

~~The Provincial Congress~~
July 2, 1776

Constitution of New Jersey.

Whereas all the constitutional Authority ever possessed by the King of Great Britain over these Colonies, or their other Dominions, was, by Compact, derived from the People, and held of them for the common Interests 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reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn.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 asserting to himself a Right 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, respecting the Want of a civil Government, a new 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

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Measures, to adopt for themselves respectively such Government, as
 shall best conduce to their own Happiness, Liberty, and the best
 - Being of America in general; We the Representatives of the Colony
 of New Jersey, having been elected by all the Counties in the most
 - Manner, and in largest Assembly, have, after mature Deliberation,
 agreed upon a Set of Charters, Rights, and the Form of a
 Constitution in Manner following, viz.

1. That the Government of this Province shall be vested in a
 Governor, Legislative Council, and General Assembly.

2. That the said Legislative Council shall be chosen by the Electors
 - of the County, in Manner and Form hereinafter mentioned, and
 - shall be chosen, on the second Tuesday of August next, and that
 the said Governor & Assembly shall continue for
 one year.

3. That the said Legislative Council and Assembly shall be chosen,
 - for the first Time, on the second Tuesday of August next; the
 - Number thereof shall be the same in Number & Qualification
 - as is herein after mentioned, and that he or she remain vested
 - with all the Power and Authority to be held by any
 - future Legislative Council & Assembly of this Colony, until the
 - second Tuesday in October, which will be in the Year of our Lord,
 one thousand seven hundred and seventy seven.

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4. That on the said second Tuesday in October yearly & every Year
 - for ever, (with the Privilege of returning from Day to Day in Cases
 - necessary) the Electors shall severally choose and Return to be
 - a Member of the Legislative Council of this Colony, who shall be
 - of 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 Speculation Money

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of real and personal Estate within the same County: that, at the
same Time, each County shall ^{also} elect 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 Pound Proclamation Money in real or
personal Estate in the same County: that, on the second Tuesday
next after the Day of Election, the Council of 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
Town separately present and agreeing thereto. Provided
always, that if a Majority of the Representatives of this Province
in Council & General Assembly convened shall, at any Time or
Times hereafter, judge it equitable & proper to add to or
diminish the Number or Proportion of the Members of the
Assembly for any County or Counties in this Colony, then in
such Case the said may, on the Principles of equal
Representation, be lawfully done, any Thing in this Article to
the contrary notwithstanding; so that the whole Number of
Representatives in Assembly shall not at any Time be less
than thirty nine.

4. That all Inhabitants of this Colony of full Age, who are worth
fifty Pound Proclamation Money clear Estate in the same, &
have resided within the County in which they claim a Vote for twelve
Months immediately preceding the Election, shall be entitled
to vote for Representatives in Council & Assembly; and also
for all other publick Offices that shall be elected by the People
of the County at Large.

4. 5th That the Assembly, when met, shall have Power to choose a Speaker, and other their Officers; to be Judge of the Qualifications of Electors of their own Members; sit upon their own Adjournments, prepare Bills to be passed into Laws, and to empower their Speaker to carry them, whenever any extraordinary Occurrence shall render it necessary—

6th That the Council shall also have Power to prepare Bills to pass into Laws, if have other like Powers as the Assembly, and in all Respects be a free & independant 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 & Place to which the House is adjourned—

7. That the Council & 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 a 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—

8. 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, or Commander in Chief of all the Militia, & other military Force in this Colony; and that any three or more of the Council

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shall at all times be a Privy Council to advise the Governor in all Cases, where he may find it necessary to consult them; of that the Governor be Ordinary or Surrogate General.

9. That the Governor & Council (upon a Court shall be a Quorum) be the Court of Appeals in the last Resort in all Cases 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.

10. That Captains, of all other inferior Officers of the Militia shall be chosen by the Companies in the respective Counties; but Lieutenants & General Officers by the Council of Assembly.

