



Benjamin Franklin’s Albany Plan of Union 1754 Compared to Two Keystone Documents

This font = Compares to Declaration of Independence

This font = Comparable passage from the Declaration of Independence

This font = Compares to the Constitution of the United States

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(Preamble)

It is proposed that humble application be made for an act of Parliament of Great Britain,

In every stage of these oppressions we have petitioned for redress in the most humble terms

by virtue of which one general government may be formed in America, including all the said colonies, within and under which government each colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act, as hereafter follows.

1. That the said general government be administered by a President-General, to be appointed and supported by the crown; and a Grand Council, to be chosen by the representatives of the people of the several Colonies met in their respective assemblies (from the Constitution: The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof)

2. That within – months after the passing such act, the House of Representatives that happen to be sitting within that time, or that shall especially for that purpose convened, may and shall choose members for the Grand Council, in the following proportion, that is to say,

Massachusetts Bay	7	Maryland	4
New Hampshire	2	Virginia	7
Connecticut	5	North Carolina	4
Rhode Island	2	South Carolina	4
New York	4		-----
New Jersey	3	Total	4
Pennsylvania	6		

3. – who shall meet for the first time at the city of Philadelphia, being called by the President-General as soon as conveniently may be after his appointment.

4. That there shall be a new election of the members of the Grand Council every three years; and, on the death or resignation of any member, his place should be supplied by a new choice at the next sitting of the Assembly of the Colony he represented.

5. That after the first three years, when the proportion of money arising out of each Colony to the general treasury can be known, the number of members to be chosen for each Colony shall, from time to time, in all ensuing elections, be regulated by that proportion, yet so as that the number to be chosen by any one Province be not more than seven, nor less than two.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers

6. That the Grand Council shall meet once in every year, and oftener if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the President-General on any emergency; he having first obtained in writing the consent of seven of the members to such call, and sent duly and timely notice to the whole.

7. That the Grand Council have power to choose their speaker; and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time, without their own consent or the special command of the crown.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

8. That the members of the Grand Council shall be allowed for their service ten shillings sterling per diem, during their session and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

9. That the assent of the President-General be requisite to all acts of the Grand Council, and that it be his office and duty to cause them to be carried into execution.

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

10. That the President-General, with the advice of the Grand Council, hold or direct all Indian treaties, in which the general interest of the Colonies may be concerned; and make peace or declare war with Indian nations.

11. That they make such laws as they judge necessary for regulating all Indian trade.

(from the Constitution: The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes)

12. That they make all purchases from Indians, for the crown, of lands not now within the bounds of particular Colonies, or that shall not be within their bounds when some of them are reduced to more convenient dimensions.

13. That they make new settlements on such purchases, by granting lands in the King's name, reserving a quitrent to the crown for the use of the general treasury.

14. That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.

15. That they raise and pay soldiers and build forts for the defence of any of the Colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any Colony, without the consent of the Legislature.

16. That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just (considering the ability and other circumstances of the inhabitants in the several Colonies), and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens.

The Congress shall have Power 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;

17. That they may appoint a General Treasurer and Particular Treasurer in each government when necessary; and, from time to time, may order the sums in the treasuries of each government into the general treasury; or draw on them for special payments, as they find most convenient.

18. Yet no money to issue but by joint orders of the President-General and Grand Council; except where sums have been appropriated to particular purposes, and the President-General is previously empowered by an act to draw such sums.



19. That the general accounts shall be yearly settled and reported to the several Assemblies.
20. That a quorum of the Grand Council, empowered to act with the President-General, do consist of twenty-five members; among whom there shall be one or more from a majority of the Colonies.
21. That the laws made by them for the purposes aforesaid shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.
22. That, in case of the death of the President-General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the King's pleasure be known.
23. That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated by the President-General; but the approbation of the Grand Council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President-General's approbation before they officiate.

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

. . . 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

24. But, in case of vacancy by death or removal of any officer, civil or military, under this constitution, the Governor of the Province in which such vacancy happens may appoint, till the pleasure of the President-General and Grand Council can be known.
25. That the particular military as well as civil establishments in each Colony remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any Colony may defend itself, and lay the accounts of expense thence arising before the President-General and General Council, who may allow and order payment of the same, as far as they judge such accounts just and reasonable.

Name _____ Date _____



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Franklin's Articles of Confederation Compared to Keystone Documents

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Articles of Confederation and perpetual Union, entered into agreement proposed, by the Delegates of the several Colonies of New Hampshire, &c, in general Congress met at Philadelphia, May 10, 1775.

ART. I.

The Name of this Confederacy shall henceforth be the United Colonies of North America.

ART. II.

The said United Colonies hereby severally enter into a firm League of Friendship with each other, binding on themselves and their Posterity, for their common Defence (***from the Constitution: provide for the common defense***) and Offence, against their Enemies for the Security of their Liberties and Propertys, the Safety of their Persons and Families, and their common and mutual and general Welfare.

ART. III.

That each Colony shall enjoy and retain as much as it may think fit of its own present Laws, Customs, Rights, and Privileges, and peculiar Jurisdictions within its own Limits; and may amend its own Constitution as shall seem best to its own Assembly or Convention.

ART. IV.

That for the more convenient Management of general Interests, Delegates shall be annually elected in each Colony to meet in General Congress at such Time and Place as shall be agreed on in each the next preceding Congress. Only where particular Circumstances do not make a Deviation necessary, it is understood to be a Rule, that each succeeding Congress be held in a different Colony till the whole Number be gone through, and so in perpetual Rotation; and that accordingly the next Congress after the present shall be held in the at Annapolis in Maryland.

ART. V.

That the Power and Duty of the Congress shall extend to the Determining on War and Peace, to sending and receiving ambassadors, and entering into Alliances, [the Reconciliation with Great Britain;] the Settling all Disputes and Differences between Colony and Colony about Limits or any other cause if such should arise; and the Planting of new Colonies when proper ***In the Constitution: new States may be admitted by the Congress into this Union.***

The Congress shall also make and propose such general Regulations Ordinances as tho' necessary to the General Welfare, particular Assemblies from their local Circumstances cannot be competent to; viz. such as may relate to those that may relate to our general Commerce; or general Currency; to the Establishment of Posts; and the Regulation of our common Forces. The Congress shall also have the Appointment of all General Officers, civil and military, appertaining to the general Confederacy, such as General Treasurer, Secretary, &c.

