

THE VIRGINIA BILL OF RIGHTS¹

12 June 1776

AT A GENERAL CONVENTION of Delegates and Representatives, from the several counties and corporations of Virginia, held at the Capitol in the City of Williamsburg on Monday the 6th May 1776.

A Declaration of Rights made by the representatives of the good people of Virginia, assembled in full and free Convention; which rights do pertain to them and their posterity, as the basis and foundation of government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of publick services; which, not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that

¹*Statutes at Large of Virginia* (W. W. Hening, ed. 1821), ix. 110.

the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members to be again eligible or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage, and cannot be taxed or deprived of their property for publick uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented for the public good.

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

8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

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

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great

bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural and safe defence of a free state; that standing armies in time of peace should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of the government of Virginia, ought to be erected or established within the limits thereof.

15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

THE CONSTITUTION OF VIRGINIA¹

29 June 1776

The Constitution, or Form of Government, agreed to and resolved upon by the Delegates and Representatives of the several counties and corporations of Virginia.

1. WHEREAS George the third [a digest of the Declaration of Independence follows]. . . . By which several acts of misrule, the government of this country, as formerly exercised under the crown of Great Britain, is TOTALLY DISSOLVED.

2. We, the Delegates and Representatives of the good people of Virginia, having maturely considered the premises, and viewing with great concern the deplorable conditions to which this once happy country must be reduced, unless some

¹ Henning's *Statutes* (1821), ix. 117. The paragraphs are not numbered in the original.

regular adequate mode of civil polity is speedily adopted, and in compliance with a recommendation of the General Congress, do ordain and declare the future form of government of Virginia to be as followeth :

3. The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other : nor shall any person exercise the power 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.

4. 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.

5. 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 Williamsburg, 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.

6. 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.

7. 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.

8. All laws shall originate in the House of Delegates, to be approved 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.

9. A Governour, 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.

10. Either House of the General Assembly may adjourn themselves respectively. The Governour 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.

11. 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-Governour. 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.

12. The Delegates for Virginia to the Continental Congress shall be chosen annually, or superseded in the meantime by joint ballot of both Houses of Assembly.

13. 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.

14. 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.

15. 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.

16. 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 law shall direct.

17. 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 before mentioned, such House of Delegates may, in like manner, impeach the Judge or Judges so accused, to be prosecuted in the Court

VIRGINIA CONSTITUTION

of Appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

18. Commissions and grants shall run, *In the name of the COMMONWEALTH of VIRGINIA*, and bear test by the Governour, 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*.

19. A Treasurer shall be appointed annually, by joint ballot of both Houses.

20. 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.

21. The territories, contained within the Charters, erecting the Colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released, and forever 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 Potowmack and Pokomoke, with the property of the Virginia shores or 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 the First in the year one thousand six hundred and nine, and by the publick 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 Allegheny mountains. And no purchases of lands shall be made of the Indian natives, but on behalf of the publick, by authority of the General Assembly.

22. In order to introduce this government, the representatives of the people met in Convention shall choose a Governour and Privy Council, also such other officers directed to be chosen by both Houses as may be judged necessary to be immediately appointed. The Senate to be first chosen by the people to continue until the last day of March next, and the other officers until the end of the succeeding session of Assembly. In case of vacancies, the speaker of either House shall issue writs for new elections.

THE DECLARATION OF INDEPENDENCE¹

4 July 1776

The unanimous Declaration of the thirteen United States of America.

WHEN 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 shown, 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

¹ For the drafting of the Declaration and its political philosophy, see Carl Becker, *The Declaration of Independence* (Harcourt, Brace & Co., N.Y., 1922); for the facts referred to in it, see H. Friedenwald, *The Declaration of Independence* (Macmillan, 1904).

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 meantime exposed to all the dangers 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 migration 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 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 connections 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 and friendship.

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 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, and that all political connection 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 honor.

JOHN HANCOCK.¹

¹ The Declaration was first published signed only by the President of Congress and the Secretary. The other members of Congress began to affix their signatures to the engrossed copy on 2 August. The signatures are grouped by States, but the names of the States are not in the original.

New Hampshire

JOSIAH BARTLETT,
WM. WHIFFLE,
MATTHEW THORNTON.

Massachusetts-Bay

SAML. ADAMS,
JOHN ADAMS,
ROBT. TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island

STEP. HOPKINS,
WILLIAM ELLERY.

Connecticut

ROGER SHERMAN,
SAM'EL HUNTINGTON,
WM. WILLIAMS,
OLIVER WOLCOTT.

New York

WM. FLOYD,
PHIL. LIVINGSTON,
FRANS. LEWIS,
LEWIS MORRIS.

