laws ought to be avoided, as far as is

consistent with the safety of the state : and no law, to inflict cruel and unusual pains and penalties, ought to be made in any case, or at any time hereafter.

XV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty ; wherefore no *ex post facto* law ought to be made.

XVI. That no law, to attain particular persons of treason or felony, ought to be made in any case, or any time hereafter.

XVII. That every freeman, for any injury done him in his person or property, ought to have remedy, by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

XVIII. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties, and estates of the people.

XIX. That, in all criminal prosecutions, every man hath a right to be informed of the accusation against him ; to have a copy of the indictment or charge in due time (if required) to prepare for his defence ; to be allowed counsel ; to be confronted with the witnesses against him ; to have process for his witnesses ; to examine the witnesses, for and against him, on oath ; and to a speedy trial by an impartial jury, without whose unanimous consent, he ought not to be found guilty.

XX. That no man ought to be compelled to give evidence against himself, in a common court of law, or in any other court, but in such cases, as have been usually practised in this state, or may hereafter be directed by the legislature.

XXI. That no freeman ought to be taken, or imprisoned, or disseised of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

XXII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted, by the courts of law.

XXIII. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive ; and all general warrants—to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special—are illegal, and ought not to be granted.

XXIV. That there ought to be no forfeiture of any part of the estate of any person, for any crime except murder, or treason against the state, and then only on conviction and attainder.

XXV. That a well-regulated militia is the proper and natural defence of a free government.

XXVI. That standing armies are dangerous to liberty, and ought not to be raised or kept up, without consent of the legislature.

XXVII. That in all cases, and at all times, the military ought to be under strict subordination to, and controul of the civil power.

XXVIII. That no soldier ought to be quartered in any house, in time of peace, without the consent of the owner; and in time of war, in such manner only, as the legislature shall direct.

XXIX. That no person, except regular soldiers, mariners, and marines in the service of this state, or militia when in actual service, ought in any case to be subject to, or punishable by martial law.

XXX. That the independency and uprightness of judges are essential to the impartial administration or justice, and a great security to the rights and liberties of the people; wherefore the chancellor and judges ought to hold commissions during good behaviour; and the said chancellor and judges shall be removed for misbehaviour, on conviction in a court of law, and may be removed by the governor, upon the address of the general assembly; provided that two-thirds of all the members of each house concur in such address. That salaries, liberal, but not profuse, ought to be secured to the chancellor and the judges, during the continuance of their commissions, in such manner, and at such times, as the legislature shall hereafter direct, upon consideration of the circumstances of this state. No chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind,

XXXI. That a long continuance, in the first executive departments of power or trust, is dangerous to liberty, a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

XXXII. That no person ought to hold, at the same time, more than one office of profit, nor ought any person, in public trust, to receive any present from any foreign prince or state, or from the united states, or any of them, without the approbation of this state.

XXXIII. That, as it is the duty of every man, to worship God in such manner, as he thinks most acceptable to him, all

persons, professing the christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the legislature may, in their discretion, lay a general and equal tax, for the support of the christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county: but the churches, chapels, glebes, and all other property, now belonging to the church of England, ought to remain to the church of England for ever. And, all acts of assembly, lately passed, for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force, and be executed, unless the legislature shall, by act, supersede or repeal the same: but no county court shall assess any quantity of tobacco, or sum of money, hereafter, on the application of any vestry-men or church-wardens; and every encumbent of the church of England, who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the act, entitled "An act, for the support of the clergy of the church of England, in this province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish, and performed his duty.

XXXIV. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to, or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination—and every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the seller or donor, or to, or for such support, use, or benefit—and also every devise of goods or chattels to, or for the support, use, or benefit of any minister, public teacher, or preacher of

the gospel, as such, or any religious sect, order, or denomination, without the leave of the legislature, shall be void; except always any sale, gift, lease, or devise of any quantity of land, not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose—or such sale, gift, lease, or devise, shall be void.

XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office, as shall be directed by this convention, or the legislature of this state, and a declaration of a belief in the christian religion.

XXXVI. That the manner of administering an oath to any person, ought to be such, as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation, by the attestation of the Divine Being. And that the people called Quakers, those called Dunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation, in the manner that Quakers have been heretofore allowed to affirm; and to be of the same avail as an oath, in all such cases, as the affirmation of Quakers hath been allowed and accepted within this state, instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or for the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded, and Quakers, Dunkers, or Menonists, ought also, on their solemn affirmation, as aforesaid, to be admitted as witnesses, in all criminal cases not capital.

XXXVII. That the city of Annapolis ought to have all its rights, privileges, and benefits, agreeable to its charter, and the acts of assembly confirming and regulating the same, subject nevertheless to such alterations, as may be made by this convention, or any future legislature.

XXXVIII. That the liberty of the press ought to be inviolably preserved.

XXXIX. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce; and ought not to be suffered.

XL. That no title of nobility, or hereditary honours, ought to be granted in this state.

XLI. That the subsisting resolves of this, and the several con-

ventions, held for this colony, ought to be in force, as laws, unless altered by this convention, or the legislature of this state.

XLII. That this declaration of rights, or the form of government, to be established by this convention, or any part of either of them, ought not to be altered, changed, or abolished, by the legislature of this state, but in such manner, as this convention shall prescribe and direct.

This declaration of rights was assented to, and passed, in convention of the delegates of the freemen of Maryland, begun and held at Annapolis, the 14th day of August, A. D. 1776.

By order of the convention,

M A T. T I L G H M A N, *president.*

*The C O N S T I T U T I O N or F O R M of G O V E R N - M E N T, &c.*

I. **T**HAT the legislature consist of two distinct branches, a senate and house of delegates, which shall be styled, *The general assembly of Maryland.*

II. That the house of delegates shall be chosen in the following manner: All freemen, above twenty-one years of age, having a freehold of fifty acres of land, in the county, in which they offer to vote, and residing therein—and all freemen, having property in this state, above the value of thirty pounds current money, and having resided in the county, in which they offer to vote, one whole year next preceding the election—shall have a right of suffrage, in the election of delegates for such county: and all freemen, so qualified, shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties, in which they are respectively qualified to vote, at the court-house, in the said counties; or at such other place, as the legislature shall direct; and, when assembled, they shall proceed to elect, *virum voce*, four delegates, for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county, where they are to be chosen, one whole year next preceding the election, above twenty-one years of age, and having, in the state, real or personal property, above the value of five hundred pounds current money; and upon upon the final casting of the polls, the four persons, who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective counties.

III. That the sheriff of each county, or, in case of sickness, his deputy (summoning two justices of the county, who are required

to attend, for the preservation of the peace) shall be the judges of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his return thereof, under his hand, to the chancellor of this state for the time being.

IV. That all persons, qualified, by the charter of the city of Annapolis, to vote for burgesses, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year for ever thereafter, elect, *viva voce*, by a majority of votes, two delegates, qualified agreeable to the said charter; that the mayor, recorder, and aldermen of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day, as aforesaid, and shall make return thereof as aforesaid: but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county distinct from the city.

V. That all persons, inhabitants of Baltimore town, and having the same qualifications, as electors in the county, shall, on the same first Monday in October, seventeen hundred and seventy-seven, and on the same day in every year for ever thereafter, at such place in the said town, as the judges shall appoint, elect, *viva voce*, by a majority of votes, two delegates, qualified as aforesaid: but if the said inhabitants of the town shall so decrease, as that a number of persons, having a right of suffrage therein, shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this state, such town shall thenceforward cease to send two delegates or representatives to the house of delegates, until the said town shall have one half of the number of voters in some one county in this state.

VI. That the commissioners of the said town, or any three or more of them, for the time being, shall be judges of the said election, and may adjourn, as aforesaid, and shall make return thereof, as aforesaid: but the inhabitants of the said town shall not be entitled to vote for, or be elected, delegates for Baltimore county; neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected, delegates for the said town.

VII. That on refusal, death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor, or member of the council, a warrant of election shall



issue by the speaker, for the election of another in his place; of which ten days notice, at least (excluding the day of notice, and the day of election) shall be given.

VIII. That not less than a majority of the delegates, with their speaker (to be chosen by them, by ballot) constitute a house, for the transaction of any business, other than that of adjourning.

IX. That the house of delegates shall judge of the elections and qualifications of delegates.

X. That the house of delegates may originate all money bills, propose bills to the senate, or receive those offered by that body; and assent, dissent, or propose amendments; that they may enquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state; and may commit any person, for any crime, to the public jail, there to remain till he be discharged by due course of law. They may expel any member, for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors, to state and adjust the same. They may call for all public or official papers and records, and send for persons, whom they may judge necessary in the course of their enquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty.

XI. That the senate may be at full and perfect liberty to exercise their judgment in passing laws—and that they may not be compelled by the house of delegates, either to reject a money bill, which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment, injurious to the public welfare—the house of delegates shall not, on any occasion, or under any pretence, annex to, or blend with a money bill, any matter, clause, or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies, to be raised for the support of government, or the current expenses of the state: and to prevent alteration about such bills, it is declared, that no bill, imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill: but every bill, assessing, levying or applying taxes or supplies, for the support of government, or the current expenses of the state, or appropriating money in the treasury, shall be deemed a money bill.



XII. That the house of delegates may punish, by imprisonment, any person, who shall be guilty of a contempt in their view, by any disorderly or riotous behaviour, or by threats to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person, who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to, or from the house, or by rescuing any person committed by the house: and the senate may exercise the same power, in similar cases.

XIII. That the treasurers (one for the western, and another for the eastern shore) and the commissioners of the loan office, may be appointed by the house of delegates, during their pleasure; and in case of refusal, death, resignations, disqualification, or removal out of the state, of any of the said commissioners or treasurers, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same, until the meeting of the next general assembly.

XIV. That the senate be chosen in the following manner: All persons, qualified, as aforesaid, to vote for county delegates, shall, on the first day of September, 1781, and on the same day in every fifth year for ever thereafter, elect, *visu voce*, by a majority of votes, two persons for their respective counties (qualified, as aforesaid, to be elected county delegates) to be electors of the senate: and the sheriff of each county, or, in case of sickness, his deputy (summoning two justices of the county, who are required to attend, for the preservation of the peace,) shall hold and be judge of the said election, and make return thereof, as aforesaid. And all persons, qualified as aforesaid, to vote for delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September 1781, and on the same day in every fifth year forever thereafter, elect, *visu voce*, by a majority of votes, one person for the said city and town respectively, qualified, as aforesaid, to be elected a delegate for the said city and town respectively; the said election to be held in the same manner, as the election of delegates for the said city and town; the right to elect the said elector, with respect to Baltimore:

town, to continue as long, as the right to elect delegates for the said town.

XV. That the said electors of the senate meet at the city of Annapolis, or such other place, as shall be appointed for convening the legislature, on the third Monday in September 1781, and on the same day in every fifth year forever thereafter, and they, or any twenty-four of them so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen senators (nine of whom to be residents on the western, and six to be residents on the eastern shore) men of the most wisdom, experience and virtue, above twenty-five years of age, residents of the state above three whole years next preceding the election, and having real and personal property, above the value of one thousand pounds current money.

XVI. That the senators shall be balloted for, at one and the same time, and out of the gentlemen residents of the western shore, who shall be proposed as senators, the nine, who shall, on striking the ballots, appear to have the greatest numbers in their favour, shall be accordingly declared and returned duly elected: and out of the gentlemen residents of the eastern shore, who shall be proposed as senators, the six, who shall, on striking the ballots, appear to have the greatest number in their favour, shall be accordingly declared and returned duly elected: and if two or more on the same shore, shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then the electors shall again ballot, before they separate; in which they shall be confined to the persons who on the first ballot shall have had an equal number: and they, who shall have the greatest number in their favour, on the second ballot, shall be accordingly declared and returned duly elected: and if the whole number should not thus be made up, because of an equal number, on the second ballot, still being in favour of two or more persons, then the election shall be determined by lot, between those, who have equal numbers; which proceedings of the electors shall be certified under their hands, and returned to the chancellor for the time being.

XVII. That the electors of senators shall judge of the qualifications and elections of members of their body; and, on a contested election, shall admit to a seat, as an elector, such qualified person, as shall appear to them to have the greatest number of legal votes in his favour.

XVIII. That the electors, immediately on their meeting, and before they proceed to the election of senators, take such oath of

support and fidelity to this state, as this convention, or the legislature, shall direct; and also an oath, "to elect without favour, affection, partiality, or prejudice, such persons for senators, as they, in their judgment and conscience, believe best qualified for the office."

**XIX.** That in case of refusal, death, resignation, disqualification, or removal out of this state, of any senator, or on his becoming governor, or a member of the council, the senate shall, immediately thereupon, or at their next meeting thereafter elect, by ballot (in the same manner, as the electors are above directed to choose senators) another person in his place, for the residue of the said term of five years.

**XX.** That not less than a majority of the senate, with their president (to be chosen by them, by ballot) shall constitute a house, for the transacting any business, other than that of adjourning.

**XXI.** That the senate shall judge of the elections and qualifications of senators.

**XXII.** That the senate may originate any other, except money bills, to which their assent or dissent only shall be given; and may receive any other bills from the house of delegates, and assent dissent, or propose amendments.