ART. VI.

All Charges of Wars, and all other general Expences to be incurr'd for the common Welfare, shall be defray'd out of a common Treasury, which is to be supply'd by each Colony in proportion to its Number of Male Polls between 16 and 60 Years of Age ***In the Constitution: Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers***); the Taxes for paying that proportion are to be laid and levied by the Laws of each Colony. And all Advantages gained at a common Expence.

ART. VII.

The Number of Delegates to be elected and sent to the Congress by each Colony, shall be regulated from time to time by the Number of such Polls return'd; so as that one Delegate be allowed for every [5000] Polls. And the Delegates are to bring with them to every Congress, an authenticated Return of the number of Polls in the respective Provinces which is to be annually triennially taken for the Purposes above mentioned.

ART. VIII.

At every Meeting of the Congress One half of the Members return'd exclusive of Proxies be necessary to make a Quorum, and Each Delegate at the Congress, shall have a Vote in all Cases; and if necessarily absent, shall be allowed to appoint any other Delegate from the same Colony to be his Proxy, who may vote for him.

ART. IX.

An executive Council shall be appointed by the Congress out of their own Body, consisting of [12] Persons; of whom in the first Appointment one Third, viz. [4], shall be for one year, [4] for two Years, and [4] for three Years; and as the said Terms expire, the Vacancy shall be filled by Appointments for three Years, whereby One Third of the Members will be changed annually. And each Person who has served the said Term of three Years as Counsellor, shall have a Respite of three Years, before he can be elected again. The Appointments to be determined by Ballot. This Council (of whom two thirds shall be a Quorum,) in the Recess of the Congress is to execute what shall have been enjoin'd thereby; to manage the general continental Business and Interests to receive Applications from foreign Countries; to prepare Matters for the Consideration of the Congress; to fill up [Pro tempore] general continental Offices that fall vacant; and to draw on the General Treasurer for such Monies as may be necessary for general Services, & appropriated by the Congress to such Services.

ART. X.

No Colony shall engage in an offensive War ***No State shall, without the Consent of Congress . . . engage in War*** with any Nation of Indians without the Consent of the Congress, or great Council above mentioned, who are first to consider the Justice and Necessity of such War.

ART. XI.

A perpetual Alliance offensive and defensive, is to be enter'd into as soon as may be with the Six Nations; their Limits to be ascertain'd and secur'd to them; their Land not to be encroach'd on, nor any private or Colony Purchases made of them hereafter to be held good; nor any Contract for Lands to be made but between the Great Council of the Indians at Onondaga and the General Congress. The Boundaries and Lands of all the other Indians shall also be ascertain'd and secur'd to them in the same manner; and Persons appointed to reside among them in proper Districts, who shall take care to prevent Injustice in the Trade with them, and be enabled at our general Expence by occasional small Supplies, to relieve their personal Wants and Distresses. And all Purchases from them shall be by the General Congress for the General Advantage and Benefit of the United Colonies.

ART. XII.

As all new institutions are Subject may have Imperfections which only Time and Experience can discover, it is agreed, That the General Congress from time to time shall propose such Amendments of this Constitution ***In the Constitution: The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution***) as they may be found necessary; which being approv'd by a Majority of the Colony Assemblies ***In the Constitution: 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), shall be equally binding with the rest of the Articles of this Confederation.

ART. XIII.

Any other and every Colony from Great Britain upon the Continent of North America and not at present engag'd in our Association shall may upon Application and joining the said Association be receiv'd into this Confederation, viz. [Ireland] the West India Islands, Quebec, St. Johns, Nova Scotia, Bermudas, and the East and West Floridas; and shall thereupon be entitled to all the Advantages of our Union, mutual Assistance and Commerce.

These Articles shall be propos'd to the several Provincial Conventions or Assemblies, to be by them consider'd, and if approv'd they are advis'd to empower their Delegates to agree to and ratify the same in the ensuing Congress. After which the Union thereby establish'd is to continue firm till the Terms of Reconciliation proposed in the Petition of the last Congress to the King are agreed to; till the Acts since made restraining the American Commerce and Fisheries are repeal'd; till Reparation is made for the Injury done to Boston by shutting up its Port; for the **Burning of Charlestown** (*He has . . . burned our towns*); and for the Expencc of this unjust War; and till all the British Troops are withdrawn from America. On the Arrival of these Events the Colonies [shall] return to their former Connection and Friendship with Britain: But on Failure thereof this (confederation is to be perpetual.

(1) In a volume of the Papers of the Continental Congress No. 9, containing a history of the Confederation, the first entry in the writing of Charles Thomson reads:

"July 21. 1775. Agreeably to Order the Congress resolved itself into a Committee of the whole to take into Consideration the State of America, when doct. B. Franklin submitted to their Consideration the following Sketch of Articles of Confederation."

Name _____ Date _____



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Jefferson's Draft Constitution for Virginia Compared to Keystone Documents

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June, 1776.

FAIR COPY

A Bill for new-modelling the form of Government and for establishing the Fundamental principles thereof in future.

Whereas George Guelf king of Great Britain and Ireland and Elector of Hanover, heretofore **entrusted with the exercise of the kingly office in this government hath endeavored to pervert the same into a detestable and insupportable tyranny** (*in the Declaration: 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*);

by putting his negative on laws **the most wholesome & necessary for ye public good** (*in the Declaration: He has refused his assent to laws, the most wholesome and necessary for the public good*);

by **denying to his governors permission to pass laws of immediate and pressing importance, unless suspended in their operations for his assent, and, when so suspended, neglecting to attend to them for many years** (*In the Declaration: 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*);

by **refusing to pass certain other laws** (*In the Declaration: He has refused his assent to laws*), **unless the person to be benefited by them would relinquish the inestimable right of representation** (*In the Declaration: unless those people would relinquish the right of representation in the legislature*)in the legislature

by **dissolving legislative assemblies repeatedly and continually for opposing with manly firmness his invasions on the rights of the people** (*In the Declaration: He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people*);

when dissolved, **by refusing to call others for a long space of time, thereby leaving the political system without any legislative head** (*In the Declaration: He has refused for a long time, after such dissolutions, to cause others to be elected*);

by **endeavoring to prevent the population of our country, & for that purpose obstructing the laws for the naturalization of foreigners & raising the condition lacking appropriations of lands** (*In the Declaration: He has endeavored 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.*);

by keeping among us, in times of peace, standing armies and ships of war (*In the Declaration: He has kept among us, in times of peace, standing armies, without the consent of our legislatures*);

lacking to render the military independent of & superior to the civil power *In the Declaration: He has affected to render the military independent of, and superior to, the civil power;*

by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation.

