

# THE DECLARATION OF INDEPENDENCE.

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IN CONGRESS, JULY 4, 1776.

## THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

July 4, 1776.

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 a 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 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.

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He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

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 migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

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

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions 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 connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

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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 connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

*New Hampshire.*—Josiah Bartlett, William Whipple, Matthew Thornton.

*Massachusetts Bay.*—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

*Rhode Island, &c.*—Stephen Hopkins, William Ellery.

*Connecticut.*—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

*New York.*—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

*New Jersey.*—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

*Pennsylvania.*—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

*Delaware.*—Cæsar Rodney, George Read, Thomas M'Kean.

*Maryland.*—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

*Virginia.*—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

*North Carolina.*—William Hooper, Joseph Hewes, John Penn.

*South Carolina.*—Edward Rutledge, Thomas Hayward, Jun., Thomas Lynch, Jun., Arthur Middleton.

*Georgia.*—Button Gwinnett, Lyman Hall, George Walton.

# ARTICLES OF CONFEDERATION.

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To all to whom these presents shall come,

We, the undersigned, Delegates of the States affixed to our names, send greeting :

Whereas the Delegates of the United States of America in Congress assembled, did on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.

## ARTICLES OF CONFEDERATION AND PERPETUAL UNION,

between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

July 9, 1778.

ARTICLE 1. The style of this confederacy shall be, "THE UNITED STATES OF AMERICA."

ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation, expressly delegated to the United States, in Congress assembled.

ART. 3. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

§ 3. Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

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§ 2. No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

§ 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

§ 4. In determining questions in the United States in Congress assembled, each State shall have one vote.

§ 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony or breach of the peace.

ART. 6. § 1. No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more States shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States, in Congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

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ART. 7. When land forces are raised by any State, for the common defence, all officers of, or under the rank of colonel, shall be appointed by the legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. 9. § 1. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article, of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

§ 2. The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent

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or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

§ 4. The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "*A Committee of the States*," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within

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the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

§ 6. The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

§ 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ART. 10. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the



United States, and be afterwards confirmed by the legislatures of every State.

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And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands, in Congress.

*Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the Independence of America.*

*On the part and behalf of the State of New Hampshire.*—Josiah Bartlett, John Wentworth, Jun. (August 8, 1778.)

*On the part and behalf of the State of Massachusetts Bay.*—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

*On the part and behalf of the State of Rhode Island and Providence Plantations.*—William Ellery, Henry Marchant, John Collins.

*On the part and behalf of the State of Connecticut.*—Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

*On the part and behalf of the State of New York.*—James Duane, Francis Lewis, William Duer, Gouv. Morris.

*On the part and in behalf of the State of New Jersey.*—Jno. Witherspoon, Nath. Scudder, (November 26, 1778.)

*On the part and behalf of the State of Pennsylvania.*—Robert Morris, Daniel Roberdeau, Jona. Bayard Smith, William Clingan, Joseph Reed, (July 22, 1778.)

*On the part and behalf of the State of Delaware.*—Thomas M'Kean, (February 12, 1779,) John Dickinson, (May 5, 1779,) Nicholas Van Dyke.

*On the part and behalf of the State of Maryland.*—John Hanson, (March 1, 1781,) Daniel Carroll, (March 1, 1781.)

*On the part and behalf of the State of Virginia.*—Richard Henry Lee, John Banister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee.

*On the part and behalf of the State of North Carolina.*—John Penn, (July 21, 1778,) Corns. Harnett, Jno. Williams.

*On the part and behalf of the State of South Carolina.*—Henry Laurens, William Henry Drayton, Jno. Mathews, Richard Hutson, Thos. Heyward, Jun.

*On the part and behalf of the State of Georgia.*—Jno. Walton, (July 24, 1778,) Edwd. Telfair, Edward Langworthy.

# THE CONSTITUTION OF THE UNITED STATES.

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Purposes for which the Constitution was ordained and established.

Legislative powers vested in Congress.

House of Representatives.

Representatives and direct taxes to be apportioned according to respective numbers.

Census to be taken every ten years.

Representatives in Congress.

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.(a)

ARTICLE 1. § 1. 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.(b)

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative, and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four,

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(a) *Martin*, heir at law of *Fairfax*, v. *Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575. *Briscoe et al. v. the Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *McCulloch v. The State of Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466. *Gibbons v. Ogden*, 9 Wheat. 1. *Barron v. The Mayor and City Council of Baltimore*, 7 Peters, 243. *Marberry v. Madison*, 1 Cranch, 237; 1 Cond. Rep. 267. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. *Owing v. Norwood*, 5 Cranch, 344; 2 Cond. Rep. 275.