**XXIII.** That the general assembly meet annually, on the first Monday of November, and, if necessary, oftener.

**XXIV.** That each house shall appoint its own officers, and settle its own rules of proceeding.

**XXV.** That a person of wisdom, experience, and virtue, shall be chosen governor, on the second Monday of November, seventeen hundred and seventy-seven, and on the second Monday in every year for ever thereafter, by the joint ballot of both houses (to be taken in each house respectively) deposited in a conference room; the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both houses, shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons, who, on the first ballot, shall have had an equal number; and, if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot, between those, who have equal numbers: and if the person chosen governor shall die, resign, remove out of the state, or

refuse to act, (fitting the general assembly) the senate and house of delegates shall, immediately thereupon, proceed to a new choice, in manner aforesaid.

XXVI. That the senators and delegates, on the second Tuesday of November, 1777, and annually on the second Tuesday of November forever thereafter, elect by joint ballot (in the same manner, as senators are directed to be chosen) five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, and having therein a freehold of lands and tenements, above the value of one thousand pounds current money, to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent, and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively: which proceedings of the council shall be laid before the senate, or house of delegates, when called for by them, or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state, as this convention, or the legislature, shall direct; and of secrecy, in such matters, as he shall be directed by the board to keep secret.

XXVII. That the delegates to congress, from this state, shall be chosen annually, or superseded in the mean time, by the joint ballot of both houses of assembly; and that there be a rotation, in such manner, that at least two of the number be annually changed; and no person shall be capable of being a delegate to congress for more than three in any term of six years; and no person, who holds any office of profit in the gift of congress, shall be eligible to sit in congress; but if appointed to any such office, his seat shall be thereby vacated. That no person, unless above twenty-one years of age, and a resident in the state more than five years next preceding the election, and having real and personal estate in this state, above the value of one thousand pounds current money, shall be eligible to sit in congress.

XXVIII. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person, hereafter elected a senator or delegate before he acts as such—shall take an oath of support and fidelity to this state, as aforesaid; and before the election of a governor, or members of the council, shall take an oath, “to elect without favour, affection, partiality, or prejudice, such person as go-

vernor, or member of the council, as they, in their judgment and conscience, believe best qualified for the office.

XXIX. That the senate and delegates may adjourn themselves respectively : but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days, or some day between ; and the assembly shall then meet and be held accordingly : and he shall, if necessary, by advice of the council, call them before the time, which they shall in any manner be adjourned, on giving not less than ten days notice thereof : but the governor shall not adjourn the assembly, otherwise than as aforesaid, nor prorogue or dissolve it, at any time.

XXX. That no person, unless above twenty-five years of age, a resident in this state above five years next preceding the election—and having in the state real and personal property, above the value of five thousand pounds, current money, (one thousand pounds whereof, at least, to be freehold estate) shall be eligible as governor.

XXXI. That the governor shall not continue in that office, longer than three years successively, nor be eligible as governor, until the expiration of four years, after he shall have been out of that office.

XXXII. That upon the death, resignation, or removal out of this state, of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner ; and shall immediately call a meeting of the general assembly, giving not less than fourteen days notice of the meeting, at which meeting, a governor shall be appointed, in manner aforesaid, for the residue of the year.

XXXIII. That the governor, by and with the advice and consent of the council, may embody the militia ; and, when embodied, shall alone have the direction thereof ; and shall also have the direction of all the regular land and sea forces, under the laws of this state, (but he shall not command in person, unless advised thereto by the council, and then, only so long, as they shall approve thereof) ; and may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state, and grant reprieves or pardons, for any crime, except in such cases where the law shall otherwise direct : and may, during the recess of the general assembly, lay embargoes, to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year—summoning the go-

neral assembly to meet within the time of the continuance of such embargo: and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she may have come, shall, on strong grounds, be suspected to be infected with the plague: but the governor shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom, of England or Great Britain.

XXXIV. That the members of the council, or any three or more of them, when convened, shall constitute a board, for the transacting of business; that the governor, for the time being, shall preside in the council, and be entitled to a vote, on all questions, in which the council shall be divided in opinion: and, in the absence of the governor, the first named of the council shall preside; and, as such, shall also vote, in all cases, where the other members disagree in their opinion.

XXXV. That, in case of refusal, death, resignation, disqualification, or removal out of the state, of any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect by ballot, another person (qualified as aforesaid) in his place, for the residue of the year.

XXXVI. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practised in this state.

XXXVII. That no senator, delegate of assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time, for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state, while he acts as such. And no person, holding a place of profit or receiving any part of the profits thereof, or receiving the profits or any part of the profits arising on any agency, for the supply of cloathing or provisions for the army or navy, or holding any office under the united states, or any of them—or a minister, or preacher of the gospel, of any denomination—or any person, employed in the regular land ser-vice, or marine, of this or the united states—shall have a seat in the general assembly, or the council of this state.

XXXVIII. That every governor, senator, delegate to congress, or assembly, and member of the council, before he acts as such, shall take an oath, "that he will not receive, directly or indirect-

ly, at any time, any part of the profits of any office, held by any other person, during his acting in his office of governor, senator, delegate to congress, or assembly, or member of the council, or the profits, or any part of the profits, arising on any agency, for the supply of clothing or provisions for the army or navy."

**XXXIX.** That if any senator, delegate to congress or assembly, or member of the council, shall hold or execute any office of profit, or receive directly or indirectly, at any time, the profits or any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to congress or assembly, or member of the council—his seat (on conviction, in a court of law, by the oath of two credible witnesses) shall be void; and he shall suffer the punishment of wilful and corrupt perjury, or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may judge.

**XL.** That the chancellor, all judges, the attorney-general, clerks of the general court, the clerks of the county courts, the registers of the land office, and the registers of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

**XLI.** That there be a register of wills appointed for each county, who shall be commissioned by the governor, on the joint recommendation of the senate and house of delegates; and that, upon the death, resignation, disqualification, or removal out of the county, of any register of wills, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission, a fit and proper person to such vacant office, to hold the same, until the meeting of the general assembly.

**XLII.** That sheriffs shall be elected in each county, by ballot, every third year; that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor for the said office; and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security to be taken every year, as usual; and no sheriff shall be qualified to act, before the same is given. In case of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the three years, the other person, chosen as aforesaid, shall be commissioned by the governor, to execute the said office, for the residue of the said three years, the said person giving bond and security as aforesaid; and in case of his death,



refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of the council, may nominate and commission a fit and proper person, to execute the said office for the residue of the said three years, the said person giving bond and security as aforesaid. The election shall be held, at the same time and place, appointed for the election of delegates; and the justices, there summoned to attend, for the preservation of the peace, shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots. All freemen, above the age of twenty-one years, having a freehold of fifty acres of land, in the county, in which they offer to ballot, and residing therein—and all freemen, above the age of twenty-one years, and having property in the state, above the value of thirty pounds current money, and having resided in the county, in which they offer to ballot, one whole year next preceding the election—shall have a right of suffrage. No person to be eligible to the office of sheriff for a county, but an inhabitant of the said county, above the age of twenty-one years, and having real and personal property in the state, above the value of one thousand pounds current money. The justices aforesaid shall examine the ballots; and the two candidates properly qualified, having in each county the majority of legal ballots shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.

XLIII. That every person, who shall offer to vote for delegates, or for the election of the senate, or for the sheriff, shall (if required by any three persons qualified to vote) before he be admitted to poll, take such oath or affirmation of support and fidelity to this state, as this convention, or the legislature, shall direct.

XLIV. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act, as a justice of the peace.

XLV. That no field officer of the militia be eligible as a senator, delegate, or member of the council.

XLVI. That all civil officers, hereafter to be appointed for the several counties of this state, shall have been residents of the county, respectively, for which they shall be appointed, six months next before their appointment; and shall continue residents of their county, respectively, during their continuance in office.

XLVII. That the judges of the general court, and justices of the county courts, may appoint the clerks of their respective

courts; and in case of refusal, death, resignation, disqualification, or removal out of the state, or from their respective shores, of the clerks of the general court or either of them, in the vacation of the said court—and in case of the refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the county court, of which he is clerk—the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next general court, or county court, as the case may be.

XLVIII. That the governor, for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney-general, naval officers, officers in the regular land and sea service, officers of the militia, registers of the land office, surveyors, and all other civil officers of government (assessors, constables and overseers of the roads, only, excepted) and may also suspend or remove any civil officer, who has not a commission, during good behaviour; and may suspend any militia officer, for one month: and may also suspend or remove any regular officer in the land or sea service: and the governor may remove or suspend any militia officer, in pursuance of the judgment of a court-martial.

XLIX. That all civil officers of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually in the third week of November. But if any of them shall be re-appointed, they may continue to act, without any new commission or qualification; and every officer, though not re-appointed, shall continue to act, until the person, who shall be appointed and commissioned in his stead, shall be qualified.

L. That the governor, every member of the council, and every judge and justice, before they act as such, shall respectively take an oath, "That he will not, through favour, affection, or partiality, vote for any person to office; and that he will vote for such person, as, in his judgment and conscience, he believes most fit, and best qualified for the office; and that he has not made, nor will make, any promise or engagement, to give his vote or interest in favour of any person."

LI. That there be two registers of the land office, one upon the western, and one upon the eastern shore: that short extracts of the grants and certificates of the land, on the western and eastern shores, respectively, be made in separate books, at the public expense, and deposited in the offices of the said registers, in

such manner, as shall hereafter be provided by the general assembly.

LII. That every chancellor, judge, register of wills, commissioner of the loan office, attorney-general, sheriff, treasurer, naval officer, register of the land office, register of the chancery court, and every clerk of the common law courts, surveyor, and auditor, of the public accounts, before he acts as such, shall take an oath "that he will not directly or indirectly receive any fee or reward, for doing his office of \_\_\_\_\_, but what is, or shall be allowed by law; nor will, directly or indirectly, receive the profits or any part of the profits of any office, held by any other person; and that he does not hold the same office in trust, or for the benefit of any other person."

LIII. That if any governor, chancellor, judge, register of wills, attorney-general, register of the land office, register of the chancery court, or any clerk of the common law courts, treasurer, naval officer, sheriff, surveyor, or auditor of public accounts, shall receive, directly or indirectly, at any time, the profits, or any part of the profits of any office, held by any other person, during his acting in the office, to which he is appointed; his election, appointment, and commission (on conviction, in a court of law, by oath of two credible witnesses) shall be void; and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state forever, or disqualified forever, from holding any office or place of trust or profit, as the court may adjudge.

LIV. That if any person shall give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be governor, senator, delegate to congress or assembly, member of the council, or judge, or to be appointed to any of the said offices, or to any office of profit or trust, now created or hereafter to be created in this state—the person giving, and the person receiving the same (on conviction in a court of law) shall be forever disqualified to hold any office of trust or profit in this state.

LV. That every person, appointed to any office of profit or trust, shall, before he enters on the execution thereof, take the following oath, to wit, "I, *A. B.* do swear, That I do not hold myself bound in allegiance to the king of Great Britain, and that I will be faithful, and bear true allegiance to the state of Maryland; and shall also subscribe a declaration of his belief in the christian religion.

LVI. That there be a court of appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive, in all cases of appeal, from the general court, court of chancery, and court of admiralty: that one person of integrity and sound judgment in the law, be appointed chancellor: that three persons of integrity and sound judgment in the law, be appointed judges of the court now called the provincial court; and that the same court be hereafter called and known by the name of *The general court*; which court shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places, as the future legislature of this state shall direct and appoint.

LVII. That the style of all laws run thus, "*Be it enacted by the general assembly of Maryland:*" That all public commissions and grants run thus, "*The state of Maryland,*" &c. and shall be signed by the governor, and attested by the chancellor, with the seal of the state annexed—except military commissions, which shall not be attested by the chancellor, or have the seal of the state annexed: That all writs shall run in the same style, and be attested, sealed, and signed as usual: That all indictments shall conclude, "*Against the peace, government, and dignity of the state.*"

LVIII. That all penalties and forfeitures, heretofore going to the king or proprietary, shall go to the state—save only such, as the general assembly may abolish or otherwise provide for.

LIX. That this form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election; provided that nothing in this form of government, which relates to the eastern shore particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof at least two-thirds of all the members of each branch of the general assembly shall concur.

LX. That every bill, passed by the general assembly, when engrossed, shall be presented by the speaker of the house of delegates, in the senate, to the governor for the time being, who shall sign the same, and thereto affix the great seal, in the presence of the members of both houses: every law shall be recorded in the general court office of the western shore, and in due time printed, published, and certified under the great seal, to the several

county courts, in the same manner, as hath been heretofore used in this state.

This form of government was assented to, and passed in convention of the delegates of the freemen of Maryland, begun and held at the city of Annapolis, the fourteenth of August, A. D. one thousand seven hundred and seventy-six.

By order of the convention,

M. TILGHMAN, *president.*

*THE CONSTITUTION or form of government, agreed, to and resolved upon by the delegates and representatives of the several counties and corporations of Virginia, in a general convention, held at Williamsburgh, on the 6th of May, and continued, by adjournments, to the 5th of July, 1776.*

**W**E, the delegates and representatives of the good people of Virginia, do declare the future form of government of Virginia to be as followeth :

The legislative, executive, and judicary department, shall be separate and distinct, so that neither exercise the powers properly belonging to the other : nor shall any person exercise the powers of more than one of them, at the same time ; except that the justices of the county courts shall be eligible to either house of assembly.