for quartering large bodies of troops among us *In the Declaration: For quartering large bodies of armed troops among us*);

for cutting off our trade with all parts of the world *In the Declaration: For cutting off our trade with all parts of the world*);

for imposing taxes on us without our consent *(In the Declaration: For imposing taxes on us without our consent)*;

for depriving us of the benefits of trial by jury *(In the Declaration: For depriving us, in many cases, of the benefits of trial by jury)*;

for transporting us beyond seas to be tried for pretended offences; and

for suspending our own legislatures & declaring themselves invested with power to legislate for us in all cases whatsoever;

by plundering our seas, ravaging our coasts, burning our towns and destroying the lives of our people;

by inciting insurrections of our fellow subjects with the allurements of forfeiture & confiscation;

by prompting our negroes to rise in arms among us; those very negroes whom *he hath from time to time* by an inhuman use of his negative he hath refused permission to exclude by law;

by endeavoring 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, & conditions of existence;

by transporting at this time a large army of foreign mercenaries to complete the works of death, desolation & tyranny already begun with circumstances of cruelty & perfidy so unworthy the head of a civilized nation;

by answering our repeated petitions for redress with a repetition of injuries;

and finally by abandoning the helm of government and declaring us out of his allegiance & protection;

by which several acts of misrule the said George Guelf has forfeited the kingly office and has rendered it necessary for the preservation of the people that he should be immediately deposed from the same, and divested of all its privileges, powers, & prerogatives:

And forasmuch as the public liberty may be more certainly secured by abolishing an office which all experience hath shewn to be inveterately inimical thereto *or which* and it will thereupon become further necessary to re-establish such ancient principles as are friendly to the rights of the people and to declare certain others which may co-operate with and fortify the same in future.

Be it therefore enacted by the authority of the people that the said, George Guelf be, and he hereby is deposed from the kingly office within this government and absolutely divested of all its rights, powers, and prerogatives: and that he and his descendants and all persons acting by or through him, and all other persons whatsoever shall be and forever remain incapable of the same: and that the said office shall henceforth cease and never more either in name or substance be re-established within this colony.

And be it further enacted by the authority aforesaid that the following fundamental laws and principles of government shall henceforth be established.

The Legislative, Executive and Judiciary offices shall be kept forever separate; no person exercising the one shall be capable of appointment to the others, or to either of them.

LEGISLATIVE.

Legislation shall be exercised by two separate houses, to wit a house of Representatives, and a house of Senators, which shall be called the General Assembly of Virginia *(In the Constitution: 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).*



Ho. of Representatives

The sd house of Representatives shall be composed of persons chosen by the people (***In the Constitution: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States***) annually on the [1st day of October] and shall meet in General assembly on the [1st day of November] following and so from time to time on their own adjournments, or at any time when summoned by the Administrator and shall continue sitting so long as they shall think the publick service requires.

Vacancies in the said house by death or disqualification shall be filled by the electors under a warrant from the Speaker of the said house.

Electors

All male persons of full age and sane mind having a freehold estate in [one fourth of an acre] of land in any town, or in [25] acres of land in the country, and all elected persons resident in the colony who shall have paid scot and lot to government the last [two years] shall have right to give their vote in the election of their respective representatives. And every person so qualified to elect shall be capable of being elected, provided he shall have given no bribe either directly or indirectly to any elector, and shall take an oath of fidelity to the state and of duty in his office, before he enters on the exercise thereof. During his continuance in the said office he shall hold no public pension nor post of profit, either himself, or by another for his use.

The number of Representatives for each county or borough shall be so proportioned to the numbers of it's qualified electors that the whole number of representatives shall not exceed [300] nor be less than [125.] for the present there shall be one representative for every [] qualified electors in each county or borough: but whenever this or any future proportion shall be likely to exceed or fall short of the limits beforementioned, it shall be again adjusted by the house of representatives.

The house of Representatives when met shall be free to act according to their own judgment and conscience.

Senate

The Senate shall consist of not less than [15] nor more than [50] members who shall be appointed by the house of Representatives. One third of them shall be removed out of office by lot at the end of the first [three] years and their places be supplied by a new appointment; one other third shall be removed by lot in like manner at the end of the second [three] years and their places be supplied by a new appointment; after which one third shall be removed annually at the end of every [three] years ***In the Constitution: 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***) according to seniority. When once removed, they shall be forever incapable of being re-appointed to that house. Their qualifications shall be an oath of fidelity to the state, and of duty in their office, the being [31] years of age at the least, and the having given no bribe directly or indirectly to obtain their appointment. While in the senatorial office they shall be incapable of holding any public pension or post of profit either themselves, or by others for their use.

The judges of the General court and of the High court of Chancery shall have session and deliberative voice, but not suffrage in the house of Senators.

The Senate and the house of representatives shall each of them have power to originate and amend bills; save only that bills for levying money *bills* shall be originated and amended by the representatives only ***In the Constitution: All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills***): the assent of both houses shall be requisite to pass a law.

The General assembly shall have no power to pass any law inflicting death for any crime, excepting murder, & *such* those offences in the military service for which they shall think punishment by death absolutely necessary: and all capital punishments in other cases are hereby abolished. Nor shall they have power to prescribe torture in any case whatever: nor shall there be power anywhere to pardon crimes or to remit fines or punishments: nor shall any law for levying money be in force longer than [ten years] from the time of its commencement.

[Two thirds] of the members of either house shall be a Quorum to proceed to business.



EXECUTIVE.

The executive powers shall be exercised in manner following.

Administrator

One person to be called the [Administrator] shall be annually appointed by the house of Representatives on the second day of their first session, who after having acted [one] year shall be incapable of being again appointed to that office until he shall have been out of the same [three] years.

Deputy Admr.

Under him shall be appointed by the same house and at the same time, a Deputy-Administrator to assist his principal in the discharge of his office, and to succeed, in case of his death before the year shall have expired, to the whole powers thereof during the residue of the year.