(b) The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass laws; the second to approve and execute them; the third to expound and enforce them. *Martin*, heir at law of *Fairfax*, v. *Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575.

The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers were to be carried into execution. It was foreseen that that would be a perilous and difficult, if not an impracticable task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be made indispensable to effectuate the general objects of the charter; and restrictions and specifications which at present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms; leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and remodel the exercise of its own powers as its own wisdom, and the public interests should require. *Martin*, &c. v. *Hunter*, 1 Wheat. 304; 3 Cond. Rep. 575.

Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three. (α)

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

§ 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

§ 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

§ 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent

Vacancies in the representation, how filled.

Speaker and officers of H. R. Impeachment. Senate, how composed. Senators, how chosen.

Each Senator to have one vote. One third of the Senators to be chosen every second year.—Vacancies during recess of the Legislature of a State. How filled.

Qualifications of Senators.

Vice President of U. S. president of Senate.

The Senate to choose their officers. President pro tempore.

The Senate to have the sole power to try impeachments. When the President of U. S. is tried, the Chief Justice shall preside.

Judgment in case of impeachment. Party convicted subject to indictment at law.

Times and places for holding elections. Congress may at anytime make or alter regulations made by the States, except as to the places of choosing Senators.

Congress to assemble once a year.

Each House

(α) South Carolina adopted the Constitution by a convention called in November, 1789. Rhode Island, by a convention held in May, 1790, assented to the Constitution. Kentucky was admitted into the Union, June 1, 1792. Vermont was admitted into the Union, March 4, 1791. Tennessee was admitted into the Union, June 1, 1796. Ohio was established as a state of the Union, by act of April 30, 1802. Louisiana was admitted into the Union, April 30, 1812. Indiana was admitted into the Union, December 11, 1816. Mississippi was admitted into the Union, December 10, 1817. Illinois was admitted into the Union, December 3, 1818. Alabama was admitted into the Union, December 14, 1819. Maine was admitted into the Union by an act of Congress, passed March 3, 1820. Missouri was admitted into the Union, March 2, 1821. Arkansas was admitted into the Union, June 15, 1836. Michigan was admitted into the Union, January 26, 1837. North Carolina became a member of the Union, before June 4, 1790. Iowa and Florida were authorized to become states of the Union, by act of March 3, 1845, chap. 48.

to be the judge of the elections, returns, and qualifications of its members. A majority to form a quorum.

Rules of proceeding.

Each House to keep a journal. Yeas and nays.

Adjournments of the Houses of Congress.

Compensation of the Senators and Representatives. Privileged from arrest, with exceptions. Not to be questioned in any other place for any speech or debate in either House.

Appointment to office of Senators or Representatives. No person holding any office under the U. S. to be a member of either House during his continuance in office.

Bills for raising revenue.

Bills, after having passed Congress, to be presented to the President. Proceedings when the President disapproves.

Every order, resolution, or vote, of both Houses (except on a question of adjournment) to be presented to the President of the U. S.

Powers of Congress.

members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

§ 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

§ 7. 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.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

§ 8. The Congress shall have power (a)

(a) Congress must possess the choice of means, and must be empowered to use any means, which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher, et al.; Assignees of Blight*, 2 Cranch's Rep. 358; 1 Cond. Rep. 421.

To lay and collect taxes, duties, imposts and excises, (a) 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: (b)

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes: (c)

To establish an uniform rule of naturalization, (d) and uniform laws on the subject of bankruptcies throughout the United States: (e)

To lay taxes, and provide for the common defence and welfare. Duties to be uniform.

To borrow money.

To regulate commerce. Naturalization. Bankruptcies.

The powers granted to Congress are not exclusive of similar powers existing in the States, unless where the Constitution has expressly, in terms, given an exclusive power to Congress; or the exercise of a like power is prohibited to the States; or there is a direct repugnancy, or incompatibility in the exercise of it by the States. The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the State in which the same shall be located for forts, arsenals, dock-yards, &c.; of the second class, of the prohibition of a State to coin money, or emit bills of credit; of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction. In all other cases the States retain concurrent authority with Congress. *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

An act of Congress repugnant to the Constitution cannot become the law of the land. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267.