Pennsylvania

ROBT. MORRIS,
BENJAMIN RUSH,
BENJA. FRANKLIN,
JOHN MORTON,
GEO. CLYMER,
JAS. SMITH,
GEO. TAYLOR,
JAMES WILSON,
GEO. ROSS.

Delaware

CAESAR RODNEY,
GEO. READ,
THO. M'KEAN.

Georgia

BUTON GWINNETT,
LYMAN HALL,
GEO. WALTON.

Maryland

SAMUEL CHASE,
WM. PACA,
THOS. STONE,
CHARLES CARROLL of Carrollton.

Virginia

GEORGE WYTHE,
RICHARD HENRY LEE,
TH. JEFFERSON,
BENJA. HARRISON,
THS. NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina

WM. HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina

EDWARD RUTLEDGE,
THOS. HEYWARD, JUNR.,
THOMAS LYNCH, JUNR.,
ARTHUR MIDDLETON.

New Jersey

RICHD. STOCKTON,
JNO. WITHERSPOON,
FRAS. HOPKINSON,
JOHN HART,
ABRA. CLARK.

THE CONSTITUTION OF PENNSYLVANIA ¹

28 September 1776

The Constitution of the Commonwealth of Pennsylvania as established by the general convention elected for that purpose, and held at Philadelphia, 15 July 1776, and continued by adjournment, to 28 September 1776.

WHEREAS 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 these 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 Commonwealth 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 mercenaries, 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 other 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 these colonies. AND WHEREAS it is absolutely necessary for the welfare and safety of the inhabitants of said colonies, that they be henceforth free and independent States, and that just, permanent and proper forms of government exist in every part of them, derived from and founded on the authority of the people only, agreeably to the directions of the honourable American Congress. WE, the representatives of the freemen of Pennsylvania, in general convention met,

¹ *The Proceedings relative to . . . the Constitutions of 1776 and 1790, &c.* (Harrisburg, 1828), 57-61.

PENNSYLVANIA CONSTITUTION 163

for the express purpose of framing such a government, conferring the goodness of the great Governour 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; and 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 posterity, and provide for future improvements, without partiality for or prejudice against any particular class, sect, or denomination of men whatever, do, by virtue of the 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 therein for ever 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 as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

CHAPTER I

*A Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania.*¹

I. [Virginia Bill of Rights, s. 1.]

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 erect or support any place of worship, or maintain any ministry contrary to, or against, his own free will and consent; nor can any man, who acknowledges the being of a God, be justly deprived or abridged 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,

¹ Sections of the same purport as clauses of the Virginia Bill of Rights are replaced by a reference to that document.

or assumed by any power whatever, that shall in any case interfere with, or in any manner controul the right of conscience in the free exercise of religious worship.

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

IV. [Virginia, s. 2.]

V. [Virginia, s. 3.]

VI. [Virginia, s. 5.]

VII. [Virginia, s. 6.]

VIII. 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 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 be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

IX. [Virginia, s. 8.]

X. [Virginia, s. 10.]

XI. [Virginia, s. 11.]

XII. That the people have a right to freedom of speech, and of writing, and publishing their sentiments: therefore the freedom of the press ought not to be restrained.

XIII. [Virginia, s. 13.]

XIV. [Virginia, s. 15.]

XV. That all men have a natural 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 may promote their own happiness.¹

XVI. 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.

¹ Cf. Virginia Bill of Rights, s. 14. Pennsylvania had a definite western boundary, but Virginia claimed everything to the north and west!

Plan or Frame of Government for the Commonwealth or State of Pennsylvania.

1. The Commonwealth or State of Pennsylvania shall be governed hereafter by an assembly of the representatives of the freemen of the same, and a President and Council, in manner and form following—

2. The supreme legislative power shall be vested in a House of Representatives of the freemen of the Commonwealth or State of Pennsylvania.

3. The supreme executive power shall be vested in a President and Council.

4. Courts of justice shall be established in the city of Philadelphia, and in every county of this State.

5. The freemen of this Commonwealth and their sons shall be trained and armed for its defence, under such regulations, restrictions, and exceptions as the general assembly shall by law direct, preserving always to the people the right of choosing their colonels and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

6. Every freeman of the full age of twenty-one years, having resided in this State for the space of one whole year next before the day of election for Representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided always, that sons of freeholders of the age of twenty-one years shall be entitled to vote although they have not paid taxes.

7. The House of Representatives of the freemen of this Commonwealth shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every city and county of this Commonwealth respectively, and no person shall be elected unless he has resided in the city or county for which he shall be chosen two years immediately before the said election, nor shall any member, while he continues such, hold any other office except in the militia.