The administrator shall possess the power formerly held by the king: save only that, he shall be bound by acts of legislature tho' not expressly named;

he shall have no negative on the bills of the Legislature;

he shall be liable to action, tho' not to personal restraint for private duties or wrongs;

he shall not possess the prerogatives;

of dissolving, proroguing or adjourning either house of Assembly;

of declaring war or concluding peace;

of issuing letters of marque or reprisal;

of raising or introducing armed forces, building armed vessels, forts or strongholds;

of coining monies or regulating their values;

of regulating weights and measures;

of erecting courts, offices, boroughs, corporations, fairs, markets, ports, beacons, lighthouses, seamarks.

of laying embargoes, or prohibiting the exportation of any commodity for a longer space than [40] days.

of retaining or recalling a member of the state but by legal process pro delicto vel contractu.

of making denizens.

of pardoning crimes, or remitting fines or punishments.

of creating dignities or granting rights of precedence.

but these powers shall be exercised by the legislature alone, and excepting also those powers which by these fundamentals are given to others, or abolished.

Privy Council

A Privy council shall be annually appointed by the house of representatives whose duties it shall be to give advice to the Administrator when called on by him. With them the Deputy Administrator shall have session and suffrage.

Delegates

Delegates to represent this colony in the American Congress shall be appointed when necessary by the house of Representatives. After serving [one] year in that office they shall not be capable of being re-appointed to the same during an interval of [one] year.



Treasurer

A Treasurer shall be appointed by the house of Representatives who shall issue no money but by authority of both houses.

Attorney Genrl.

An Attorney general shall be appointed by the house of Representatives

High Sheriffs, &c.

High Sheriffs and Coroners of counties shall be annually elected by those qualified to vote for representatives: and no person who shall have served as high sheriff [one] year shall be capable of being re-elected to the said office in the same county till he shall have been out of office [five] years.

Other Officers

All other Officers civil and military shall be appointed by the Administrator; but such appointment shall be subject to the negative of the Privy council, saving however to the Legislature a power of transferring to any other persons the appointment of such officers or any of them.

JUDICIARY.

The Judiciary powers shall be exercised

First, by County courts and other inferior jurisdictions:

Secondly, by a General court & a High court of Chancery:

Thirdly, by a Court of Appeals.

County Courts, &c.

The judges of the county courts and other inferior jurisdictions shall be appointed by the Administrator, subject to the negative of the privy council. They shall not be fewer than [five] in number. Their jurisdictions shall be defined from time to time by the legislature: and they shall be removable for misbehavior by the court of Appeals.

Genl. Court and High Ct. of Chancery

The Judges of the General court and of the High court of Chancery shall be appointed by the Administrator ***In the Constitution: He . . . shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court*** and Privy council. If kept united they shall be [5] in number, if separate, there shall be [5] for the General court & [3] for the High court of Chancery. The appointment shall be made from the faculty of the law, and of such persons of that faculty as shall have actually exercised the same at the bar of some court or courts of record within this colony for [seven] years. They shall hold their commissions during good behavior, for breach of which they shall be removable by the court of Appeals. Their jurisdiction shall be defined from time to time by the Legislature.

Court of Appeals

The Court of Appeals shall consist of not less than [7] nor more than [11] members, to be appointed by the house of Representatives: they shall hold their offices during good behavior, for breach of which they shall be removable by an act of the legislature only. Their jurisdiction shall be to determine finally all causes removed before them from the General Court or High Court of Chancery, or of the county courts or other inferior jurisdictions for misbehavior: [to try impeachments against high offenders lodged before them by the house of representatives for such crimes as shall hereafter be precisely defined by the Legislature, and for the punishment of which, the said legislature shall have previously prescribed certain and determinate pains.] In this court the judges of the General court and High court of Chancery shall have session and deliberative voice, but no suffrage.



Juries

All facts in causes whether of Chancery, Common, Ecclesiastical, or Marine law, shall be tried by a jury upon evidence given viva voce, in open court ***In the Constitution: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury***: but where witnesses are out of the colony or unable to attend through sickness or other invincible necessity, their deposition may be submitted to the credit of the jury.

Fines, &c.

All Fines or Amercements shall be assessed, & Terms of imprisonment for Contempts & Misdemeanors shall be fixed by the verdict of a Jury.

Process

All Process Original & Judicial shall run in the name of the court from which it issues.

Quorum

Two thirds of the members of the General court, High court of Chancery, or Court of Appeals shall be a Quorum to proceed to business.

RIGHTS, PRIVATE AND PUBLIC.

Lands

Unappropriated or Forfeited lands shall be appropriated by the Administrator with the consent of the Privy council.

Every person of full age neither owning nor having owned [50] acres of land, shall be entitled to an appropriation of [50] acres or to so much as shall make up what he owns or has owned [50] acres in full and absolute dominion. And no other person shall be capable of taking an appropriation.

Lands heretofore holden of the crown in fee simple, and those hereafter to be appropriated shall be holden in full and absolute dominion, of no superior whatever.

No lands shall be appropriated until purchased of the Indian native proprietors; nor shall any purchases be made of them but on behalf of the public, by authority of acts of the General assembly to be passed for every purchase specially.

The territories contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released, & forever confirmed to the people of those 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 this colony. The Western and Northern extent of this country shall in all other respects stand as fixed by the charter of until by act of the Legislature one or more territories shall be laid off Westward of the Alleghany mountains for new colonies, which colonies shall be established on the same fundamental laws contained in this instrument, and shall be free and independent of this colony and of all the world.

Descents shall go according to the laws Gavelkind, save only that females shall have equal rights with males.

Slaves

No person hereafter coming into this county shall be held within the same in slavery under any pretext whatever.

Naturalization

All persons who by their own oath or affirmation, or by other testimony shall give satisfactory proof to any court of record in this colony that they propose to reside in the same [7] years at the least and who shall subscribe the fundamental laws, shall be considered as residents and entitled to all the rights of persons natural born.

Religion

All persons shall have full and free liberty of religious opinion; nor shall any be compelled to frequent or maintain any religious institution.



Arms

No freeman shall be debarred the use of arms [within his own lands].

Standing Armies

There shall be no standing army but in time of actual war.

Free Press

Printing presses shall be free, except so far as by commission of private injury cause may be given of private action.

Forfeitures

All Forfeitures heretofore going to the king, shall go the state; save only such as the legislature may hereafter abolish.

Wrecks

The royal claim to Wrecks, waifs, strays, treasure-trove, royal mines, royal fish, royal birds, are declared to have been usurpations on common right.