The mere grant of power to Congress does not imply a prohibition on the States to exercise the same power. Whenever the terms in which such a power is granted to Congress require that it should be exercised exclusively by Congress, the subject is as completely taken from the State legislatures, as if they had been expressly forbidden to act upon it. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

(a) The power of Congress to levy and collect taxes, duties, imposts, and excises, is co-extensive with the territory of the United States. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

The power of Congress to exercise exclusive legislation, in all cases whatever, within the District of Columbia, includes the power of taxing it. *Ibid.*

The authority of Congress to lay and collect taxes, does not interfere with the power of the States to tax for the support of their own governments; nor is the exercise of that power by the States, an exercise of any portion of the power that is granted to the United States. *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

(b) The constitutional provision that direct taxes shall be apportioned among the several States, according to their respective numbers, to be ascertained by a census, was not intended to restrict the power of imposing direct taxes to States only. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

(c) An act of Congress, laying an embargo for an indefinite period of time, is constitutional and valid. *The United States v. The William*, 2 Hall's Am. Law Jour. 255.

The power of regulating commerce extends to the regulation of navigation. *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

The power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States. It does not stop at the external boundary of a State; but it does not extend to a commerce which is completely internal. *Ibid.*

The power to regulate commerce is general, and has no limitations but such as are prescribed by the Constitution itself. This power, so far as it extends, is exclusively vested in Congress, and no part of it can be exercised by a State. *Ibid.*

The power of regulating commerce extends to navigation carried on by vessels employed in transporting passengers. *Ibid.*

All those powers which relate to merely municipal legislation, or which may be properly called internal police, are not surrendered (by the States) or restrained, and consequently in relation to those the authority of a State is complete, unqualified, and exclusive. *The City of N. York v. Miln*, 11 Peters, 102.

The act of the legislature of New York passed February 1824, entitled, "An Act concerning passengers in vessels arriving in the port of New York," is not a regulation of commerce, but of police; and being so, it was passed in the exercise of a power which belonged to that State. *Ibid.*

The power to regulate commerce, includes the power to regulate navigation, as connected with the commerce with foreign nations and among the States. It does not stop at the mere boundary line of a State, nor is it confined to acts done on the waters, or in the necessary course of the navigation thereof. It extends to such acts done on the land, which interfere with, obstruct, or prevent the due exercise of the powers to regulate commerce and navigation with foreign nations, and among the States. Any offence which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers. *The United States v. Lawrence Coombe*, 12 Peters, 72.

Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the Constitution, of a power given to Congress, to regulate commerce, and the prohibition of the States for imposing a duty on imported goods. *Ibid.*; *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

(d) Under the Constitution of the United States, the power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 3 Wheat. 259; 4 Cond. Rep. 111; *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

(e) The powers of Congress to establish uniform laws on the subject of bankruptcy throughout the

To coin money. To fix the standard of weights and measures.

To punish counterfeiters. Post-offices.

To promote the progress of science and useful arts.

Inferior tribunals.

Piracies on the high seas.

To declare war.

To raise armies.

Navy, &c.

Government of the army and navy.

Militia.

For the organization, &c. of the militia.

Exclusive Legislation over seat of government of the U. S.

Exclusive authority over places purchased with the consent of States.

To make laws for carrying into execution all powers vested in government of U. S.

Migration or importation of persons.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the Supreme Court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations: (a)

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies: but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress. (b)

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof. (c)

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

United States, does not exclude the right of the States to legislate on the same subject, except when the power is actually exercised by Congress, and the State laws conflict with those of Congress. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523; *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

Since the adoption of the Constitution of the United States, a state has authority to pass a Bankrupt law, provided such law does not impair the obligation of contracts; and provided there be no act of Congress in force to establish a uniform system of bankruptcy, conflicting with such law. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

(a) The act of the 3d March, 1819, chap. 76, sec. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. See also *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

(b) The act of Congress of Feb. 28, 1795, to provide for the calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions, is within the constitutional powers of Congress. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(c) Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher et al.*, 2 Cranch, 358; 1 Cond. Rep. 421. *Van Horne's Lessee v. Dorrance*, 2 Dall. 304; *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267, 268. *The United States v. Bevans*, 3 Wheat. 336; 4 Cond. Rep. 275. *McCulloch v. Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466. *United States v. Tingey*, 5 Peters, 115. *Anderson v. Dunn*, 6 Wheat. 204. *Dugan v. The United States*, 3 Wheat. 172; 4 Cond. Rep. 223. *The Exchange*, 7 Cranch, 116; 2 Cond. Rep. 439. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Harrison v. Sterry*, 6 Cranch, 289; 2 Cond. Rep. 260. *Postmaster General v. Early*, 12 Wheat. 136; 6 Cond. Rep. 480.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.(a)

Writ of Habeas Corpus.