The legislative shall be formed of two distinct branches, who, together, shall be a complete legislature. They shall meet once, or oftener, every year, and shall be called *The general assembly of Virginia.* One of these shall be called, *The house of delegates,* and consist of two representatives, to be chosen for each county, and for the district of West-Augusta, annually, of such men as actually reside in, and are freeholders of the same, or duly qualified according to law, and also of one delegate or representative, to be chosen annually for the city of Williamsburgh, and one for the borough of Norfolk, and a representative for each of such other cities and boroughs, as may hereafter be allowed particular representation by the legislature ; but when any city or borough shall so decrease, as that the number of persons, having right of suffrage therein, shall have been, for the space of seven years successively, less than half the number of voters in some one county in Virginia, such city or borough thenceforward shall cease to send a delegate or representative to the assembly.

The other shall be called *The senate,* and consist of twenty-four members, of whom thirteen shall constitute a house to proceed on

business; for whose election, the different counties shall be divided into twenty-four districts; and each county of the respective district, at the time of the election of its delegates, shall vote for one senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county, within five days at farthest, after the last county election in the district, shall meet at some convenient place, and from the poll, so taken in their respective counties, return, as a senator, the man who shall have the greatest number of votes in the whole district. To keep up this assembly by rotation, the districts shall be equally divided into four classes and numbered by lot. At the end of one year, after the general election, the six members, elected by the first division shall be displaced, and the vacancies, thereby occasioned, supplied from such class or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

The right of suffrage in the election of members for both houses shall remain, as exercised at present; and each house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election, for the supplying intermediate vacancies.

All laws shall originate in the house of delegates, to be approved of, or rejected, by the senate, or to be amended, with consent of the house of delegates; except money-bills, which, in no instance, shall be altered by the senate, but wholly approved or rejected.

A governor, or chief magistrate, shall be chosen annually by joint ballot of both houses (to be taken in each house respectively) deposited in the conference room; the boxes examined jointly by a committee of each house, and the numbers severally reported to them, that the appointments may be entered (which shall be the mode of taking the joint ballot of both houses, in all cases) who shall not continue in that office longer than three years successively, nor be eligible, until the expiration of four years, after he shall have been out of that office. An adequate, but moderate salary shall be settled on him, during his continuance in office; and he shall with the advice of a council of state, exercise the executive powers of government, according to the laws of this commonwealth; and shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England. But he shall, with the advice of the council of state, have the power of granting reprieves or pardons, except

where the prosecution shall have been carried on by the house of delegates, or the law shall otherwise particularly direct; in which cases, no reprieve or pardon shall be granted, but by resolve of the house of delegates.

Either house of the general assembly may adjourn themselves respectively. The governor shall not prorogue or adjourn the assembly, during their sitting, nor dissolve them at any time; but he shall, if necessary, either by advice of the council of state, or on application of a majority of the house of delegates, call them, before the time, to which they shall stand prorogued or adjourned.

A privy-council, or council of state, consisting of eight members, shall be chosen, by joint ballot of both houses of assembly, either from their own members or the people at large, to assist in the administration of government. They shall annually choose, out of their own members, a president, who, in case of death, inability, or absence of the governor from the government, shall act as lieutenant-governor. Four members shall be sufficient to act, and their advice and proceedings shall be entered on record, and signed by the members present, (to any part whereof, any member may enter his dissent) to be laid before the general assembly, when called for by them. This council may appoint their own clerk, who shall have a salary settled by law, and take an oath of secrecy, in such matters, as he shall be directed by the board to conceal. A sum of money, appropriated to that purpose, shall be divided annually among the members, in proportion to their attendance; and they shall be incapable, during their continuance in office, of sitting in either house of assembly. Two members shall be removed by joint ballot, of both houses of assembly, at the end of every three years, and be ineligible, for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

The delegates for Virginia, to the continental congress, shall be chosen annually, or superseded in the mean time, by joint ballot of both houses of assembly.

The present militia officers shall be continued, and vacancies supplied by appointment of the governor, with the advice of the privy-council, on recommendations from the respective county courts: but the governor and council shall have a power of suspending any officer, and ordering a court martial, on complaint of misbehaviour or inability, or to supply vacancies of officers, happening, when in actual service.

The governor, may embody the militia, with the advice of the privy-council; and when embodied, shall alone have the direction of the militia, under the laws of the country.

The two houses of assembly shall, by joint ballot, appoint judges of the supreme court of appeals, and general court, judges in chancery, judges of admiralty, secretary, and the attorney-general, to be commissioned by the governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the governor, with the advice of the privy-council, shall appoint persons to succeed in office, to be approved or displaced by both houses. These officers shall have fixed, and adequate salaries, and, together with all others holding lucrative offices, and all ministers of the gospel, of every denomination, be incapable of being elected members of either house of assembly or the privy-council.

The governor, with the advice of the privy-council, shall appoint justices of the peace for the counties; and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective county courts. The present acting secretary in Virginia, and clerks of all the county courts, shall continue in office. In case of vacancies, either by death, incapacity, or resignation, a secretary shall be appointed, as before directed; and the clerks, by the respective courts. The present and future clerks shall hold their offices during good behaviour, to be judged of, and determined in the general court. The sheriffs and coroners shall be nominated by the respective courts, approved by the governor, with the advice of the privy-council, and commissioned by the governor. The justices shall appoint constables; and all fees of the aforesaid officers, be regulated by law.

The governor, when he is out of office, and others, offending against the state, either by mal-administration, corruption, or other means, by which the safety of the state may be endangered, shall be impeachable by the house of delegates. Such impeachment to be prosecuted by the attorney-general, or such other person or persons, as the house may appoint, in the general court, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or be removed from such office *pro tempore*, or subjected to such pains or penalties, as the laws shall direct.

If all or any of the judges of the general court should, on good grounds (to be judged of by the house of delegates) be accused of any of the crimes or offences above mentioned, such



house of delegates may, in like manner impeach the judge or judges so accused, to be prosecuted in the court of appeals; and he or they, if found guilty, shall be punished in the same manner, as is prescribed in the preceding clause.

Commissions and grants shall run "*In the name of the commonwealth of Virginia,*" and bear test by the governor, with the seal of the commonwealth annexed. Writs shall run in the same manner, and bear test by the clerks of the several courts. Indictments shall conclude, "*Against the peace and dignity of the commonwealth.*"

A treasurer shall be appointed annually, by joint ballot of both houses.

All escheats, penalties, and forfeitures, heretofore going to the king, shall go to the commonwealth, save only such as the legislature may abolish, or otherwise, provide for.

The territories, contained within the charters, erecting the colonies of Maryland, Pennsylvania, North and South-Carolina, are hereby ceded, released, and for ever confirmed, to the people of these colonies, respectively, with all the rights of property, jurisdiction and government, and all other rights whatsoever, which might, at any time heretofore, have been claimed by Virginia, except the free navigation and use of the rivers Patomaque and Pekomoke, with the property of the Virginia shores and strands, bordering on either of the said rivers, and all improvements, which have been, or shall be, made thereon. The western and northern extent of Virginia shall, in all other respects, stand, as fixed by the charter of king James I. in the year one thousand six hundred and nine, and by the public treaty of peace, between the courts of Britain and France, in the year one thousand seven hundred and sixty-three; unless by act of this legislature, one or more governments be established westward of the Alleghany mountains. And no purchases of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

*The CONSTITUTION, or form of government agreed to, and resolved upon, by the representatives, of the freemen of the state of North Carolina, elected and chosen for that particular purpose, in congress assembled, at Halifax, Dec. 18, 1776.*

#### A DECLARATION OF RIGHTS, &c.

I. **T**HAT all political power, is vested in, and derived from the people only.

II. That the people of this state ought to have the sole, and

ve right of regulating the internal government and police

That no man, or set of men are entitled to exclusive or  
te emoluments or privileges from the community, but in  
eration of public services.

That the legislative, executive, and supreme judicial pow-  
government, ought to be forever separate and distinct from  
other.

That all powers of suspending laws, or the execution of  
by any authority, without consent of the representatives  
people, is injurious to their rights, and ought not to be  
sed.

That elections of members, to serve as representatives in  
al assembly, ought to be free.

I. That, in all criminal prosecutions, every man has a right  
informed of the accusation against him, and to confront the  
ers and witnesses with other testimony, and shall not be com-  
to give evidence against himself.

II. That no freeman shall be put to answer any criminal  
e, but by indictment, presentment, or impeachment.

. That no freeman shall be convicted of any crime, but by  
unanimous verdict of a jury of good and lawful men, in open  
, as heretofore used.

That excessive bail should not be required, nor excessive  
imposed, nor cruel or unusual punishments inflicted.

. That general warrants—whereby an officer or messenger  
be commanded to search suspected places, without evidence  
the fact committed, or to seize any person or persons, not na-  
whose offences are not particularly, described, and support-  
evidence—are dangerous to liberty, and ought not to be  
ted.

II. That no freeman ought to be taken, imprisoned, or dis-  
d of his freehold, liberties, or privileges, or outlawed, or  
d, or in any manner destroyed, or deprived of his life, li-  
y, or property, but by the law of the land.

III. That every freeman, restrained of his liberty, is intitled  
remedy, to enquire into the lawfulness thereof, and to remove  
same, if unlawful; and that such remedy ought not to be de-  
or delayed.

IV. That in all controversies at law, respecting property, the  
ient mode of trial, by jury, is one of the best securities,  
the rights of the people, and ought to remain sacred and in-  
able.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore, ought never to be restrained.

XVI. That the people of this state ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in general assembly, freely given.

XVII. That the people have a right to bear arms, for the defence of the state; and as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

XVIII. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature, for redress of grievances.

XIX. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own conscience.

XX. That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That a frequent recurrence of fundamental principles is absolutely necessary, to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges or honours, ought to be granted or conferred in this state.

XXIII. That perpetuities, and monopolies are contrary to the genius of a free state, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts, committed before the existence of such laws, and, by them only, declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the state should be ascertained with precision: and as the former temporary line, between North and South Carolina, was confirmed, and extended by commissioners, appointed by the legislatures of the two states, agreeable to the order of the late king George II. in council, that line, and that only, should be esteemed the southern boundary of this state—that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of little river (being the southern extremity of Brunswick county), and running from thence a north-west course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude; and from thence a west course

is mentioned in the charter of king Charles II. to the proprietors of Carolina. Therefore all the territory, seas, and harbours, with their appurtenances, lying between above described, and the southern line of the state of a, which begins on the sea shore, in thirty-six degrees, minutes, north latitude, and from thence runs west, agree to the said charter of king Charles, are the right and profit of the people of this state, to be held by them in sovereignty; any partial line, without the consent of the legislature of this state, at any time thereafter directed, or laid out, in force, notwithstanding:—*Provided always*, That this declaration of right shall not prejudice any nation or nations of Indians from enjoying such hunting grounds, as may have been, hereafter shall be, secured to them, by any former or future legislature of this state:—*And provided also*, That it shall not be lawful, so as to prevent the establishment of one or more settlements, westward of this state, by consent of the legislature:—*And provided further*, That nothing, herein contained, shall affect the titles or possessions of individuals, holding or claiming under the laws heretofore in force, or grants heretofore made by the late king George III. or his predecessors, or the lords proprietors, or any of them.

### CONSTITUTION or FORM of GOVERNMENT, &c.

**WHEREAS** allegiance and protection are, in their nature, reciprocal, and the one, should of right be refused, when the other is withdrawn—

and whereas George the third, king of Great Britain, and sovereign of the British American colonies, hath not only withdrawn from them his protection, but, by an act of the British legislature, declared the inhabitants of these states out of the protection of the British crown, and all their property found on the high seas, liable to be seized, and confiscated to the use of the said king; and the said George the third, has sent fleets and armies, to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery; in consequence whereof, all government under the said king, within the said colonies, hath ceased, and a total dissolution of government, in many of them hath taken place.

and whereas the continental congress, having considered the

premises, and other previous violations of the rights of the good people of America, have therefore declared, that the thirteen united colonies are, of right, wholly absolved from all allegiance to the British crown, or any other foreign jurisdiction whatsoever; and that the said colonies now are, and forever shall be, free and independent states—

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary, that government should be established in this state; therefore, we, the representatives of the freemen of North Carolina, chosen and assembled in congress, for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government, for this state, shall be established, in manner and form following, *to wit*.

I. That the legislative authority shall be vested in two distinct branches, both dependent on the people, *to wit*, a *senate* and *house of commons*.

II. That the senate shall be composed of representatives, annually chosen by ballot, one for each county in the state.

III. That the house of commons shall be composed of representatives annually chosen by ballot, two for each county, and one for each of the towns of Edentown, Newbern, Wilmington, Salisbury, Hillsborough, and Halifax.

IV. That the senate and house of commons, assembled for the purpose of legislation, shall be denominated, *The general assembly*.

V. That each member of the senate shall have usually resided in the county, in which he is chosen, for one year, immediately preceding his election, and for the same time shall have possessed, and continue to possess, in the county, which he represents, not less than three hundred acres of land in fee.