Salaries

No Salaries or Perquisites shall be given to any officer but by some future act of the legislature. No salaries shall be given to the Administrator, members of the legislative houses, judges of the court of Appeals, judges of the County courts, or other inferior jurisdictions, Privy counsellors, or Delegates to the American Congress: but the reasonable expences of the Administrator, members of the house of representatives, judges of the court of Appeals, Privy counsellors, & Delegates for subsistence while acting in the duties of their office, may be borne by the public, if the legislature shall so direct.

Qualifications

No person shall be capable of acting in any office Civil, Military [or Ecclesiastical] *The Qualifications of all not otherwise directed, shall be an oath of fidelity to state and the having given no bribe to obtain their office* who shall have given any bribe to obtain such office, or who shall not previously take an oath of fidelity to the state.

None of these fundamental laws and principles of government shall be repealed or altered, but by the personal consent of the people on summons to meet in their respective counties on one and the same day by an act of Legislature to be passed for every special occasion: and if in such county meetings the people of two thirds of the counties shall give their suffrage for any particular alteration or repeal referred to them by the said act, the same shall be accordingly repealed or altered, and such repeal or alteration shall take it's place among these fundamentals and stand on the same footing with them, in lieu of the article repealed or altered.

The laws heretofore in force in this colony shall remain in force, except so far as they are altered by the foregoing fundamental laws, or so far as they may be hereafter altered by acts of the Legislature.



Jefferson's Summary View of the Rights of British America Compared to the Declaration of Independence

This font = Compares to Declaration of Independence

This font = From the Declaration of Independence

Resolved, that it be an instruction to the said deputies, when assembled in general congress with the deputies from the other states of British America, to propose to the said congress that an **humble and dutiful address be presented to his majesty**, begging leave to lay before him, as chief magistrate of the British empire, the united complaints of his majesty's subjects in America; **complaints which are excited by many unwarrantable encroachments and usurpations**, attempted to be made by the legislature of one part of the empire, upon those rights which God and the laws have given equally and independently to all. To represent to his majesty that these his states have often individually **made humble application to his imperial throne to obtain, through its intervention, some redress of their injured rights, to none of which was ever even an answer condescended**; humbly to hope that this their joint address, penned in the language of truth, and divested of those expressions of servility which would persuade his majesty that we are asking favours, and not rights, shall obtain from his majesty a more respectful acceptance. And this his majesty will think we have reason to expect when he reflects that **he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendance**. And in order that these our rights, as well as the invasions of them, may be laid more fully before his majesty, to take a view of them from the origin and first settlement of these countries.

To remind him that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, (*in the Declaration: We have reminded them of the circumstances of our emigration and settlement here*) and possessed a right which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as to them shall **seem most likely to promote public happiness**. (*in the Declaration: most likely to effect their safety and happiness.*) That their Saxon ancestors had, under this universal law, in like manner left their native wilds and woods in the north of Europe, had possessed themselves of the island of Britain, then less charged with inhabitants, and had established there that system of laws which has so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence asserted over them by that mother country from which they had migrated; and were such a claim made, it is believed that his majesty's subjects in Great Britain have too firm a feeling of the rights derived to them from their ancestors, to bow down the sovereignty of their state before such visionary pretensions. And it is thought that no circumstance has occurred to distinguish materially the British from the Saxon emigration. America was conquered, and her settlements made, and firmly established, at the expence of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual; for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold. Not a shilling was ever issued from the public treasures of his majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. That then, indeed, having become valuable to Great Britain for her commercial purposes, his parliament was pleased to lend them assistance against an enemy, who would fain have drawn to herself the benefits of their commerce, to the great aggrandizement of herself, and danger of Great Britain. Such assistance, and in such circumstances, they had often before given to Portugal, and other allied states, with whom they carry on a commercial intercourse; yet these states never supposed, that by calling in her aid, they thereby submitted themselves to her sovereignty. Had such terms been proposed, they would have rejected them with disdain, and trusted for better to the moderation of their enemies, or to a vigorous exertion of their own force. We do not, however, mean to under-rate those aids, which to us were doubtless valuable, on whatever principles granted; but we would shew that they cannot give a title to that authority which the British parliament would arrogate over us, and that they may amply be repaid by our giving to the inhabitants of Great Britain such exclusive priv-

ileges in trade as may be advantageous to them, and at the same time not too restrictive to ourselves. That settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws under which they had hitherto lived in the mother country, and to continue their union with her by submitting themselves to the same common sovereign, who was thereby made the central link connecting the several parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought themselves removed from the hand of oppression, to hold undisturbed the rights thus acquired, at the hazard of their lives, and loss of their fortunes. A family of princes was then on the British throne, whose treasonable crimes against their people brought on them afterwards the exertion of those sacred and sovereign rights of punishment reserved in the hands of the people for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustifiable exertion of power over their subjects on that side the water, it was not to be expected that those here, much less able at that time to oppose the designs of despotism, should be exempted from injury.