No bill of attainder or *ex post facto* law shall be passed.(b)

Bills of attainder, or *ex post facto* laws.

No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

Capitation or other direct tax.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No tax or duty on articles exported from any State.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No preference to ports of one State over another.

No money drawn from the treasury but by law. Receipts and expenditures published.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

No title of nobility to be granted.

§ 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts;(c) pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.(d)

Limitation of the powers of the States.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.(e) No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Executive power vested in a President of the U. S. Duration of office.

ART. II. § 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows :

(a) *Ex parte* Burford, 3 Cranch, 448. *Ex parte* Bollman, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte* Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. *Ex parte* Tobias Watkins, 3 Peters, 193. *Ex parte* Milburn, 9 Peters, 704. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(b) The prohibition of the Federal Constitution of *ex post facto* laws extends to penal statutes only; and does not extend to cases affecting only the civil rights of individuals. *Calder et al. v. Bull*, 3 Dall. 386; 1 Cond. Rep. 172. *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523.

(c) *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *Craig v. The State of Missouri*, 4 Peters, 431. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523. *Cooper v. Telfair*, 4 Dall. 14; 1 Cond. Rep. 211.

(d) If any act of the legislature is repugnant to the Constitution, it is, *ipso facto*, void; and it is the duty of the court so to declare it. *Vanhorne's Lessee v. Dorrance*, 2 Dall. 304.

The Constitution fixes the limits to the exercise of legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet here there can be no doubt that any act of the Legislature repugnant to the Constitution is absolutely void. *Ibid.* *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308.

The legislature of a state can pass no *ex post facto* law. An *ex post facto* law is one which renders an act punishable, which was not punishable when it was committed. *Ibid.* *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 539.

The invalidity of a state law, as impairing the obligation of contracts, does not depend on the extent of the change which the law effects in the contract. *Green v. Biddle*, 8 Wheat. 1; 5 Cond. Rep. 369. *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *New Jersey v. Wilson*, 7 Cranch, 164; 2 Cond. Rep. 457. *Terrett v. Taylor*, 9 Cranch, 43; 3 Cond. Rep. 254. *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518; 4 Cond. Rep. 526. *The Proprietors of the Charles River Bridge v. The Proprietors of the Warren Bridge*, 11 Peters, 420. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Hawkins v. Barney's Lessee*, 5 Peters, 456. *Mason v. Haile*, 12 Wheat. 370; 6 Cond. Rep. 535. *Farmers' and Mechanics' Bank v. Smith*, 6 Wheat. 131; 5 Cond. Rep. 35. *Satterlee v. Matthewson*, 2 Peters, 380. *Wilkinson v. Leland*, 2 Peters, 627.

(e) *Brown v. The state of Maryland*, 12 Wheat. 419; 6 Cond. Rep. 554.

Manner of  
electing Pre-  
sident and Vice  
President.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President. (a)

Electors of  
President and  
Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications  
of the Presi-  
dent.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Vacancy in  
the office of  
President. How  
supplied.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

Compensation  
for the services  
of the Presi-  
dent.

The President shall at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Oath of office  
of the Presi-  
dent.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

§ 2. The President shall be commander-in-chief of the army and

(a) By an amendment to the Constitution, a substitute for this paragraph was adopted. Amendment, Art. 12, § 1. This amendment was proposed in October 1803, and was ratified before September 1804. See the amendment, *post*.



navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; (a) and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments. (b)

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§ 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

§ 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ART. III. § 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office. (c)

§ 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the

Powers and duties of the President.

May grant reprieves and pardons.

May make treaties, by and with the advice and consent of the Senate.

Appointments to office.

Vacancies during the recess of the Senate.

Give Congress information of the State of the Union.

Convene Congress on extraordinary occasions. When he may adjourn Congress.

Other powers and duties.

Removals from office by impeachment and conviction of crimes.

Judicial powers.

Judges to hold office during good behaviour.

Compensation not to be diminished during continuance in office.

Extent of judicial power.