VI. That each member of the house of commons shall have usually resided in the county, in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county, which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

VII. That all freemen, of the age of twenty-one years, who have been inhabitants of any one county within the state twelve months immediately preceding the day of any election, and possessed of a freehold, within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the senate.

VIII. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state, twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons, for the county, in which he resides.

IX. That all persons, possessed of a freehold, in any town in this state, having a right of representation, and also all freemen, who have been inhabitants of any such town, twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member, to represent such town, in the house of commons:—Provided always, that this section shall not entitle any inhabitant of such town to vote for members of the house of commons, for the county, in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

X. That the senate and house of commons, when met, shall each have power to choose a speaker, and other their officers; be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills, to be passed into laws. The two houses shall direct writs of election, for supplying intermediate vacancies; and shall also jointly, by ballot, adjourn themselves to any future day and place.

XI. That all bills shall be read three times in each house, before they pass into laws, and be signed by the speakers of both houses.

XII. That every person, who shall be chosen a member of the senate or house of commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the state; and all officers shall also take an oath of office.

XIII. That the general assembly shall, by joint ballot of both houses, appoint judges of the supreme courts of law and equity, judges of admiralty, and attorney-general, who shall be commissioned by the governor, and hold their offices during good behaviour.

XIV. That the senate and house of commons, shall have power to appoint the generals and field officers of the militia, and all officers of the regular army of this state.

XV. That the senate and house of commons, jointly, at their first meeting after each annual election, shall by ballot, elect a

governor for one year, who shall not be eligible to that office, longer than three years, in six successive years. That no person, under thirty years of age, and who has not been a resident in this state above five years, and having, in the state, a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as a governor.

XVI. That the senate and house of commons, jointly, at their first meeting, after each annual election, shall, by ballot, elect seven persons, to be a council of state for one year; who shall advise the governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present; to any part of which, any member present may enter his dissent. And such journal shall be laid before the general assembly when called for by them.

XVII. That there shall be a seal of this state, which shall be kept by the governor, and used by him, as occasion may require; and shall be called, *The great seal of the state of North Carolina*, and be affixed to all grants and commissions.

XVIII. The governor, for the time being, shall be captain-general, and commander in chief of the militia; and, in the recess of the general assembly, shall have power, by and with the advice of the council of state to embody the militia, for the public safety.

XIX. The governor, for the time being, shall have power to draw for, and apply such sums of money, as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the council of state, lay embargoes, or prohibit the exportation of any commodity, for any term, not exceeding thirty days, at any one time in the recess of the general assembly; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the general assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve, until the next sitting of the general assembly; and may exercise all the other executive powers of government, limited and restrained, as by this constitution is mentioned, and according to the laws of the state. And on his death, inability, or absence from the state, the speaker of the senate, for the time being—(and in case of his death, inability, or absence from the state, the speaker of the house of commons) shall exercise the powers of government, after such death, or during such absence or inability, of the governor (or speaker of the senate,) or until a new nomination is made by the general assembly.

XX. That in every case, where any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during their recess, die, or his office by other means become vacant, the governor shall have power, with the advice of the council of state, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the general assembly.

XXI. That the governor, judges of the supreme court of law and equity, judges of admiralty, and attorney-general, shall have adequate salaries, during their continuance in office.

XXII. That the general assembly shall, by joint ballot of both houses, annually appoint a treasurer or treasurers, for this state.

XXIII. That the governor, and other officers, offending against the state, by violating any part of this constitution, maladministration, or corruption, may be prosecuted, on the impeachment of the general assembly, or presentment of the grand jury of any court of supreme jurisdiction in this state.

XXIV. That the general assembly shall, by joint ballot of both houses, triennially appoint a secretary, for this state.

XXV. That no persons, who heretofore have been, or hereafter may be, receivers of public monies, shall have a seat in either house of general assembly, or be eligible to any office in this state until such person shall have fully accounted for, and paid into the treasury, all sums, for which they may be accountable and liable.

XXVI. That no treasurer shall have a seat, either in senate, house of commons, or council of state, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the monies, which may be in his hands, at the expiration of his office, belonging to the state, and hath paid the same into the hands of the succeeding treasurer.

XXVII. That no officer in the regular army or navy, in the service and pay of the united states, of this or any other state, nor any contractor or agent for supplying such army or navy with cloathing or provisions, shall have a seat either in the senate, house of commons, or council of state, or be eligible thereto; and any member of the senate, house of commons, or council of state, being appointed to, and accepting of such office, shall thereby vacate his seat.

XXVIII. That no member of the council of state shall have a seat, either in the senate, or house of commons.

XXIX. That no judge of the supreme court of law or equity, or judge of admiralty, shall have a seat in the senate, house of commons, or council of state.

XXX. That no secretary of this state, attorney-general or



clerk of any court of record, shall have a seat in the senate, house of commons, or council of state.

XXXI. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the senate, house of commons, or council of state, while he continues in the exercise of the pastoral function.

XXXII. That no person, who shall deny the being of God or the truth of the protestant religion, or the divine authority either of the old or new testaments, or who shall hold religious principles incompatible with the freedom and safety of the state, shall be capable of holding any office, or place of trust or profit, in the civil department, within this state.

XXXIII. That the justices of the peace, within their respective counties, in this state, shall in future be recommended to the governor for the time being, by the representatives in general assembly; and the governor shall commission them accordingly; and the justices, when so commissioned, shall hold their offices during good behaviour, and shall not be removed from office by the general assembly, unless for misbehaviour, absence, or inability.

XXXIV. That there shall be no establishment of one any religious church or denomination, in this state, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship, contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship:—*Provided*, That nothing, herein contained, shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

XXXV. That no person in the state shall hold more than one lucrative office, at any one time:—*Provided*, That no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

XXXVI. That all commissions and grants shall run in the name of the state of North Carolina, and bear test, and be signed by the governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective courts. Indictments shall conclude '*Against the peace and dignity of the state.*'

XXXVII. That the delegates for this state, to the continental

congress while necessary, shall be chosen annually by the general assembly, by ballot; but may be superseded, in the mean time, in the same manner; and no person shall be elected, to serve in that capacity, for more than three years successively.

XXXVIII. That there shall be a sheriff, coroner or coroners, and constables, in each county within this state.

XXXIX. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bona fide*, all his estate real and personal, for the use of his creditors, in such manner, as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great.

XL. That every foreigner, who comes to settle in this state, having first taken an oath of allegiance, to the same, may purchase, or, by other just means, acquire, hold, and transfer land, or other real estate; and after one year's residence, shall be deemed a free citizen.

XLI. That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged, and promoted, in one or more universities.

XLII. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

XLIII. That the future legislature of this state shall regulate imails, in such a manner, as to prevent perpetuities.

XLIV. That the declaration of rights is hereby declared to be part of the constitution of this state, and ought never to be violated, on any pretence whatsoever.

XLV. That any member of either house of general assembly shall have liberty to dissent from, and protest against any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

XLVI. That neither house of the general assembly shall proceed upon public business, unless a majority of all the members of such house are actually present: and that, upon a motion made and seconded, the yeas and nays, upon any question, shall be taken and entered on the journals: and that the journals of the proceedings of both houses of the general assembly, shall be printed, and made public, immediately after their adjournment.

This constitution is not intended to preclude the present congress from making a temporary provision, for the well ordering of this state, until the general assembly shall establish government, agreeable to the mode herein before described.

RICHARD CASWELL, PRESIDENT.

December the eighteenth, one thousand seven hundred and seventy-six, read the third time, and ratified in open congress. By order,

JAMES GREEN, jun. secretary.



## THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA.

**W**E, the delegates of the people of the state of South Carolina in general convention met, do ordain and establish this constitution for its government.

### ARTICLE I.

*Section I.* The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The house of representatives shall be composed of members, chosen by ballot, every second year, by the citizens of this state, qualified, as, in this constitution, is provided.

III. The several election districts, in this state, shall elect the following number, for representatives, viz.

Charleston, (including St. Philip and St. Michael,)	Fifteen members
Christ church,	Three members
St. John, Berkley,	Three members
St. Andrew,	Three members
St. George, Dorchester,	Three members
St. James, Goose creek,	Three members
St. Thomas and St. Dennis,	Three members
St. Paul,	Three members
St. Bartholomew,	Three members
St. James, Santee,	Three members
St. John, Colleton,	Three members
St. Stephen,	Three members
St. Helena,	Three members
St. Luke,	Three members
Prince William,	Three members
St. Peter,	Three members
All Saints, (including its ancient boundaries).	One member

Law (not including any part of All Saints)	Three members
gton, (not including any part of All Saints)	Two members
amsburgh,	Two members
rty,	Two members
lborough,	Two members
terfield,	Two members
lington,	Two members
k,	Three members
ster,	Two members
rfield,	Two members
hland,	Two members
ncaster,	Two members
rshaw,	Two members
aremont,	Two members
arendon,	Two members
bbeville,	Three members
lgefield,	Three members
ewbury, (including the fork between Broad and Saluda rivers,)	Three members
aurens,	Three members
nion,	Two members
partan,	Two members
Greenville,	Two members
Pendleton,	Three members
St. Matthew,	Two members
Orange,	Two members
Winton, (including the district between Savannah river and the north fork of Edisto,)	Three members
Saxe Gotha,	Three members

IV. Every free white man, of the age of twenty-one years, being a citizen of this state, and having resided therein two years, previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seised and possessed, at least six months before such election, or, (not having such freehold or town lot) hath been a resident in the election district, in which he offers to give his vote, six months before the said election, and hath paid a tax, the preceding year, of three shillings sterling, towards the support of this government, shall have a right to vote for a member or members, to serve in either branch of the legislature, for the election district, in which he holds such property, or is so resident.

V. The returning officer, or any other person present, entitled to vote, may require any person, who shall offer his vote

at an election, to produce a certificate of his citizenship, and a receipt from the tax collector, of his having paid a tax, entitling him to vote, or to swear or affirm, that he is duly qualified to vote, agreeably to this constitution.

VI. No person shall be eligible to a seat in the house of representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this state, three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the house of representatives, unless he be legally seized and possessed, in his own right, of a settled freehold estate, of five hundred acres of land, and ten negroes; or of a real estate, of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

VII. The senate shall be composed of members, to be chosen for four years, in the following proportions, by the citizens of this state, qualified to elect members to the house of representatives, at the same time, in the same manner, and at the same places, where they shall vote for representatives, viz.

Charleston, (including St. Philip and St. Michael)	Two members
Christ church,	One member
St. John, Berkley,	One member
St. Andrew,	One member
St George,	One member
St. James, Goose creek,	One member
St. Thomas and St. Dennis,	One member
St Paul,	One member
St. Bartholomew,	One member
St. James, Santee,	One member
St. John Colleton,	One member
St. Stephen,	One member
St. Helena,	One member
St. Luke,	One member
Prince William,	One member
St. Peter,	One member
All Saints,	One member
Winyaw and Williamsburgh,	One member
Liberty and Kingston,	One member
Marlborough, Chesterfield, and Darlington,	Two members
York,	One member
Fairfield, Richland, and Chester,	One member
Lancaster and Kershaw,	One member

Claremont and Clarendon,	One member
Abbeville,	One member
Edgefield,	One member
Newbury, (including the fork between Broad and Saluda rivers,)	One member
Laurens,	One member
Union,	One member
Spartan,	One member
Greenville,	One member
Pendleton,	One member
St. Matthew and Orange,	One member
Winton, (including the district between Savannah river and the north fork of Edisto,)	One member
Saxe Gotha,	One member

VIII. No person shall be eligible to a seat in the senate, unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this state, five years, previous to his election. If a resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate, of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible, unless he be legally seized and possessed, in his own right, of a settled freehold estate in the said district of the value of one thousand pounds sterling, clear of debt.

IX. Immediately after the senators shall be assembled, in consequence of the first election, they shall be divided, by lot into two classes. The seats of the senators of the first class shall be vacated, at the expiration of the second year, and of the second class at the expiration of the fourth year; so that one half thereof, as near as possible may be chosen, forever thereafter, every second year, for the term of four years.

X. Senators, and members of the house of representatives, shall be chosen, on the second Monday in October next, and the day following, and on the same days, in every second year thereafter, in such manner and at such times, as are herein directed:—and shall meet, on the fourth Monday in November, annually at Columbia (which shall remain the seat of government, until otherwise determined, by the concurrence of two-thirds of both branches of the whole representation) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the governor, or commander in chief, for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

XI. Each house shall judge of the elections, returns, and qualifications of its own members; and a majority of each house shall constitute a quorum, to do business: but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner, and under such penalties, as may be provided by law.

XII. Each house shall choose, by ballot, its own officers, determine its rules of proceeding, punish its members for disorderly behaviour, and (with the concurrence of two-thirds) expel a member, but not a second time, for the same cause.

XIII. Each house may punish, by imprisonment, during sitting, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in its presence—or who, during the time of its sitting, shall threaten harm to the body or estate of any member, for any thing said or done in either house—or who shall assault any of them therefore—or who shall assault or arrest any witness, or other person, ordered to attend the house, in his going to, or returning therefrom—or who shall rescue any person, arrested by order of the house.