Accordingly that country, which had been acquired by the lives, the labours, and the fortunes, of individual adventurers, was by these princes, at several times, parted out and distributed among the favourites and (1) followers of their fortunes, and, by an assumed right of the crown alone, were erected into distinct and independent governments; a measure which it is believed his majesty's prudence and understanding would prevent him from imitating at this day, as no exercise of such a power, of dividing and dismembering a country, has ever occurred in his majesty's realm of England, though now of very antient standing; nor could it be justified or acquiesced under there, or in any other part of his majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of his majesty king Charles the first, whom, notwithstanding his late deposition by the commonwealth of England, they continued in the sovereignty of their state; the parliament for the commonwealth took the same in high offence, and assumed upon themselves the power of **prohibiting their trade with all other parts of the world** (*in the Declaration: For cutting off our trade with all parts of the world. . .*), except the island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty, entered into on the 12th day of March, 1651, between the said commonwealth by their commissioners, and the colony of Virginia by their house of burgesses, it was expressly stipulated, by the 8th article of the said treaty, that they should have "free trade as the people of England do enjoy to all places and with all nations, according to the laws of that commonwealth." But that, upon the restoration of his majesty king Charles the second, their rights of free commerce fell once more a victim to arbitrary power; and by several acts (2) of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as shew what hopes they might form from the justice of a British parliament, were its uncontrouled power admitted over these states. History has informed us that bodies of men, as well as individuals, are susceptible of the spirit of tyranny. A view of these acts of parliament for regulation, as it has been affectedly called, of the American trade, if all other evidence were removed out of the case, would undeniably evince the truth of this observation. Besides the duties they impose on our articles of export and import, they prohibit our going to any markets northward of Cape Finesterre, in the kingdom of Spain, for the sale of commodities which Great Britain will not take from us, and for the purchase of others, with which she cannot supply us, and that for no other than the arbitrary purposes of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who in confidence that their exclusive trade with America will be continued, while the principles and power of the British parliament be the same, have indulged themselves in every exorbitance which their avarice could dictate, or our necessities extort; have raised their commodities, called for in America, to the double and treble of what they sold for before such exclusive privileges were given them, and of what better commodities of the same kind would cost us elsewhere, and at the same time give us much less for what we carry thither than might be had at more convenient ports. That these acts prohibit us from carrying in quest of other purchasers the surplus of our tobaccos remaining after the consumption of Great Britain is supplied; so that we must leave them with the British merchant for whatever he will please to allow us, to be by him reshipped to foreign markets, where he will reap the benefits of making sale of them for full value. That to heighten still the idea of parliamentary justice, and to shew with what moderation they are like to exercise power, where themselves are to feel no part of its weight, we take leave to mention to his majesty certain other acts of British parliament, by which they would prohibit us from manufacturing for our own use the articles we raise on our own lands with our own labour. By an act (3) passed in the 5th Year of the reign of his late majesty king George the second, an American subject is forbidden to make a hat for himself of the fur which he has taken perhaps on his own soil; an instance of despotism to which no parallel can be produced in the most arbitrary ages of British history. By one other act, (4) passed in the 23d year of

the same reign, the iron which we make we are forbidden to manufacture, and heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting not men, but machines, in the island of Great Britain. In the same spirit of equal and impartial legislation is to be viewed the act of parliament (5), passed in the 5th year of the same reign, by which American lands are made subject to the demands of British creditors, while their own lands were still continued unanswerable for their debts; from which one of these conclusions must necessarily follow, either that justice is not the same in America as in Britain, or else that the British parliament pay less regard to it here than there. But that we do not point out to his majesty the injustice of these acts, with intent to rest on that principle the cause of their nullity; but to shew that experience confirms the propriety of those political principles which exempt us from the jurisdiction of the British parliament. The true ground on which we declare these acts void is, that the British parliament has no right to exercise authority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested, but they have also intermeddled with the regulation of the internal affairs of the colonies. The act of the 9th of Anne for establishing a post office in America seems to have had little connection with British convenience, except that of accommodating his majesty's ministers and favourites with the sale of a lucrative and easy office.

That thus have we hastened through the reigns which preceded his majesty's, during which the violations of our right were less alarming, because repeated at more distant intervals than that rapid and bold succession of injuries which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of parliamentary thunder has involved us, before another more heavy, and more alarming, is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but **a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate and systematical plan of reducing us to slavery.**

(in the Declaration: But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism.)

That the act (6) passed in the 4th year of his majesty's reign, intituled "An act for granting certain duties in the British colonies and plantations in America, &c."

One other act (7), passed in the 5th year of his reign, intituled "An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c."

One other act (8), passed in the 6th year of his reign, intituled "An act for the better securing the dependency of his majesty's dominions in America upon the crown and parliament of Great Britain;" and one other act (9), passed in the 7th year of his reign, intituled "An act for granting duties on paper, tea, &c." form that connected chain of parliamentary usurpation, which has already been the subject of frequent applications to his majesty, and the houses of lords and commons of Great Britain; and no answers having yet been condescended to any of these, we shall not trouble his majesty with a repetition of the matters they contained.

But that one other act (10), passed in the same 7th year of the reign, having been a peculiar attempt, must ever require peculiar mention; it is intituled "**An act for suspending the legislature of New York.**" *(in the Declaration: He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.)* One free and independent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common sense, but the common feelings of human nature, must be surrendered up before his majesty's subjects here can be persuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned why 160,000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of 160,000 tyrants, distinguished too from all others by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That by "an act (11) to discontinue in such manner and for such time as are therein mentioned the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America," which was passed at the last session of British parliament; a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while suppose the question of right suspended, in order to examine this act on principles of justice: An act of parliament had been passed imposing duties on teas, to be paid in America, against which act the Americans had protested as inauthoritative. The East India company, who till that time had never sent a pound of tea to America on their own account, step forth on that occasion the assertors of parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New England alone the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known and were amenable to the laws of the land, against which it could not be objected that they had ever, in any instance, been obstructed or diverted from their regular course in favour of popular offenders. They should therefore not have been distrusted on this occasion. But that ill fated colony had formerly been bold in their enmities against the house of Stuart, and were now devoted to ruin by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependents, whose constant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of the British knighthood, without calling for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that antient and wealthy town is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested in that place the wealth their honest endeavours had merited, found themselves and their families thrown at once on the world for subsistence by its charities. Not the hundredth part of the inhabitants of that town had been concerned in the act complained of; many of them were in Great Britain and in other parts beyond sea; yet all were involved in one indiscriminate ruin, by a new executive power, unheard of till then, that of a British parliament. A property, of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed! and when is this tempest to be arrested in its course? Two wharfs are to be opened again when his majesty shall think proper. The residue which lined the extensive shores of the bay of Boston are forever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose than that of setting a precedent for investing his majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense to pretend that this exception was made in order to restore its commerce to that great town. The trade which cannot be received at two wharfs alone must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharfs. Considered in this light, it would be an insolent and cruel mockery at the annihilation of the town of Boston.

By the act (12) for the suppression of riots and tumults in the town of Boston, passed also in the last session of parliament, **a murder committed there is, if the governor pleases, to be tried in the court of King's Bench, in the island of Great Britain, by a jury of Middlesex.** (*in the Declaration: For transporting us beyond seas, to be tried for pretended offenses*) The witnesses, too, on receipt of such a sum as the governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance, and that amount may be whatever a governor pleases; for who does his majesty think can be prevailed on to cross the Atlantic for the sole purpose of bearing evidence to a fact? His expences are to be borne, indeed, as they shall be estimated by a governor; but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labour? Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be estimated among the articles of expence, and their danger to be warded off by the almighty power of parliament? And the wretched criminal, if he happen to have offended on the American side, **stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before judges predetermined to condemn.** (*in the Declaration: For depriving us, in many cases, of the benefits of trial by jury.*) The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! A clause

(13) for a similar purpose had been introduced into an act, passed in the 12th year of his majesty's reign, intitled "An act for the better securing and preserving his majesty's dockyards, magazines, ships, ammunition, and stores;" against which, as meriting the same censures, the several colonies have already protested.