(a) The decisions of the Supreme Court of the United States on the powers and duties of the President of the United States have been the following: *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267; 1 Peters, 296; 12 Peters, 524. *Williams v. The Suffolk Ins. Com.*, 13 Peters, 415.

(b) *Am. Ins. Comp. v. Canter*, 1 Peters, 511, 517; with Mr. Justice Johnson's opinion. *Ex parte Duncan*, 13 Peters, 230.

(c) The decisions of the Supreme Court of the United States on the 1st and 2d sections of the 3d article of the Constitution have been: *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 637-72. *McBride v. Hoey*, 11 Peters, 167. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267. *Ex parte Crane*, 5 Peters, 190. *Ex parte Milburn*, 9 Peters, 704. *Town of Pawlet v. Clark et al.*, 9 Cranch, 292; 3 Cond. Rep. 408. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *McCluny v. Silliman*, 2 Wheat. 369; 4 Cond. Rep. 162. *The United States v. Bevens*, 3 Wheat. 336; 4 Cond. Rep. 275. *United States v. Hamilton*, 3 Dall. 17. *Ex parte Bollman*, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte Tobias Watkins*, 3 Peters, 193. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *Cohens v. The State of Virginia*, 6 Wheat. 264. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *The United States v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394. *Fowler v. Lindsey et al.*, 3 Dall. 411. *The United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434.

The third article of the Constitution of the United States enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting on it. That power is capable of acting, only when the subject is submitted to it by a party who asserts his rights in a form prescribed by law. It then becomes a case.

*Osborn et al. v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741.

United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Original jurisdiction of the Supreme Court.  
Appellate jurisdiction of the Supreme Court.

In all cases affecting ambassadors, other public ministers and consuls, (a) and those in which a State shall be party, the Supreme Court shall have original jurisdiction. (b) In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make. (c)

Trial by jury.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason.  
Conviction for treason.

§ 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment of treason.  
Attainder.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

The public acts, &c., of the States to have full faith and credit.

ART. IV. § 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (d)

Citizens of the States entitled to equal privileges.

§ 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Fugitives from justice.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from labour.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall

(a) An indictment under the crimes act of 1790, chap. 9, sec. 23, for infracting the law of nations by offering violence to the person of a foreign minister, is a case "affecting ambassadors and other public ministers, or consuls," within the second section of the third article of the Constitution of the United States. *The United States v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394.

(b) On the original jurisdiction of the Supreme Court, the following cases have been decided: *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *McCluney v. Sullivan*, 2 Wheat. 369; 4 Cond. Rep. 162. *The Columbian Insurance Company v. Wheelwright*, 7 Wheat. 634; 5 Cond. Rep. 334. *United States v. Hamilton*, 3 Dall. 17. *Ex parte Tobias Watkins*, 3 Peters, 193. *Ex parte Crane et al.*, 5 Peters 190. *United States v. Ravara*, 2 Dall. 297. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *The State of New Jersey v. The State of New York*, 5 Peters, 234. *Ex parte Juan Madrazo*, 7 Peters, 627. *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 657-755. *Cohens v. The State of Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90. *Osborn v. The Bank of the United States*, 9 Wheat. 733; 5 Cond. Rep. 741. *Fowler et al. v. Lindsey et al.*, 3 Dall. 411.

(c) Upon the appellate powers of the Supreme Court, the following cases have been decided: *United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434. *Wiscart v. Dauchy*, 3 Dall. 321; 1 Cond. Rep. 144. *United States v. Moore*, 3 Cranch, 159; 1 Cond. Rep. 480. *Osborn v. The Bank of the United States*, 9 Wheat. 733; 5 Cond. Rep. 741. *Owings v. Norwood's Lessee*, 5 Cranch, 244; 2 Cond. Rep. 275. *Martin v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 675. *Gordon v. Caldcleugh*, 3 Cranch, 268; 1 Cond. Rep. 624. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *Inglee v. Coolidge*, 2 Wheat. 363; 4 Cond. Rep. 155. *Gelston et al. v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244. *Nicholls et al. v. Hodges' Ex'r*, 1 Peters, 562. *Buel v. Van Ness*, 8 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls*, 4 Wheat. 311; 4 Cond. Rep. 465. *Mathews v. Zane et al.*, 7 Wheat. 164; 5 Cond. Rep. 265. *Houston v. Moore*, 3 Wheat. 433; 4 Cond. Rep. 286. *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462. *Montgomery v. Hernandez*, 12 Wheat. 129; 6 Cond. Rep. 475. *Gibbons v. Ogden*, 6 Wheat. 448; 5 Cond. Rep. 134. *Weston et al. v. The City Council of Charleston*, 2 Peters, 449.