8. No person shall be capable of being elected a member to serve in the House of Representatives of the freemen of this Commonwealth more than four years in seven.

9. The members of the House of Representatives shall be chosen annually by ballot, by the freemen of the Commonwealth, on the second Tuesday in October forever (except

this present year), and shall meet on the fourth Monday of the same month, and shall be stiled, *The General Assembly of the Representatives of the Freemen of Pennsylvania*, and shall have power to choose their speaker, the treasurer of the State, and their other officers; 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 a member, but not a second time for the same cause; they may administer oaths or affirmations on examination of witnesses; redress grievances; impeach state criminals; grant charters of incorporation; constitute towns, boroughs, cities, and counties; and shall have all other powers necessary for the legislature of a free state or commonwealth: but they shall have no power to add to, alter, abolish, or infringe any part of this Constitution.

10. A quorum of the House of Representatives shall consist of two-thirds of the whole number of members elected; and having met and chosen their speaker, shall each of them before they proceed to business take and subscribe as well the oath or affirmation of fidelity and allegiance hereinafter directed, as the following oath or affirmation, viz.:

'I — do swear (or affirm) that as a member of this Assembly, I will not propose or assent to any bill, vote, or resolution, which shall appear to me 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 in the Constitution of this State; but will in all things conduct myself as a faithful honest representative and guardian of the people, according to the best of my judgment and abilities.'

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.:

'I do believe in one God, the Creator and Governour of the universe, the rewarder of the good and the punisher of the wicked, and I do acknowledge the Scriptures of the Old and New Testament to be given by Divine Inspiration.'

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

11. Delegates to represent this state in Congress shall be chosen by ballot by the future general assembly at their first meeting, and annually forever afterwards, as long as such representation shall be necessary. Any delegate may be

superseded at any time, by the general assembly appointing another in his stead. No man shall sit in Congress longer than two years successively, nor be capable of re-election for three years afterwards; and no person who holds any office in the gift of the Congress shall hereafter be elected to represent this Commonwealth in Congress.

12. If any city or cities, county or counties shall neglect or refuse to elect and send Representatives to the General Assembly, two-thirds of the members from the cities or counties that do elect and send Representatives, provided they be a majority of the cities and counties of the whole State, when met, shall have all the powers of the General Assembly, as fully and amply as if the whole were present.

13. The doors of the House in which the Representatives of the Freemen of this State shall sit in General Assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of this State may require the doors to be shut.

14. The votes and proceedings of the General Assembly shall be printed weekly during their sitting, with the yeas and nays, on any question, vote or resolution, where any two members require it, except when the vote is taken by ballot: and when the yeas and nays are so taken every member shall have a right to insert the reasons of his vote upon the minutes, if he desires it.

15. 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 of public nature shall be printed for the consideration of the people, before they are read in general assembly the last time for debate and amendment; and, except on occasions of sudden necessity, shall not be passed into laws until the next session of assembly; and for the more perfect satisfaction of the public, the reasons and motives for making such laws shall be fully and clearly expressed in the preambles.

16. The stile of the laws of this Commonwealth shall be, *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same.* And the General Assembly shall affix their seal to every bill, as soon as it is enacted into a law, which seal shall be kept by the assembly, and shall be called, *THE SEAL OF THE LAWS*

OF PENNSYLVANIA, and shall not be used for any other purpose.

17. The city of Philadelphia and each county of this Commonwealth respectively, shall on the first Tuesday in November in this present year, and on the second Tuesday in October annually for the two next succeeding years, viz. the year 1777, and the year 1778, choose six persons to represent them in General Assembly. But as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the General Assembly shall cause complete lists of the taxable inhabitants in the city and each county in the Commonwealth respectively, to be taken and returned to them, on or before the last meeting of the assembly elected in the year 1778, who shall appoint a representation to each, in proportion to the number of taxables in such returns; which representation shall continue for the next seven years afterwards, at the end of which, a new return of the taxable inhabitants shall be made, and a representation agreeable thereto appointed by the said Assembly, and so on septennially forever. The wages of the representatives in General Assembly and all other State charges shall be paid out of the State treasury.¹

18. In order that the Freemen of this Commonwealth may enjoy the benefit of election as equally as may be until the representation shall commence, as directed in the foregoing section, each county at his own choice may be divided into districts, hold elections therein, and elect their representatives in the county, and their other elective officers, as shall be hereafter regulated by the General Assembly of this State. And no inhabitant of this State shall have more than one annual vote at the general election for representatives in assembly.