XIV. The members of both houses shall be protected, in their persons and estates, during their attendance on, going to, and returning from, the legislature, and ten days, previous to their sitting, and ten days, after the adjournment of the legislature. But these privileges shall not be extended, so as to protect any member, who shall be charged with treason, felony, or breach of the peace.

XV. Bills, for raising a revenue, shall originate in the house of representatives, but may be altered, amended, or rejected by the senate.

All other bills may originate in either house, and may be amended, altered, or rejected by the other.

XVI. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each house, has had the great seal affixed to it, and has been signed in the senate house, by the president of the senate, and speaker of the house of representatives.

XVII. No money shall be drawn out of the public treasury, but by the legislative authority of the state.

XVIII. The members of the legislature, who shall assemble under this constitution, shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum, not exceeding seven shillings sterling a day, during their attendance on, going to, and returning from the legislature; but the same may

be increased or diminished by law, if circumstances shall require: but no alterations shall be made by any legislature, to take effect during the existence of the legislature, which shall make such alteration.

**XIX.** Neither house shall, during their session, without the consent of the other, adjourn for more than three days, nor to any other place, than that, in which the two houses shall be sitting.

**XX.** No bill or ordinance, which shall have been rejected by either house, shall be brought in again during the sitting, without leave of the house, and notice of six days being previously given.

**XXI.** No person shall be eligible to a seat in the legislature, whilst he holds any office of profit or trust, under this state, the united states, or either of them, or under any other power—except officers in the militia, army, or navy, of this state, justices of the peace, or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this state, the united states, or either of them, or the agents of such contractor, be eligible to a seat in either house. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

**XXII.** If any election district, shall neglect to choose a member or members, on the days of election, or if any person chosen a member of either house, should refuse to qualify and take his seat, or should die, depart the state, or accept of any disqualifying office, a writ of election shall be issued by the president of the senate, or speaker of the house of representatives, (as the case may be) for the purpose of filling up the vacancy, thereby occasioned, for the remainder of the term, for which the person, so refusing to qualify, dying, departing the state, or accepting a disqualifying office, was elected to serve.

**XXIII.** And whereas the ministers of the gospel are, by their profession dedicated to the service of God, and the cure of souls, and ought not to be diverted from the great duties of their function, therefore no minister of the gospel, or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of governor, lieutenant governor, or to a seat in the senate, or house of representatives.

## ARTICLE II.

**I.** The executive authority of this state shall be invested in a



governor, to be chosen in manner following: as soon as may be, after the first meeting of the senate and house of representatives, and at every first meeting of the house of representatives thereafter, when a majority of both houses shall be present, the senate and house of representatives, shall, jointly, in the house of representatives choose, by ballot, a governor, to continue for two years, and until a new election shall be made.

II. No person shall be eligible to the office of governor, unless he hath attained the age of thirty years, and hath resided within this state, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

No person having served two years as governor, shall be re-eligible to that office, till after the expiration of four years.

No person shall hold the office of governor, and any other office, or commission, civil or military (except in the militia) either in this state, or under any state, or the united states, or any other power, at one and the same time.

III. A lieutenant governor shall be chosen, at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications, as the governor.

IV. A member of the senate or house of representatives, being chosen, and acting, as governor or lieutenant-governor, shall vacate his seat, and another person shall be elected in his stead.

V. In case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall succeed to his office. And in case of the impeachment of the lieutenant-governor, or his removal from office, death, resignation, or absence from the state, the president of the senate shall succeed to his office, till a nomination, to those offices respectively, shall be made by the senate, and house of representatives, for the remainder of the time, for which the officer, so impeached, removed from office, dying, resigning, or being absent, was elected.

VI. The governor shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the actual service of the united states.

VII. He shall have power to grant reprieves and pardons, after conviction (except in cases of impeachment) in such manner, on such terms, and under such restrictions, as he shall think proper; and he shall have power to remit fines and forfeitures unless otherwise directed by law.

VIII. He shall take care, that the laws be faithfully executed in mercy.

**IX.** He shall have power to prohibit the exportation of provision, for any time, not exceeding thirty days.

**X.** He shall, at stated times, receive, for his services, a compensation, which shall neither be increased or diminished, during the period, for which he shall been elected.

**XI.** All officers in the executive department, when required by the governor, shall give him information in writing, upon any subject, relating to the duties of their respective offices.

**XII.** The governor shall, from time to time, give to the general assembly information of the condition of the state, and recommended to their consideration such measures, as he shall judge necessary or expedient.

**XIII.** He may, on extraordinary occasions convene the general assembly, and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the fourth Monday, in the month of November, then ensuing.

#### A R T I C L E III.

**I.** The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

The judges of each shall hold their commissions during good behaviour; and judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office; but they shall receive no fees, or perquisites of office, nor hold any other office of profit or trust, under this state, the united states, or any other power.

**II.** The style of all processes shall be, "the state of South-Carolina."—All prosecutions shall be carried on in the name, and by the authority of the state of South Carolina, and conclude—"against the peace and dignity of the same."

#### A R T I C L E IV.

All persons, who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath. "I do swear, [or affirm,] that I am duly qualified, according to the constitution of this state, to exercise the office, to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the constitution of this state, and of the united states."

#### A R T I C L E V.

**I.** The house of representatives shall have the sole power of

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impeaching ; but no impeachment shall be made, unless with the concurrence of two-thirds of the house of representatives.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be on oath, or affirmation ; and no person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor, lieutenant-governor, and all the civil officers, shall be liable to impeachment, for any misdemeanor in office ; but judgment in such cases, shall not extend further, than to the removal from office, and disqualification to hold any office of honour, trust, or profit, under this state.—The party convicted shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

#### A R T I C L E VI.

I. The judges of the superior courts, commissioners of the treasury, secretary of the state, and surveyor-general, shall be elected, by the joint ballot of both houses, in the house of representatives. The commissioners of the treasury, secretary of this state, and surveyor-general, shall hold their offices for four years : but shall not be eligible again for four years, after the expiration of the time, for which they shall have been elected.

II. All other officers shall be appointed, as they hitherto have been, until otherwise directed by law ; but sheriffs shall hold their offices for four years, and not be again eligible, for four years, after the term, for which they shall have been elected.

III. All commissions shall be in the name, and by the authority of the state of South Carolina, and be sealed with the seal of the state, and be signed by the governor.

#### A R T I C L E VII.

All laws, of force in this state, at the passing of this constitution, shall so continue, until altered or repealed by the legislature, except where they are temporary, in which case they shall expire, at the times respectively limited for their duration, if not continued by act of the legislature.

#### A R T I C L E VIII.

I. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall, for ever hereafter, be allowed, within this state, to all mankind ; provided that the liberty of conscience, thereby declared shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

II. The rights, privileges, immunities and estates of both ci-

vil and religious societies, and of corporate bodies, shall remain as if the constitution of this state had not been altered or amended.

#### ARTICLE IX.

I. All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness.

II. No freeman of this state, shall be taken, or imprisoned, or disseised of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land; nor shall any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, ever be passed by the legislature of this state.

III. The military shall be subordinate to the civil power.

IV. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

V. The legislature shall not grant any title of nobility, or hereditary distinction, nor create any office, the appointment to which shall be for any longer time, than during good behaviour.

VI. The trial by jury, as heretofore used in this state, and the liberty of the press, shall be forever inviolably preserved.

#### ARTICLE X.

I. The business of the treasury shall be, in future conducted by two treasurers, one of whom shall hold his office, and reside, at Columbia; the other shall hold his office, and reside in Charleston.

II. The secretary of state, and surveyor-general, shall hold their offices both in Columbia and in Charleston. They shall reside at one place, and their deputies at the other.

III. At the conclusion of the circuits, the judges shall meet and sit at Columbia, for the purpose of hearing and determining all motions, which may be made for new trials, and in arrest of judgments, and such points of law, as may be submitted to them. From Columbia, they shall proceed to Charleston, and there hear and determine all such motions for new trials, and in arrest of judgment, and such points of law, as may be submitted to them.

IV. The governor shall always reside, during the sitting of the legislature, at the place, where their session may be held; and, at all other times, wherever, in his opinion, the public good may require.

V. The legislature shall, as soon as may be convenient, pass laws, for the abolition of the rights of primogeniture, and for giving an equitable distribution of the real estate of intestates.

## A R T I C L E X I.

No convention of the people shall be called, unless by the concurrence of two thirds of both branches of the whole representation.

No part of this constitution shall be altered, unless a bill, to alter the same, shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place, until the bill, so agreed to, be published three months, previous to a new election for members to the house of representatives; and if the alteration, proposed by the legislature, shall be agreed to, in their first session, by two-thirds of the whole representation in both branches of the legislature, after the same shall have been read three times, or three several days, in each house, then, and not otherwise, the same shall become a part of the constitution.

Done in convention, at Columbia, in the state of South Carolina, the third day of June, in the year of our Lord, 1790, and in the fourteenth year of the independence of the united States of America.

By the unanimous order of the convention,  
CHARLES PINCKNEY, president.



## THE CONSTITUTION OF THE STATE OF GEORGIA.

WE, the underwritten delegates from the people, in convention met, do declare, that the following articles shall form the constitution for the government of this state, and, by virtue of the powers in us vested for that purpose, do hereby ratify and confirm the same.

## A R T I C L E I.

I. The legislative power shall be vested in two separate and distinct branches, to wit: a senate and house of representatives, to be styled, "The general assembly."

II. The senate shall be elected on the first Monday in October in every third year, until such day of election be altered by law; and shall be composed of one member from each county, chosen by the electors thereof, and shall continue for the term of three years.

III. No person shall be a member of the senate, who shall not have attained to the age of twenty-eight years, and who

shall not have been nine years an inhabitant of the united states, and three years a citizen of this state : and shall be an inhabitant of that county for which he shall be elected, and have resided therein six months immediately preceding his election, and shall be possessed in his own right of two hundred and fifty acres of land, or some property to the amount of two hundred and fifty pounds.

IV. The senate shall elect, by ballot, a president out of their own body.

V. The senate shall have solely the power to try all impeachments.

VI. The election of members for the house of representatives shall be annual, on the first Monday in October, until such day of election be altered by law, and shall be composed of members from each county, in the following proportions : Camden, two ; Glynn, two ; Liberty, four ; Chatham, five ; Effingham, two ; Burke, four ; Richmond, four ; Wilkes, five ; Washington, two ; Green, two ; and Franklin two.

VII. No person shall be a member of the house of representatives, who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the united states, and two years an inhabitant of this state ; and shall be an inhabitant of that county for which he shall be elected, and have resided therein three months immediately preceding his election ; and shall be possessed, in his own right, of two hundred acres of land, or other property to the amount of one hundred and fifty pounds.

VIII. The house of representatives shall choose their speaker and other officers.

IX. They shall have solely the power to impeach all persons who have been or may be in office.

X. No person, holding a military commission, or office of profit, under this or the united states, or either of them, (except justices of the peace and officers of the militia) shall be allowed to take his seat as a member of either branch of the general assembly : nor shall any senator or representative be elected to any office of profit which shall be created during his appointment.

XI. The meeting of the general assembly shall be annual, on the first Monday in November, until such day of meeting be altered by law.

XII. One-third of the members of each branch shall have power to proceed to business : but a smaller number may adjourn from day to day, and compel the attendance of their members in such manner as each house may prescribe.

XIII. Each house shall be judges of the elections, returns, and qualifications, of its own members; with powers to expel or punish for disorderly behaviour.

XIV. No senator or representative shall be liable to be arrested during his attendance on the general assembly, or for a reasonable time in going thereto or returning home, except it be for treason, felony, or breach of the peace: nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere.

XV. The members of the senate and house of representatives shall take the following oath or affirmation: "I, *A. B.* do solemnly swear, (or affirm, as the case may be) that I have not obtained my election by bribery or other unlawful means; and, that I will give my vote, on all questions that may come before me, as a senator, or representative, in such manner, as, in my judgment, will best promote the good of this state; and that I shall bear true faith and allegiance to the same, and, to the utmost of my power, observe, support, and defend, the constitution thereof."

XVI. The general assembly shall have power to make all laws and ordinances which they shall deem necessary and proper for the good of the state, which shall not be repugnant to this constitution.

XVII. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off, as out of the other territory belonging to the state. When a new county or counties shall be laid off, out of any of the present county or counties, such new county or counties shall have their representation apportioned out of the number of the representatives of the county or counties out of which, it or they shall be laid out: and when any new county shall be laid off in the vacant territory belonging to the state, such county shall have a number of representatives, not exceeding three, to be regulated and determined by the general assembly. And no money shall be drawn out of the treasury, or from the public funds of this state, except by appropriations made by law.

XVIII. No clergyman of any denomination shall be a member of the general assembly.

## A R T I C L E II.

I. The executive power shall be vested in a governor, who shall hold his office during the term of two years, and shall be elected in the following manner:

II. The house of representatives shall, on the second day of their making a house, in the first, and, in every second year thereafter, vote by ballot for three persons; and shall make a list, containing the names of the persons voted for, and of the number of votes for each person, which list the speaker shall sign in the presence of the house; and deliver it in person to the senate: and the senate shall, on the same day, proceed by ballot, to elect one of the three persons having the highest number of votes: and the person having a majority of the votes of the senators present shall be the governor.