That these are the acts of power, assumed by a body of men, foreign to our constitutions, and unacknowledged by our laws, against which we do, on behalf of the inhabitants of British America, enter this our solemn and determined protest; and we do earnestly entreat his majesty, as yet the only mediatory power between the several states of the British empire, to recommend to his parliament of Great Britain the total revocation of these acts, which, however nugatory they be, may yet prove the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his majesty, as holding the executive powers of the laws of these states, and mark out his deviations from the line of duty: By the constitution of Great Britain, as well as of the several American states, his majesty possesses the power of refusing to pass into a law any bill which has already passed the other two branches of legislature. His majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two houses of parliament, while their proceedings were unbiassed by interested principles, for several ages past have modestly declined the exercise of this power in that part of his empire called Great Britain. But by change of circumstances, other principles than those of justice simply have obtained an influence on their determinations; **the addition of new states to the British empire has produced an addition of new, and sometimes opposite interests.** (*in the Declaration: For abolishing the free system of English laws in a neighboring 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.*) It is now, therefore, the great office of his majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power which we have seen his majesty practise on the laws of the American legislatures. For the most trifling reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative: Thus preferring the immediate advantages of a few African corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country. That this is so shameful an abuse of a power trusted with his majesty for other purposes, as if not reformed, would call for some legal restrictions.

With equal inattention to the necessities of his people here has his majesty **permitted our laws to lie neglected in England for years, neither confirming them by his assent,** (*in the Declaration: He has refused his assent to laws, the most wholesome and necessary for the public good.*) nor annulling them by his negative; so that such of them as have no suspending clause we hold on the most precarious of all tenures, his majesty's will, and such of them as suspend themselves till his majesty's assent be obtained, we have feared, might be called into existence at some future and distant period, when time, and change of circumstances, shall have rendered them destructive to his people here. **And to render this grievance still more oppressive, his majesty by his instructions has laid his governors under such restrictions that they can pass no law of any moment unless it have such suspending clause** (*in the Declaration: He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained*); so that, however immediate may be the call for legislative interposition, the law cannot be executed till it has twice crossed the atlantic, by which time the evil may have spent its whole force.

But in what terms, reconcileable to majesty, and at the same time to truth, shall we speak of a late instruction to his majesty's governor of the colony of Virginia, by which he is **forbidden to assent to any law for the division of a county, unless the new county will consent to have no representative in assembly** (*in the Declaration: 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*)? That colony has as yet fixed no boundary to the westward. Their western counties, therefore, are of indefinite extent; some of them are actually seated many hundred miles from their eastern limits. Is it possible, then, that his majesty can have bestowed a single thought on the situation of those people, who, in order to obtain justice for injuries, however great or small, must, by the laws of that colony, attend their county

court, at such a distance, with all their witnesses, monthly, till their litigation be determined? **Or does his majesty seriously wish, and publish it to the world, that his subjects should give up the glorious right of representation, with all the benefits derived from that, and submit themselves the absolute slaves of his sovereign will?** (*in the Declaration: 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.*) Or is it rather meant to confine the legislative body to their present numbers, that they may be the cheaper bargain whenever they shall become worth a purchase.

One of the articles of impeachment against Tresilian, and the other judges of Westminster Hall, in the reign of Richard the second, for which they suffered death, as traitors to their country, was, that they had advised the king that he might dissolve his parliament at any time; and succeeding kings have adopted the opinion of these unjust judges. Since the establishment, however, of the British constitution, at the glorious revolution, on its free and antient principles, neither his majesty, nor his ancestors, have exercised such a power of dissolution in the island of Great Britain; and when his majesty was petitioned, by the united voice of his people there, to dissolve the present parliament, who had become obnoxious to them, his ministers were heard to declare, in open parliament, that his majesty possessed no such power by the constitution. But how different their language and his practice here! To declare, as their duty required, the known rights of their country, to oppose the usurpations of every foreign judicature, to disregard the imperious mandates of a minister or governor, have been the avowed causes of **dissolving houses of representatives in America**. But if such powers be really vested in his majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the confidence of their constituents, when they have notoriously made sale of their most valuable rights, when they have assumed to themselves powers which the people never put into their hands, then indeed their continuing in office becomes dangerous to the state, and calls for an exercise of the power of dissolution. Such being the causes for which the representative body should, and should not, be dissolved, will it not appear strange to an unbiassed observer, that that of Great Britain was not dissolved, while those of the colonies have repeatedly incurred that sentence?

But your majesty, or your governors, have carried this power beyond every limit known, or provided for, by the laws: After dissolving one house of representatives, **they have refused to call another, so that, for a great length of time, the legislature provided by the laws has been out of existence**. From the nature of things, every society must at all times possess within itself the sovereign powers of legislation. The feelings of human nature revolt against the supposition of a state so situated as that it may not in any emergency provide against dangers which perhaps threaten immediate ruin. While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess and may exercise those powers; but when they are dissolved by the lopping off one or more of their branches, **the power reverts to the people**, who may exercise it to unlimited extent, either assembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace consequences further; the dangers are conspicuous with which this practice is replete.

That we shall at this time also take notice of an error in the nature of our land holdings, which crept in at a very early period of our settlement. The introduction of the feudal tenures into the kingdom of England, though antient, is well enough understood to set this matter in a proper light. In the earlier ages of the Saxon settlement feudal holdings were certainly altogether unknown; and very few, if any, had been introduced at the time of the Norman conquest. Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disencumbered with any superior, answering nearly to the nature of those possessions which the feudalists term allodial. William, the Norman, first introduced that system generally. The lands which had belonged to those who fell in the battle of Hastings, and in the subsequent insurrections of his reign, formed a considerable proportion of the lands of the whole kingdom. These he granted out, subject to feudal duties, as did he also those of a great number of his new subjects, who, by persuasions or threats, were induced to surrender them for that purpose. But still much was left in the hands of his Saxon subjects; held of no superior, and not subject to feudal conditions. These, therefore, by express laws, enacted to render uniform the system of military defence, were made liable to the same military duties as if they had been feuds; and the Norman lawyers soon found means to saddle them also with all the other feudal burthens. But still they had not been surrendered to the king, they were not derived from his grant, and therefore they were not holden of him. A general principle, indeed, was introduced, that "all lands in England were held either mediately or immediately of the crown," but this was borrowed from those holdings, which were truly feudal, and only applied to others for the purposes of illustration. Feudal holdings were therefore but exceptions out of the Saxon laws of possession, under which all lands were held in absolute right. These, therefore, still form the basis, or ground-work, of the common law, to prevail wheresoever the exceptions have not taken place. America was not conquered by William the Norman, nor its lands surrendered to him, or any of his suc-