11. That the Council of 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.

12. That the Judge of the Supreme Court shall continue in Office for seven Years, the Judges of the Superior Court of Common Law in the several Counties, Justices of the Peace, Justices of the Supreme Court, Clerks of the Superior Courts of Common Law, of Quarter Sessions, the Attorney-General, & Provincial Secretary shall continue in Office for five Years, and the Provincial Treasurer shall continue in Office for one Year; and that they shall be severally appointed by the Council of Assembly in Manner aforesaid, if commissioned by the Governor, or, in his Absence, by 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 Term severally before limited; and that any of the said Officers shall be liable to be

6. dissolved, when adjudged guilty of Misbehaviour by the Council
on an Impeachment of the Assembly.

13. That the Inhabitants of each County qualified to vote as
aforesaid shall, at the Time & Place of electing their Representatives,
annually elect one Sheriff, and one or more Clerks, and that
they may re-elect the same Person to such Office, until he
shall have served three Years, but no longer; after which three
Years shall elapse, before the same Person is capable of
being elected again. When the Election is referred to the
Governor or his President, under the Writs of pro. Probationis
of the County, for which they were elected, they shall be
immediately commissioned to serve in their respective
Office.

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14. That the Sheriffs, at their annual Town Meetings
for electing other Officers, shall choose Constables for the
District respectively; and also three or more judicious
Freeholders of good Character to hear & finally determine
all Appeals relative to unjust Assessments in Cases
of publick Taxation; which Commissioners of Appeal shall
for that Purpose, sit at some suitable Time or Times to be
by them appointed, of record hereon to the People by
Advertisement.

15. That the Laws of this Colony shall begin in the following Manner,
viz. Be it enacted by the Council of General Assembly of this
Colony, if it is hereby enacted by the Authority of the same: That
all Commissions, granted by the Governor or his President,
shall run thus, The Colony of New Jersey to A. B. Esq. greeting:
[and that all Writs shall likewise run in the Name of the
Colony:] and that all Indictments shall conclude in the

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Following Names, viz. against the Peace of this Colony, the Government, and Dignity of the same.

16. That all Criminals shall be admitted to the same Privilege of Habeas Corpus, as their Prosecutors and they shall be entitled to.

17. 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 a natural Way; nor shall any Article, which may occasion accidentally the Death of any one, be henceforth deemed a Forfeiture, or in any wise forfeited on Account of such Misdemeanor.

18. 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 whatsoever 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 ~~the~~ Church or Churches, Place or Places of Worship, or for the Maintenance of any Minister or Ministers, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.

19. 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 Religion 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

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of Knight, or Esquire, or being a Member of either Branch of the Legislature, shall fully & duly enjoy every Privilege & Immunity enjoyed by other their Fellow-subjects.

20. That the Legislative Department of this Colony may, as much as possible, be preserved from all Suspicion of Corruption, none of the Judges of the ^{or other} Supreme Courts, Justices, or any other Officer or Officers possessed of any Office of Profit under the Government, other than Justices of the Peace, shall be entitled to a Seat in Assembly; but that, in his being elected to taking his Seat, his Office or Office shall be considered as vacant.

21. That all the Laws of this Province, contained in the Edition lately published by M^r. Allyn, 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, of what so ever Rank or Office in this Province.

22. 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 Part only excepted as are repugnant to the Rights & Privileges contained in this Charter; and that the inalienable Rights of Trial by Jury shall remain confirmed, as a Part of the Law of this Colony without Repeal for ever.

23. That every Officer, who shall be elected or appointed 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^t. 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, Bill, or
Resolution, which shall appear to me injurious to the publick
Welfare of said Colony, nor that shall annul or repeal that Part
of the third Section in the Charter of this Colony, which establisheth
that the Elections of Members of the Legislative Council & 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 Part 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 & Meaning of this
Congress, that if a Reconciliation between Great Britain &
these Colonies should take Place, and the latter be again taken
under the Protection & Government of the Crown of Great
Britain, this Charter shall be null & void, otherwise to
remain firm and inviolable.

In Provincial Congress, New
Jersey, Burlington, July 2^d 1776

Subscribed for the Minutes,

Wm. B. *W. B. B. B. B. B.*
W. B. B. B. B. B. B.

By Order of Congress
Sam. Jackson President

Recorded in Lib. AB. of Commissioners p. 187. in the Secretary's
Office of the State of New Jersey at the City of Burlington
Robert M. Lloyd Secretary