III. No person shall be eligible to the office of governor, who shall not have been a citizen of the united states twelve years, and an inhabitant of this state six years, and who hath not attained to the age of thirty years, and who does not possess five hundred acres of land, in his own right, within this state, and other species of property to the amount of one thousand pounds sterling.

IV. In case of death, resignation, or disability of the governor, the president of the senate, shall exercise the executive powers of government, until such disability be removed, or until the next meeting of the general assembly.

V. The governor shall, at stated times, receive for his service, a compensation which shall neither be increased nor diminished during the period for which he shall be elected; neither shall he receive, within that period, any other emolument from the united states, or any of them, or from any foreign power. Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be) that I will faithfully execute the office of governor of the state of Georgia, and will, to the best of my abilities, preserve, protect, and defend the said state, and cause justice to be executed with mercy therein, according to the constitution and laws of the same.

VI. He shall be commander in chief, in and over the state of Georgia and of the militia thereof.

VII. He shall have powers to grant reprieves for offences against the state, except in cases of impeachment, and to grant pardons, in all cases after conviction, except for treason or murder, in which cases he may respite the execution, and make a report thereof to the next general assembly, by whom a pardon may be granted.

VIII. He shall issue writs of election to fill up all vacancies that happen in the senate or house of representatives, and shall have



power to convene the general assembly on extraordinary occasions, and shall give them, from time to time, information of the state of the republic, and recommend to their consideration such measures as he may deem necessary and expedient.

IX. In case of disagreement between the senate and house of representatives, with respect to the time to which the general assembly shall adjourn, he may adjourn them to such time as he may think proper.

X. He shall have the revision of all bills passed by both houses, before the same shall become laws: but two-thirds of both houses may pass a law, notwithstanding his dissent, and, if any bill should not be returned by the governor, within five days after it hath been presented to him, the same shall be a law, unless the general assembly, by their adjournment, shall prevent its return.

XI. The great seal of the state shall be deposited in the office of the secretary, and it shall not be affixed to any instrument of writing without it be by order of the governor, or general assembly: and the general assembly may direct the great seal to be altered.

### A R T I C L E III.

I. A superior court shall be held in each county twice in every year, in which shall be tried, and brought to final decision, all causes, civil and criminal, except such as may be subject to a federal court, and such as may, by law, be referred to inferior jurisdiction.

II. The general assembly shall point out the modes of correcting errors and appeals, which shall extend so far as to empower the judges to direct a new trial by jury within the county where the action originated, and which shall be final.

III. Courts merchant shall be held as heretofore, subject to such regulations as the general assembly may by law direct.

IV. All causes shall be tried in the county where the defendant resides, except in cases of real estate, which shall be tried in the county where such estate lies, and in criminal cases, which shall be tried in the county where the crime shall be committed.

V. The judges of the supreme court and attorney-general shall have a competent salary established by law, which shall not be increased nor diminished during their continuance in office, and shall hold their commission during the term of three years.

### A R T I C L E IV.

I. The electors of the members of both branches of the gene-

ral assembly shall be citizens and inhabitants of this state, and shall have attained to the age of twenty-one years, and have paid tax for the year preceding the election, and shall have resided six months within the county.

II. All elections shall be by ballot, and the house of representatives, in all appointments of state officers, shall vote for three persons; and a list of the three persons having the highest number of votes, shall be signed by the speaker, and sent to the senate, which shall from such list determine, by a majority of their votes, the officer elected, except militia officers and the secretaries of the governor, who shall be appointed by the governor alone, under such regulations and restrictions as the general assembly may prescribe. The general assembly may vest the appointment of inferior officers in the governor, the courts of justice, or in such other manner as they may by law establish.

III. Freedom of the press, and trial by jury shall remain inviolate.

IV. All persons shall be entitled to the benefit of the writ *Habeas Corpus*.

V. All persons shall have the free exercise of religion, without being obliged to contribute to the support of any religious profession but their own.

VI. Estates shall not be entailed; and when a person dies intestate, leaving a wife and children, the wife shall have a child's share, or her dower, at her option; if there be no wife, the estate shall be equally divided among the children and their legal representatives of the first degree. The distribution of all other intestate estates may be regulated by law.

VII. At the general election for members of assembly, in the year one thousand seven hundred and ninety-four, the electors in each county shall elect three persons to represent them in a convention, for the purpose of taking into consideration the alterations necessary to be made in this constitution, who shall meet at such time and place as the general assembly may appoint: and if two-thirds of the whole number shall meet and concur, they shall proceed to agree on such alterations and amendments, as they may think proper. Provided, that after two-thirds shall have concurred to proceed to alterations and amendments, a majority shall determine on the particulars of such alterations and amendments.

VIII. This constitution shall take effect, and be in full force, on the first Monday in October next, after the adoption of the same; and the executive shall be authorized to alter the time for the sitting of the superior courts, so that the same may not in-

interfere with the annual elections in the respective counties, or the meeting of the first general assembly.

Done at Augusta, in convention, the sixth day of May, in the year of our Lord, one thousand seven hundred and eighty-nine, and in the year of the sovereignty and independence of the united states, the thirteenth.

WM. GIBBONS, president and delegate from Chatham.	
Asa Emanuel, Juitus H. Scheuber,	Chatham.
Benjamin Lamer, John Green, N. Brownson,	Effingham.
David Emanuel, Hugh Lawson, William Little,	Burke.
Abr. Marshal, W. F. Booker, Leonard Marbury,	Richmond.
John Talbot, Jeremiah Walker,	Wilkes.
Lauchlan M <sup>c</sup> Intosh,	Liberty.
Alexander Bisset,	Glynn.
Jared Irwin, John Watts, Joshua Williams,	Washington.
Middleton Woods,	Franklin.
Joseph Carmichael, Henry Karr,	Greene.
Attest.	D. LONGSTREET, sec <sup>y</sup> .

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## THE CONSTITUTION OF VERMONT.

**W**HEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals, who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man : and whenever those great ends of government are not obtained the people have a right, by common consent, to change it, and take such measures as to them may appear necessary, to promote their safety and happiness.

And whereas the inhabitants of this state have (in consideration of protection only) heretofore acknowledged allegiance to the king of Great Britain : and the said king has not only withdrawn that protection, but commenced and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them ; employing therein not only the troops of Great Britain, but foreign mercénaries, savages, and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many more acts of tyranny, (more fully set forth in the declaration of congress) whereby all allegiance and fealty to the said king and his successors, are dissolved and at an end ; and all power and authority derived from him ceased in the American colonies.

And whereas the territory, which now comprehends the state of Vermont, did antecedently of right belong to the government of New Hampshire, and the former governor thereof, viz. his excellency Benning Wentworth, esq. granted many charters of grants and corporations within this state to the present inhabitants and others. And whereas the late lieutenant-governor Colden, of New York, with others, did, in violation of the tenth commandment, take those very lands: and by a false representation, made to the Court of Great Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government) obtained jurisdiction of those very identical lands, ex parte, which ever was and is disagreeable to the inhabitants. And whereas the legislature of New York ever have, and still continue to disown the said people of this state, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present constitution, in which is established the grants of land made by that government.

They have refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of 1000 dollars fees for each township; and did enhance the quit-rent three-fold, and demanded an immediate delivery of the title derived from New Hampshire.

The judges of their supreme court have made a solemn declaration, that the charters, conveyances, &c. of the lands included in the before described premises, were utterly null and void, on which said title was founded. In consequence of which declaration, writs of possession have been by them issued, and the sheriff of the county of Albany sent at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds fine, and six months imprisonment, on any person who should refuse assisting the sheriff, after being requested, for the purpose of executing writs of possession.

The governors Dunmore, Tryon, and Colden, have made re-grants of several tracts of land included in the premises, to certain favourite land jobbers in the government of New York, in direct violation of his Britannic majesty's express prohibition, in the year 1767.

They have issued proclamations, wherein they have offered large sums of money for the purpose of apprehending those very persons, who have dared boldly and publicly to appear in defence of their just rights.

They did pass twelve acts of outlawry on the ninth day of March, A. D. 1774, empowering the respective judges of their supreme court to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have and still continue an unjust claim to those lands, which greatly retards emigration into any settlement of this state.

They have hired foreign troops, emigrants from Scotland, at two different times, and armed them to drive us out of possession.

They have sent the savages on our frontiers to distress us.

They have proceeded to erect the counties of Cumberland and Gloucester, and establish courts of justice there, after they were discountenanced by the authority of Great Britain.

The free convention of the state of New York, at Harlem, in the year 1776, unanimously voted, "that all quit-rents, formerly due to the king of Great Britain, are now due, and owing to this convention, or such future government as shall be hereafter established in this state."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic majesty in the most humble manner for redress, and have at very great expence, received several reports in our favour: and in other instances, wherein we have petitioned the late legislative authority of New York, those petitions have been treated with neglect. And whereas, the local situation of this state from New York, which, at the extreme part, is upward of four hundred and fifty miles from the seat of that government, renders it extreme difficult to continue under the jurisdiction of said state.

Therefore it is absolutely necessary, for the welfare and safety of the inhabitants of this state, that it should be henceforth a free and independent state, and that a just, permanent, and proper form of government should exist in it, derived from and founded on the authority of the people only, agreeable to the direction of the honourable American congress.

We the representatives of the freemen of Vermont, in general convention met, for the express purpose of forming such a government—confessing the goodness of the great governor of the universe (who alone knows to what degree of earthly happiness mankind may attain by perfecting the arts of government) in permitting the people of this state, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best, for governing their future society

d being fully convinced, that it is our indispensable duty to establish such original principles of government as will best promote the general happiness of the people of this state, and their prosperity, and provide for future improvements, without partiality, or prejudice against, any particular class, sect, or denomination of men whatever—do, by virtue of authority vested in us by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the constitution of this commonwealth, and to remain in force forever unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall, by the same authority of the people, fairly delegated, in the frame of government directed, be amended or improved, for the more effectual obtaining and securing the great end and design of a free government, herein before mentioned.

## CHAPTER I.

*Declaration of the rights of the inhabitants of the state of Vermont.*

**T**HAT all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; among which are, the enjoying and defending life and liberty—acquiring, possessing, and protecting property—and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be helden in slavery to serve any person, as a servant, slave, or apprentice, after he arrives to the age of twenty-one years; nor female, in like manner, after she arrives to the age of eighteen years; unless they have bound by their own consent after they arrive to such age; or be sold by law for the payment of debts, damages, fines, costs, or other legal dues.

That private property ought to be subservient to public use when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

I. That all men have a natural and unalienable right, to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man be justly de-

priv'd or abridg'd of any civil right as a citizen, on account of his religious sentiments; or peculiar mode of religious worship; and that no authority can, or ought to be vested in, or assumed by, any power whatsoever, that shall in any case interfere with, or in any manner controul, the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

IV. Every person within this commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly, and without delay; conformably to the laws.

V. That the people of this state, by their legal representatives, have the sole, exclusive, and inherent right, of governing and regulating the internal police of the same.

VI. That all power being originally inherent in, and consequently derived from, the people—therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

VII. That government is, or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community: and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judg'd most conducive to the public weal.

VIII. That those, who are employed in the legislative and executive business of the state, may be restrained from oppression, the people have a right, by their legal representatives, to enact laws for reducing their public officers to a private station, and for supplying their vacancies in a constitutional manner, by regular elections, at such periods as they may think proper.

IX. That all elections ought to be free and without corruption; and that all freemen, having a sufficient evident common interest with, and attachment to, the community, have a right to elect officers, and be elected into office.

X. That every member of society hath a right to be protected in the enjoyment of life, liberty, and property; and therefore is bound to contribute his proportion towards the expence of that

protection, and yield his personal service, when necessary, or an equivalent thereto : but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of the representative body of the freemen ; nor can any man, who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent : nor are the people bound by any law, but such as they have in like manner assented to, for their common good. And previous to any law being made, to raise a tax, the purpose, for which it is to be raised, ought to appear evident to the legislature, to be of more service to the community, than the money would be, if not collected.

XI. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel—to demand the cause and nature of his accusation—to be confronted with the witnesses—to call for evidence in his favour, and a speedy public trial by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty—nor can he be compelled to give evidence against himself—nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

XII. That the people have a right to hold themselves, their houses, papers and possessions, free from search or seizure : and therefore warrants, without oaths or affirmations first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

XIII. That no warrant or writ to attach the person or estate of any freeholder within this state, shall be issued in civil action, without the person or persons, who may request such warrant or attachment, first make oath, or affirm before the authority who is requested to issue the same, that he or they are in danger of losing his, her, or their debts.

XIV. That when an issue in fact, proper for the cognizance of a jury, is joined in a court of law, the parties have a right to a trial by jury ; which ought to be held sacred.

XV. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government—and therefore the freedom of the press ought to be restrained.

XVI. The freedom of deliberation, speech, and debate, in the



legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XVII. The power of suspending laws, or the execution of laws, ought never to be exercised, but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

XVIII. That the people have a right to bear arms, for the defence of themselves and the state :—and as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up ; and that the military should be kept under strict subordination to, and governed by the civil power.

XIX. That no person in this commonwealth can, in any case, be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army, and the militia in actual service.

XX. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free : the people ought therefore to pay particular attention to these points, in the choice of officers and representatives ; and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws, as are necessary for the good government of the state.