cessors. Possessions there are undoubtedly of the allodial nature. Our ancestors, however, who migrated hither, were farmers, not lawyers. The fictitious principle that all lands belong originally to the king, they were early persuaded to believe real; and accordingly took grants of their own lands from the crown. And while the crown continued to grant for small sums, and on reasonable rents; there was no inducement to arrest the error, and lay it open to public view. But his majesty has lately taken on him to advance the terms of purchase, and of holding to the double of what they were; by which means the acquisition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before his majesty, and to declare that he has no right to grant lands of himself. From the nature and purpose of civil institutions, all the lands within the limits which any particular society has circumscribed around itself are assumed by that society, and subject to their allotment only. This may be done by themselves, assembled collectively, or by their legislature, to whom they may have delegated sovereign authority; and if they are allotted in neither of these ways, each individual of the society may appropriate to himself such lands as he finds vacant, and occupancy will give him title.

That in order to enforce the arbitrary measures before complained of, his majesty has from time to time **sent among us large bodies of armed forces**, not made up of the people here, nor raised by the authority of our laws: Did his majesty possess such a right as this, it might swallow up all our other rights whenever he should think proper. But his majesty has no right to land a single armed man on our shores, and those whom he sends here are liable to our laws made for the suppression and punishment of riots, routs, and unlawful assemblies; or are hostile bodies, invading us in defiance of law. When in the course of the late war it became expedient that a body of Hanoverian troops should be brought over for the defence of Great Britain, his majesty's grandfather, our late sovereign, did not pretend to introduce them under any authority he possessed. Such a measure would have given just alarm to his subjects in Great Britain, whose liberties would not be safe if armed men of another country, and of another spirit, might be brought into the realm at any time without the consent of their legislature. He therefore applied to parliament, who passed an act for that purpose, limiting the number to be brought in and the time they were to continue. In like manner is his majesty restrained in every part of the empire. He possesses, indeed, the executive power of the laws in every state; but they are the laws of the particular state which he is to administer within that state, and not those of any one within the limits of another. Every state must judge for itself the number of armed men which they may safely trust among them, of whom they are to consist, and under what restrictions they shall be laid.

To render these proceedings still more criminal against our laws, instead of subjecting the military to the civil powers, his majesty has expressly **made the civil subordinate to the military**. But can his majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember that force cannot give right.

That these are our grievances which we have thus laid before his majesty, with that freedom of language and sentiment which becomes a free people claiming their rights, as derived from the laws of nature, and not as the gift of their chief magistrate: Let those flatter who fear; it is not an American art. To give praise which is not due might be well from the venal, but would ill beseech those who are asserting the rights of human nature. They know, and will therefore say, that kings are the servants, not the proprietors of the people. Open your breast, sire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history. You are surrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them requires not the aid of many counsellors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. This, sire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue both to Great Britain and America the reciprocal advantages of their connection. It is neither our wish, nor our interest, to separate from her. We are willing, on our part, to sacrifice every thing which reason can ask to the restoration of that tranquillity for which all must wish. On their part, let them be ready to establish union and a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give for such things as we can raise for their use, or they make for ours. **But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use, or to supply those wants which they cannot supply.** Still less let it be proposed that our properties within our own territories shall be **taxed or regulated by any power on earth**



but our own. The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them. This, sire, is our last, our determined resolution; and that you will be pleased to interpose with that efficacy which your earnest endeavours may ensure to procure redress of these our great grievances, to quiet the minds of your subjects in British America, against any apprehensions of future encroachment, to establish fraternal love and harmony through the whole empire, and that these may continue to the latest ages of time, is the fervent prayer of all British America!

(1) 1632 Maryland was granted to lord Baltimore, 14. c. 2. Pennsylvania to Penn, and the province of Carolina was in the year 1663 granted by letters patent of majesty, king Charles II. in the 15th year of his reign, in propriety, unto the right honourable Edward earl of Clarendon, George duke of Albemarle, William earl of Craven, John lord Berkeley, Anthony lord Ashley, sir George Carteret, sir John Coleton, knight and baronet, and sir William Berkeley, knight; by which letters patent the laws of England were to be in force in Carolina: But the lords proprietors had power, _with the consent of the inhabitants,_ to make bye-laws for the better government of the said province; so that no money could be received, or law made, without the consent of the inhabitants, or their representatives.

Name _____ Date _____



George Mason's Virginia Declaration of Rights Compared to Keystone Documents

<http://edsitement.neh.gov>

This font = Compares to Declaration of Independence

This font = Compares to the Constitution of the United States

This font = Compares to the Bill of Rights (1st Ten Amendments)

This font = Comparable Constitutional Amendment

Has a preamble

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.

Has sections

Section 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.

Section 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.

Section 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 has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it**, in such manner as shall be judged most conducive to the public weal.

Section 4. That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, nor being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

Section 5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burdens 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.

Section 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 public 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, assembled for the public good.

Section 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.

Section 8. That in all capital or criminal prosecutions a man has 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 favor, and to a speedy trial by an impar-

tial jury of twelve men 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. ***Amendment VI. 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 favor, and to have the Assistance of Counsel for his defence.***

Section 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. ***Amendment VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.***

Section 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 offense is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted. ***Amendment IV. 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.***

Section 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.

Section 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments. ***Amendment I. 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. according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.***

Section 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense 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.

Section 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.

Section 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.

Section 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. ***Amendment I. 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. according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.***

Name _____ Date _____

Five Group Comparison Chart



<http://edsitement.neh.gov>

Name: _____	XXX	XXX
Document: _____	Declaration of Independence	Constitution

Name _____ Date _____

Document Comparison Summary



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Name:	Declaration of Independence	United States Constitution
Albany Plan		
Franklin's Articles		
Summary View of Rights		
VA Constitution Draft		