19. For the present the Supreme Executive Council of this State shall consist of twelve persons chosen in the following manner: The freemen of the city of Philadelphia, and of the counties of Philadelphia, Chester, and Bucks., respectively, shall choose by ballot one person for the city, and one for each county aforesaid, to serve for three years and no longer,

¹ Cf. *Remonstrance of the Frontier*, p. 9.

at the time and place for electing representatives in General Assembly. The freemen of the counties of Lancaster, York, Cumberland, and Berks., shall, in like manner elect one person for each county respectively, to serve as councillors for two years and no longer. And the counties of Northampton, Bedford, Northumberland and Westmoreland, respectively, shall, in like manner, elect one person for each county, to serve as councillors for one year, and no longer. And at the expiration of the time for which each councillor was chosen to serve, the freemen of the city of Philadelphia, and of the several counties in this state, respectively, shall elect one person to serve as councillor for three years and no longer; and so on every third year forever. By this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the Council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented. All vacancies in the Council that may happen by death, resignation, or otherwise, shall be filled at the next general election for Representatives in General Assembly, unless a particular election for that purpose shall be sooner appointed by the President and Council. No member of the General Assembly or delegate in Congress, shall be chosen a member of the Council. The President and Vice-president shall be chosen annually by the joint ballot of the General Assembly and Council, of the members of the Council. Any person having served as a councillor for three successive years, shall be incapable of holding that office for four years afterwards. Every member of the Council shall be a justice of the peace for the whole Commonwealth, by virtue of his office.

In case new additional counties shall hereafter be erected in this State, such county or counties shall elect a councillor, and such county or counties shall be annexed to the next neighbouring counties, and shall take rotation with such counties.

The Council shall meet annually, at the same time and place with the General Assembly.

The treasurer of the state, trustees of the loan office, naval officers, collectors of customs or excise, judge of the admiralty, attornies general, sheriffs, and prothonotaries, shall not be

capable of a seat in the General Assembly, Executive Council, or Continental Congress.

20. The President, and in his absence the Vice-president, with the Council, five of whom shall be a quorum, shall have power to appoint and commissionate judges, naval officers, judge of the admiralty, attorney-general, and all other officers, civil and military, except such as are chosen by the General Assembly or the people, agreeable to this Frame of Government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled in the time and manner directed by law or this Constitution. They are to correspond with other States, and transact business with the 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 Justices of the Supreme Court. And shall have power to grant pardons, and remit fines, in all cases whatsoever, except in cases of impeachment; and in cases of treason and murder, shall have power to grant reprieves, but not to pardon, until the end of the next sessions of Assembly; but there shall be no remission or mitigation of punishments on impeachments, except by act of the Legislature; 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 treasury for such sums as shall be appropriated by the House: 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 licences, 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 President shall be commander-in-chief of the forces of the State, but shall not command in person, except advised thereto by the Council, and then only so long as they shall approve thereof. The President and Council shall have a secretary, and keep fair books of their proceedings, wherein any councillor may enter his dissent, with his reasons in support of it.

21. All commissions shall be in the name, and by the

authority of the Freemen of the Commonwealth of Pennsylvania, sealed with the State seal, signed by the President or Vice-president, and attested by the secretary; which seal shall be kept by the Council.

22. 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: All impeachments shall be before the President or Vice-president and Council, who shall hear and determine the same.

23. The Judges of the Supreme Court of Judicature shall have fixed salaries, be commissioned for seven years only, though capable of re-appointment at the end of that term, but removable for misbehaviour at any time by the General Assembly; they shall not be allowed to sit as members in the Continental Congress, executive council, or general assembly, nor to hold any other office civil or military, nor to take or receive fees or perquisites of any kind.

24. The Supreme Court, and the several courts of common pleas of this Commonwealth, shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to the perpetuating testimony, obtaining evidence from places not within this state, and the care of the persons and estates of those who are *non compotes mentis*, and such other powers as may be found necessary by future general assemblies, not inconsistent with this constitution.

25. Trials shall be by jury as heretofore: And it is recommended to the legislature of this State, to provide by law against every corruption or partiality in the choice, return, or appointment of juries.

26. Courts of sessions, common pleas, and orphans' courts shall be held quarterly in each city and county; and the legislature shall have power to establish all such other courts as they may judge for the good of the inhabitants of the State. All courts shall be open, and justice shall be impartially administered without corruption or unnecessary delay: All their officers shall be paid an adequate but moderate compensation for their services: And if any officer shall take greater or other fees than the law allows him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

27. All prosecutions shall commence in the name and by the authority of the Freemen of the Commonwealth of Pennsylvania; and all indictments shall conclude with these words, *Against the peace and dignity of the same*. The style of all process hereafter in this State shall be, *The Commonwealth of Pennsylvania*.