XXI. That all people have a natural and inherent right to emigrate from one state to another, that will receive them ; or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote their own happiness.

XXII. That the people have a right to assemble together, to consult for their common good—to instruct their representatives—and to apply to the legislature for redress of grievances, by address, petition, or remonstrance.

XXIII. That no person shall be liable to be transported out of this state, for trial for any offence committed within the same.

## C H A P T E R II.

### PLAN OR FRAME OF GOVERNMENT.

SECT. I. **T**HE commonwealth, or state, of Vermont, shall be governed hereafter, by a governor, (or lieutenant-governor) council, and an assembly of the representa-

tives of the freemen of the same, in manner and form following :

II. The supreme legislative power shall be vested in a house of representatives of the freemen, or commonwealth, or state, of Vermont.

III. The supreme executive power shall be vested in a governor, (or, in his absence, a lieutenant-governor) and council.

IV. Courts of justice shall be maintained in every county in this state, and also in new counties when formed; which courts shall be open for the trial of all causes proper for their cognizance, and justice shall be therein impartially administered, without corruption, or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state: and the several judges of the county courts, in their respective counties, by virtue of their offices, (except in the trial of such causes as may be appealed to the county court.)

V. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth. Provided they do not constitute themselves the judges of the said court.

VI. The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

VII. In order that the freemen of this state may enjoy the benefit of election, as equally as may be, each town within this state, that consists, or may consist, of eighty taxable inhabitants, within one septenary or seven years next after the establishing of this constitution, may hold elections therein, and choose each one representative: and each other inhabited town in this state, may, in like manner, choose each one representative, to represent the same in general assembly, during the said septenary or seven years: and after that, each inhabited town may, in like manner, hold such election, and choose each one representative forever after.

II. The house of representatives, of the freemen of this state, shall consist of persons most noted for wisdom and virtue, chosen by ballot, by the freemen of every town in this state, respectively, on the first Tuesday of September annually, at the following times and places, to-wit:

The representatives, so chosen, (a majority of whom shall constitute a quorum for transacting any other business than the levying of a state tax, for which two-thirds of the members elected

shall be present) shall meet on the second Thursday of the succeeding October, and shall be styled, *The general assembly of the state of Vermont*: they shall have power to choose their speaker, secretary of the state, their clerk and other necessary officers of the house—sit on their own adjournments—prepare bills, and enact them into laws—judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election: they may administer oaths, or affirmations, in matters depending before them—redress grievances—impeach state criminals—grant charters of incorporation—constitute towns, boroughs, cities, and counties: they may annually, in their first session after their election, and at other times, when vacancies happen, choose delegates to congress: and shall also, in conjunction with the council, annually, (or oftener if need be) elect judges of the supreme and several county and probate courts, sheriffs, and justices of the peace: and also, with the council, may elect major-generals and brigadier-generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the legislature of a free and sovereign state: but they shall have no power to add to, alter, abolish, or infringe, any part of this constitution.

X. The supreme executive council of this state, shall consist of a governor, lieutenant-governor, and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of election for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written, to the constable, who shall seal them up, and write on them, *Votes for the Governor*, and deliver them to the representative chosen to attend the general assembly: and at the opening of the general assembly, there shall be a committee appointed out of the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the governor, and declare the person who has the major part of the votes, to be governor for the year ensuing. And if there be no choice made, then the council and general assembly, by their joint ballot, shall make choice of a governor.

The lieutenant-governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve councillors, in the same manner: and the twelve highest in nomination shall serve for the ensuing year as councillors.

XI. The governor, and, in his absence, the lieutenant-governor, with the council, (a major part of whom, including the governor or lieutenant-governor, shall be a quorum to transact business) shall have power to commissionate all officers—and also to appoint officers, except where provision is or shall be otherwise made by law, or this frame of government; and shall supply every vacancy in any office occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution. They are to correspond with other states—transact business with officers of government, civil and military, and to prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the judges of the supreme court—and shall have power to grant pardons, and remit fines in all cases whatsoever, except in treason and murder, in which they shall have power to grant reprieves, but not to pardon, until after the end of the next session of assembly—and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation. They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the general assembly: and they may draw upon the treasurer for such sums as may be appropriated by the house of representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only: they may grant such licenses as shall be directed by law, and shall have power to call together the general assembly, when necessary, before the day to which they shall stand adjourned. The governor shall be captain-general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only as long as they shall approve thereof: and the lieutenant-governor shall, by virtue of his office, be lieutenant-general of all the forces of the state. The governor, or lieutenant-governor, and the council, shall meet at the time and place with the general assembly: the lieutenant-governor shall, during the presence of the commander in chief, vote and act as one of the council; and the governor, and, in his absence, the lieutenant-governor, shall, by virtue of their offices, preside in council, and have a casting, but no other vote. Every member of the council shall be a justice of the peace for the whole state, by virtue of his office. The governor and council shall have a secretary, and keep fair books of their proceedings,

wherein any councillor may enter his dissent, with his reasons to support it.

XII. The representatives, having met, and chosen their speaker and clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance herein after directed (except where they shall produce certificates of their having therefore taken and subscribed the same) as the following oath or affirmation, viz.

You \_\_\_\_\_ do solemnly swear, (or affirm) that, as a member of this assembly, you will not propose, or assent to, any bill, vote, or resolution, which shall appear to you injurious to the people; nor do, or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges as declared by the constitution of this state; but will, in all things, conduct yourself as a faithful, honest representative and guardian of the people, according to the best of your judgment and abilities. (In case of an oath) So help you God. (And in case of an affirmation) Under the pains and penalties of perjury.

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.

You do believe in one God, the creator and governor of the universe, the rewarder of the good, and punisher of the wicked. And you do acknowledge the scriptures of the old and new testament to be given by divine inspiration; and own and profess the protestant religion.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate, in this state.

XIII. The doors of the house, in which the general assembly of this commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.

XIV. The votes and proceedings of the general assembly shall be printed (when one-third of the members think it necessary) as soon as conveniently may be, after the end of each session, with the yeas and nays on any question, when required by any member, (except where the votes shall be taken by ballot) in which case every member shall have a right to insert the reasons of his vote upon the minutes.

XV. The style of the laws of this state, in future to be passed, shall be. *It is hereby enacted by the general assembly of the state of Vermont.*

XVI. To the end that laws, before they are enacted, may be more

maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the assembly shall be laid before the governor and council, for their revision, and concurrence, or proposals of amendment; who shall return the same to the assembly, with their proposals of amendment (if any) in writing: and if the same are not agreed to by the assembly, it shall be in the power of the governor and council to suspend the passing of such bills until the next session of the legislature. Provided, that if the governor and council shall neglect or refuse to return any such bill to the assembly with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law.

XVII. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XVIII. Every man, of the full age of twenty-one years, having resided in this state, for the space of one whole year, next before the election of representatives, and is of a quiet and peaceable behaviour, and will take the following oath, (or affirmation) shall be entitled to all the privileges of a freeman of this state.

You solemnly swear, (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favour of any man.

XIX. The inhabitants of this commonwealth shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as the general assembly shall by law direct. The several companies of militia shall, as often as vacancies happen, elect their captains and other inferior officers; and the captains and subalterns shall nominate and recommend the field officers of their respective regiments, who shall appoint their staff officers.

XX. All commissions shall be in the name of the freemen of the state of Vermont, sealed with the state seal, signed by the governor, and in his absence the lieutenant-governor, and attested by the secretary; which seal shall be kept by the council.

XXI. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation, or removal for mal-administration. Impeachments shall be before the governor or lieutenant-governor, and council, who shall hear and determine the same, and award costs.

XXII. As every free man, to preserve his independence, (if he has not a sufficient estate) ought to have some profession, calling,

trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependance and servility, unbecoming freemen, in the possessors or expectants, faction, contention, corruption and disorder, among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation: and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this state.

XXIII. No person, in this state, shall be capable of holding or exercising more than one of the following offices, at the same time, viz. governor, lieutenant governor, judge of the supreme court, treasurer of the state, member of the council, member of the general assembly, surveyor-general, or sheriff.

XXIV. The treasurer of the state shall, before the governor and council, give sufficient security to the secretary of the state, in behalf of the general assembly; and each high sheriff, before the first judge of the county court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums, as shall be directed by the legislature.

XXV. The treasurer's accounts shall be annually audited, and a fair state thereof, laid before the general assembly, at their session in October.

XXVI. Every officer, whether judicial, executive, or military, in authority under this state, before he enter upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this state, (unless he shall produce evidence that he has before taken the same) and also the following oath or affirmation of office, (except such as shall be exempted by the legislature) viz.

The oath or affirmation of allegiance.

You do solemnly swear, (or affirm) that you will be true and faithful to the state of Vermont; and that you will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

The oath or affirmation of office.

You \_\_\_\_\_ do solemnly swear, (or affirm)

u will faithfully execute the office of \_\_\_\_\_ for the  
— of \_\_\_\_\_; and will therein do equal right and jus-  
tice to all men, to the best of your judgment and abilities, according  
(If an oath) So help you God. (If an affirmation) Under  
the pains and penalties of perjury.

II. Any delegate to congress may be superseded at any  
time by the general assembly appointing another in his stead. No  
person shall be capable of being a delegate to represent this state in  
congress for more than three years, in any term of six years:—  
No person, who holds any office in the gift of congress, shall,  
at the time of his holding such office, be elected to represent  
this state in congress.

III. Trials of issues, proper for the cognizance of a ju-  
dicial court, shall be by jury, except in cases where the parties  
otherwise agree: and great care ought to be taken to prevent  
corruption or partiality in the choice and return, or  
management of juries.

X. All prosecutions shall commence by the authority of  
the grand jury of Vermont—all indictments shall conclude with these  
words: *Against the peace and dignity of the state.* And all fines  
shall be proportionate to the offences.

K. The person of a debtor, where there is not strong pre-  
sumption of fraud, shall not be continued in prison, after deliver-  
ing and assigning over, *bona fide*, all his estate, real and per-  
sonal, or reversion, or remainder, for the use of his  
creditors, in such manner as shall be hereafter regulated by law:  
and all prisoners, unless in execution, or committed for capital  
offences, when the proof is evident or presumption great, shall  
be releasable by sufficient sureties: nor shall excessive bail be exact-  
ed in capital or bailable offences.

XI. All elections, whether by the people, or in general as-  
sembly, shall be by ballot, free and voluntary: and any elector,  
who shall receive any gift or reward for his vote, in meat, drink,  
or otherwise, shall forfeit his right to elect at that time,  
and suffer such other penalty as the laws shall direct: and any  
person who shall, directly or indirectly, give, promise, or bestow,  
any such rewards to be elected, shall thereby be rendered incapable  
of being elected for the ensuing year, and be subject to such further pu-  
nishment as a future legislature shall direct.

XII. All deeds and conveyances of land shall be recorded  
in the town clerk's office, in their respective towns; and, for want  
of a town clerk, in the county clerk's office of the same county.



**XXXIII.** The legislature shall regulate entails in such manner as to prevent perpetuities.

**XXXIV.** To deter more effectually from the commission of crimes, by continued visible punishment, of long duration, and to make sanguinary punishment less necessary, means ought to be provided for punishing by hard labour, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons: and all persons, at proper times, ought to be permitted to see them at their labour.

**XXXV.** The estates of such persons as may destroy their own lives, shall not for that offence, be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article, which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

**XXXVI.** Every person of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means, acquire, hold and transfer land, or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected governor, lieutenant-governor, treasurer, councillor, or representative in assembly, until after two years residence.

**XXXVII.** The inhabitants of this state, shall have liberty, in seasonable times, to hunt, and fowl on the lands they hold, and on other lands not inclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the general assembly.

**XXXVIII.** Laws for the encouragement of virtue, and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported in each county in this state. And all religious societies, or bodies of men, that may be hereafter united or incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the general assembly of this state shall direct.

**XXXIX.** The declaration of the political rights and privileges of the inhabitants of this state, is hereby declared to be a part of the constitution of this commonwealth; and ought not to be violated on any pretence whatsoever.

**XL.** In order that the freedom of this commonwealth may be preserved inviolate forever, there shall be chosen by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen, except that they shall not be out of the council or general assembly, to be called the council of censors; who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree: and whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part, during the last septenary (including the year of their service); and whether the legislative and executive branches of government have performed their duty, as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution: they are also to enquire, whether the public taxes have been justly laid and collected in all parts of this commonwealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed. For these purposes, they shall have power to send for persons, papers, and records; they shall have authority to pass public censures—to order impeachments—and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution; these powers they shall continue to have, for, and during the space of one year from the day of their election, and no longer. The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective—explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous

consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

By order of convention, July 4th, 1786,

MOSES ROBINSON, president.

Attest. ELIJAH PAINE, sec'y.



*In congress, July 4, 1776:*

*A declaration, by the representatives of the united states of America, in congress assembled.*

**W**HEN, in the course of human events, it becomes necessary for one people to dissolve the political bands, which have connected them with another, and to assume, among the powers of the earth, the separate and equal station, to which the laws of nature, and of nature's God, entitle them, a decent respect to the opinions of mankind requires, that they should declare the causes, which impel them to the separation.

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;—that among these are life, liberty, and the pursuit of happiness;—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed;—that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments, long established, should not be changed, for light and transient causes: and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms, to which they are accustomed. But when a long train of abuses and usurpations pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity, which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained: and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws, for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies, at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the state remaining, in the mean time, exposed to all the danger of invasion from without, and convulsions within.

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.

He has obstructed the administration of justice, by refusing his assent to laws, for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others, to subject us to a jurisdiction, foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:—

For quartering large bodies of armed troops among us:—

For protecting them, by a mock trial, from punishment for

any murders, which they should commit on the inhabitants of these states :—

For cutting off our trade with all parts of the world :—

For imposing taxes on us, without our consent :—

For depriving us, in many cases, of the benefits of trial by jury :—

For transporting us beyond seas, to be tried for pretended offences :—

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 :—

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :—

For suspending our own legislatures, and declaring themselves invested with power, to legislate for us, in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries, to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms : our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked, by every act, which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts

made by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war—in peace, friends.

We, therefore, the representatives of the united states of America, in general congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and, of right, ought to be, free, and independent states;—that they are absolved from all allegiance to the British crown;—that all political connexion, between them and the state of Great Britain, is and ought to be totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

J O H N H A N C O C K .

NEW-HAMPSHIRE,	{	Josiah Bartlett, William Whipple, Matthew Thornton.
MASSACHUSETTS-BAY,	{	Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.
RHODE-ISLAND, &c.	{	Stephen Hopkins, William Ellery.
CONNECTICUT,	{	Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.
NEW-YORK,	{	William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

NEW-JERSEY,

Richard Stockton,  
John Witherspoon,  
Francis Hopkinson,  
John Hart,  
Abraham Clark.

PENNSYLVANIA,

Robert Morris,  
Benjamin Rush,  
Benjamin Franklin,  
John Morton,  
George Clymer,  
James Smith,  
George Taylor,  
James Wilson,  
George Ross.

DELAWARE,

Cæsar Rodney,  
George Read.

MARYLAND,

Samuel Chase,  
William Paca,  
Thomas Stone,  
Charles Carroll, of Carrollton.

VIRGINIA,

George Wythe,  
Richard Henry Lee,  
Thomas Jefferson,  
Benjamin Harrison,  
Thomas Nelson, jun.  
Francis Lightfoot Lee,  
Carter Braxton.

NORTH-CAROLINA,

William Hooper,  
Joseph Hewes,  
John Penn.

SOUTH-CAROLINA,

Edward Rutledge,  
Thomas Heyward, jun.  
Thomas Lynch, jun.  
Arthur Middleton.

GEORGIA,

Button Gwinnett,  
Lyman Hall,  
George Walton.

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*The constitution framed for the united states of America, by a convention of deputies from the states of New-Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, at a session begun May 25, and ended September 17, 1787.*

**W**E, the people of the united states, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the united states of America.

A R T I C L E I.

SECTION I.

ALL legislative powers herein granted, shall be vested in a congress of the united states, which shall consist of a senate and house of representatives.

SECTION II.

1. The house of representatives shall consist of members chosen every second year, by the people of the several states: and the electors, in each state, shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the united states; and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives, and direct taxes shall be apportioned among the several states, which may be included in this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the united states; and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand; but each state shall have at least one representative: and, until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three; Massachusetts eight; Rhode-Island and Providence Plantations one; Connecticut five; New York six; New-Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North-Carolina five; South-Carolina five; and Georgia three.



4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The house of representatives shall choose their speaker and other officers ; and shall have the sole power of impeachment.

#### S E C T I O N III.

1. The senate of the united states shall be composed of two senators from each state, chosen by the legislature thereof, for six years : and each senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year ; of the second class, at the expiration of the fourth year ; and of the third class, at the expiration of the sixth year : so that one-third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the united states ; and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice-president of the united states shall be president of the senate ; but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the united states.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the united states is tried, the chief justice shall preside : and no person shall be convicted, without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the united states. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

#### S E C T I O N IV.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the

legislature thereof : but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The congress shall assemble at least once in every year : and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each house shall be the judge of the elections, returns and qualifications of its own members : and a majority of each shall constitute a quorum to do business : but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings ; punish its members for disorderly behaviour ; and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings ; and, from time to time, publish the same, excepting such parts as may in their judgment require secrecy : and the yeas and nays, of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the united states. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective houses, and in going to, and returning from the same : and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office, under the authority of the united states, which shall have been created, or the emoluments of which shall have been encreased, during such time : and no person, holding any office under the united states, shall be a member of either house, during his continuance in office.

SECTION VII.

1. All bills, for raising revenue, shall originate in the house of representatives : but the senate shall propose or concur with amendments, as on other bills.

2. Every bill, which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the united states. If he approve, he shall sign it: but if not, he shall return it, with his objections, to that house, in which it shall have originated, who shall enter the objections at large on their journal, and proceed to consider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered: and, if approved by two thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays: and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president, within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return; in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the united states; and, before the same shall take effect, be approved by him; or, being disapproved by him, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in the case of a bill.

#### S E C T I O N VIII.

The congress shall have power

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence, and general welfare, of the united states: but all duties, imposts, and excises, shall be uniform throughout the united states.
2. To borrow money on the credit of the united states.
3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.
4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the united states.
5. To coin money; regulate the value thereof, and of foreign coin; and fix the standard of weights and measures.
6. To provide for the punishment of counterfeiting the securities and current coin of the united states.
7. To establish post-offices and post-roads.
8. To promote the progress of science and useful arts, by se-

uring, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the supreme court.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

11. To declare war; grant letters of marque and reprisal; and make rules concerning captures on land and water.

12. To raise and support armies. But no appropriation of money for that use, shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia, to execute the laws of the union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the united states: reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

17. To exercise exclusive legislation, in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the united states; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: and

18. To make all laws, which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the united states, or in any department or officer thereof.

SECTION IX.

1. The migration or importation of such persons, as any of the states now existing, shall think proper to admit, shall not be prohibited by the congress, prior to the year one thousand eight hundred and eight: but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in pro-

portion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state over those of another: nor shall vessels, bound to or from, one state, be obliged to enter clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the united states: And no person, holding any office of profit or trust under them, shall, without the consent of congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

#### S E C T I O N X.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No state shall, without the consent of congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the united states; and all such laws shall be subject to the revision and controul of the congress. No state shall, without the consent of congress, lay any duty on tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

### A R T I C L E II.

#### S E C T I O N I.

1. The executive power shall be vested in a president of the united states of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature

thereof may direct, a number of electors, equal to the whole number of senators and representatives, to which the state may be entitled in the congress. But no senator, or representative, or person holding an office of trust or profit, under the united states, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the united states, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president: and if no person have a majority, then, from the five highest on the list, the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states: and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more, who have equal votes, the senate shall choose from them, by ballot, the vice-president.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the united states.

5. No person, except a natural born citizen, or a citizen of the united states, at the time of the adoption of this constitution, shall be eligible to the office of president. Neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the united states.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may, by law, provide for the case of removal,

death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president : and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished, during the period for which he shall have been elected : and he shall not receive, within that period, any other emolument from the united states, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of president of the united states ; and will, to the best of my ability, preserve, protect, and defend the constitution of the united states.”

#### S E C T I O N II.

1. The president shall be commander in chief of the army and navy of the united states, and of the militia of the several states, when called into the actual service of the united states. He may require the opinion, in writing, of the principal officers in each of the executive departments, upon any subject relating to the duties of their respective offices : and he shall have power to grant reprieves and pardons, for offences against the united states, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur : and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the united states, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen, during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

#### S E C T I O N III.

He shall, from time to time, give to the congress information of the state of the union ; and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them : and, in case of disagreement between them, with respect to

the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the united states.

## SECTION IV.

The president, vice-president, and all civil officers of the united states, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

## SECTION I.

The judicial power of the united states shall be vested in one supreme court, and in such inferior courts, as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

## SECTION II.

1. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the united states, and treaties made, or which shall be made, under their authority; to ~~all~~ cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the united states shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases, affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury: and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places, as the congress may by law have directed.



## SECTION III.

1. Treason against the united states, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The congress shall have power to declare the punishment of treason: but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## A R T I C L E IV.

## SECTION I.

Full faith and credit shall be given, in each state, to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

## SECTION II.

1. The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state, having jurisdiction of the crime.

3. No person, held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due.

## SECTION III.

1. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state—nor any state be formed by the junction of two or more states, or parts of states—without the consent of the legislatures of the states concerned, as well as of the congress.

2. The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the united states: and nothing in this constitution shall be so construed, as to prejudice any claims of the united states, or of any particular state.

## SECTION IV.

The united states shall guarantee to every state in this union, a

republican form of government; and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

#### ARTICLE V.

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application, of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

#### ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the united states, under this constitution as under the confederation.

2. This constitution, and the laws of the united states which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the united states, shall be the supreme law of the land: and the judges, in every state, shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the united states and of the several states shall be bound, by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the united states.

#### ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the united states of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON, pres. and dep. from Virginia.

## NEW-HAMPSHIRE,

John Langdon,  
Nicholas Gilman.

## MASSACHUSETTS,

Nathaniel Gorham,  
Rufus King.

## CONNECTICUT,

William Samuel Johnson,  
Roger Sherman.

## NEW-YORK,

Alexander Hamilton.

## NEW-JERSEY,

William Livingston,  
David Brearley,  
William Patterson,  
Jonathan Dayton.

## PENNSYLVANIA,

Benjamin Franklin,  
Thomas Mifflin,  
Robert Morris,  
George Clymer,  
Thomas Fitzsimons,  
Jared Ingersoll,  
James Wilson,  
Gouverneur Morris.

*Attest.*

## DELAWARE,

George Reed,  
Gunning Bedford, junior,  
John Dickinson,  
Richard Bassett,  
Jacob Broom.

## MARYLAND,

James M<sup>c</sup>Henry,  
Daniel of St. Thomas Jenifer,  
Daniel Carrol.

## VIRGINIA,

John Blair,  
James Madison, junior.

## NORTH-CAROLINA,

William Blount,  
Richard Dobbs Spaight,  
Hugh Williamson.

## SOUTH-CAROLINA,

John Rutledge,  
Charles Cotesworth Pinckney,  
Charles Pinckney,  
Pierce Butler.

## GEORGIA,

William Few,  
Abraham Baldwin.

WILLIAM JACKSON, sec'y.

—●●●●—

**C O N G R E S S** of the **U N I T E D S T A T E S**,

Begun and held at the city of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine. The conventions of a number of the states having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added—and as extending the ground of public confidence in the government will best insure the beneficent ends of its institution—

**R**ESOLVED, by the senate and house of representatives of the united states of America, in congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the united states, all, or any of which articles, when ratified

by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said constitution, viz.

**ARTICLES**, in addition to, and amendment of, the constitution of the united states of America, proposed by congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

I. After the first enumeration, required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which, the proportion shall be so regulated by congress, that there shall be not less than one hundred representatives—nor less than one representative for every forty thousand persons—until the number of representatives shall amount to two hundred; after which, the proportion shall be so regulated by congress that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.

II. No law, varying the compensation for the services of the senators and representatives shall take effect, until an election of representatives shall have intervened.

III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

IV. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

V. No soldier shall in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated: and no warrants shall issue, but upon probable cause, supported by oath or affirmation—and particularly describing the place to be searched, and the persons or things to be seized.

VII. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger: nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself; nor be de-

priv'd of life, liberty, or property, without due process of law : nor shall private property be taken for public use, without just compensation.

VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the state and district, wherein the crime shall have been committed ; which district shall have been previously ascertained by law ; and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favour ; and to have the assistance of counsel for his defence.

IX. In suits at common law, where the value in controversy, shall exceed twenty dollars, the right of trial by jury shall be preserved : and no fact tried by a jury, shall be otherwise re examined in any court of the united states, than according to the rules of common law.

X. Excessive bail shall not be required ; nor excessive fines imposed ; nor cruel and unusual punishments inflicted.

XI. The enumeration, in the constitution, of certain rights, shall not be construed to deny or disparage others, retained by the people.

XII. The powers, not delegated to the united states, by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the house of representatives.

JOHN ADAMS, vice-president of the united states,  
and president of the senate.

*Attest.*

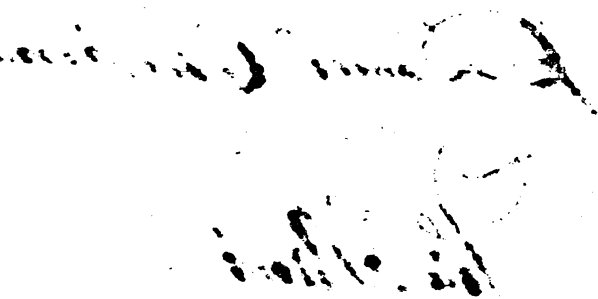
JOHN BECKLEY, clerk of the house of representatives.

SAMUEL A. OTIS, secretary of the senate.

N. B. By the returns made into the secretary of state's office, it appears that the first article of the above amendments is agreed to by only seven states—the second by only four—and therefore these are not obligatory. All the remainder, having been ratified by nine states, are of equal obligation with the constitution itself.

I NO 61 Aug. 12, 1791.

T H E E N D.



Daniel Chipman

His Book

