28. 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 presumption great.

29. Excessive bail shall not be exacted for bailable offences: And all fines shall be moderate.

30. Justices of the peace shall be elected by the freeholders of each city and county respectively, that is to say, two or more persons may be chosen for each ward, township, or district, as the law shall hereafter direct: And their names shall be returned to the President in Council, who shall commissionate one or more of them for each ward, township, or district so returning, for seven years, removable for misconduct by the general assembly. But if any city or county, ward, township, or district in this Commonwealth, shall hereafter incline to change the manner of appointing their justices of the peace as settled in this article, the General Assembly may make laws to regulate the same, agreeable to the desire of a majority of the freeholders of the city or county, ward, township, or district so applying. No justice of the peace shall sit in the General Assembly unless he first resigns his commission; nor shall he be allowed to take any fees, nor any salary or allowance, except such as the future legislature may grant.

31. Sheriffs and coroners shall be elected annually in each city and county, by the freemen; that is to say, two persons for each office, one of whom for each, is to be commissioned by the president in council. No person shall continue in the office of sheriff more than three successive years, or be capable of being again elected during four years afterwards. The election shall be held at the same time and place appointed for the election of representatives: And the commissioners and assessors, and other officers chosen by the people, shall

also be then and there elected, as has been usual heretofore, until altered or otherwise regulated by the future legislature of this State.

32. All elections, whether by the people or in General Assembly, shall be by ballot, free and voluntary: And any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect for that time, and suffer such other penalties as future laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such rewards to be elected, shall be thereby rendered incapable to serve for the ensuing year.

33. All fees, licence money, fines and forfeitures heretofore granted, or paid to the governor, or his deputies for the support of government, shall hereafter be paid into the public treasury, unless altered or abolished by the future legislature.

34. 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 city and county: the officers to be appointed by the General Assembly, removable at their pleasure, and to be commissioned by the President in Council.

35. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

36. As every freeman to preserve his independence (if without 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 dependence and servility unbecoming freemen, in the possessors and 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.

37. The future Legislature by this State shall regulate inails in such a manner as to prevent perpetuities.

38. The penal laws as heretofore used shall be reformed by the future Legislature of this State, as soon as may be, and punishments made in some cases less sanguinary, and in general more proportionate to the crimes.

39. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary; houses ought to be provided for punishing by hard labour, those who shall be convicted of crimes not capital; wherein the criminals shall be employed for the benefit of the public, or for reparation of injuries done to private persons: And all persons at proper times shall be admitted to see the prisoners at their labour.

40. Every officer, whether judicial, executive or military, in authority under this commonwealth, shall take the following oath or affirmation of allegiance, and general oath of office before he enters on the execution of his office:

'I — do swear (or affirm) that I will be true and faithful to the Commonwealth of Pennsylvania: And that I will not directly or indirectly do any act or thing prejudicial or injurious to the constitution or government thereof, as established by the convention.'

'I — do swear (or affirm) that I will faithfully execute the office of — for the — of — and will do equal right and justice to all men, to the best of my judgment and abilities, according to law.'

41. No public tax, custom, or contribution shall be imposed upon, or paid by the people of this State, except by a law for that purpose: And before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the legislature to be of more service to the community than the money would be, if not collected; which being well observed, taxes can never be burthens.

42. Every foreigner 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 a Representative until after two years' residence.

43. The inhabitants of this State shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all other lands therein not inclosed; and in like manner to fish in all boatable waters, and others not private property.

44. A school or schools shall be established in each county

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 youth at low prices: And all useful learning shall be duly encouraged and promoted in one or more universities.

45. Laws for the encouragement of virtue, and prevention of vice and immorality, shall be made and constantly kept in force, and provision shall be made for their due execution: And all religious societies or bodies of men heretofore united or incorporated for the advancement of religion or learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates which they were accustomed to enjoy, or could of right have enjoyed, under the laws and former constitution of this State.

46. The Declaration of Rights is hereby declared to be a part of the Constitution of this Commonwealth, and ought never to be violated on any pretence whatever.

47. In order that the freedom of the commonwealth may be preserved inviolate forever, there shall be chosen by ballot by the freemen in each city and county respectively, on the second Tuesday in October, in the year one thousand seven hundred and eighty-three, and on the second Tuesday in October, in every seventh year thereafter, two persons in each city and county of this State, to be called the COUNCIL OF CENSORS; who shall meet together on the second Monday of November 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; 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 intitled 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

176 *PENNSYLVANIA CONSTITUTION*

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 appear to them an absolute necessity of amending any article of the 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.

BENJ. FRANKLIN, *Pres.*