(d) *Mills v. Duryee*, 7 Cranch, 481; 2 Cond. Rep. 578. *Hampton v. McConnel*, 3 Wheat. 234; 4 Cond. Rep. 243. See act of May 26, 1790, chap. 11. Act of March 27, 1804, chap. 56.

be delivered up on claim of the party to whom such service or labour may be due.<sup>(a)</sup>

§ 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

New States.  
Formation of  
new States out  
of other States.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Congress to  
have power to  
dispose of and  
make regula-  
tions respecting  
the territories  
or other prop-  
erty of the U. S.

§ 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

Guarantee by  
the U. S. of a  
republican form  
of government  
to every State;  
and each State  
to be protected  
from invasion,  
and against do-  
mestic violence.

ART. V. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Amendments  
to Constitution.  
No State,  
without its con-  
sent, shall be  
deprived of an  
equal suffrage  
in the Senate.

ART. VI. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the confederation.

Debts &c.,  
contracted be-  
fore the adop-  
tion of the Con-  
stitution to be  
valid against  
the U. S.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges, in every State, shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Constitu-  
tion and laws  
of the U. S. or  
treaties, the  
supreme law of  
the land.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Oath or affir-  
mation to sup-  
port the Consti-  
tution.

ART. VII. The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

No religious  
test a qualifi-  
cation for office.  
Ratification of  
the Constitution.

*Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand*

(a) *Prigg v. The Commonwealth of Pennsylvania*, 16 Peters, 539. The clause in the Constitution relating to fugitives from labour, manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labour, operates pro tanto, a discharge of the slave therefrom. The question can never be how much he is discharged from; but whether he is discharged from any service by the natural and necessary operation of the State laws, or State regulations. The question is not one of quantity and degree, but of withholding or controlling the incidents of a positive right.

The owner of a fugitive slave has the same right to take him in a State to which he has escaped or fled, that he had in the State from which he escaped; and it is well known that this right to seizure or re-capture is universally acknowledged in all the slave-holding States. *Ibid.*

## THE CONSTITUTION OF THE UNITED STATES.

*seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.*

GEORGE WASHINGTON, PRESIDENT, and Deputy from Virginia.

*New Hampshire.*—John Langdon, Nicholas Gilman.

*Massachusetts.*—Nathaniel Gorham, Rufus King.

*Connecticut.*—William Samuel Johnson, Roger Sherman.

*New York.*—Alexander Hamilton.

*New Jersey.*—William Livingston, David Brearley, William Paterson, Jonathan Dayton.

*Pennsylvania.*—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

*Delaware.*—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.

*Maryland.*—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.

*Virginia.*—John Blair, James Madison, Jun.

*North Carolina.*—William Blount, Richard Dobbs Spaight, Hugh Williamson.

*South Carolina.*—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

*Georgia.*—William Few, Abraham Baldwin.

*Attest:*

WILLIAM JACKSON, *Secretary.*

# AMENDMENTS TO THE CONSTITUTION.(a)

ART. 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.

Religion.  
Freedom of  
Speech. Right  
of petition.

ART. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Right to bear  
and keep arms.

ART. III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Quartering of  
soldiers.

ART. 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.(b)

Unreasonable  
searches and  
seizures prohi-  
bited.

ART. V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;(c) nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

No warrant to  
issue but on  
oath or affirma-  
tion.

Trials for cap-  
ital offences, or  
infamous  
crimes.

No one to be  
twice put in  
jeopardy of life  
or limb, for the  
same offence.

Private prop-  
erty not to be  
taken for public  
use without just  
compensation.

ART. 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 favour; and to have the assistance of counsel for his defence.

Trial by jury  
in criminal  
cases.

Trial by jury  
in civil cases.

ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.(d)

Excessive bail  
not to be re-  
quired, nor ex-  
cessive punish-  
ments inflicted.

ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Enumeration  
of rights not to  
be construed to  
deny or dispar-  
age those re-  
tained by the  
people. Re-  
served powers.

ART. IX. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Con-

(a) The first ten of these amendments were proposed by Congress, (with others which were not ratified by three fourths of the legislatures of the several states,) by resolution of 1789, post, pp. 97, 98, and were ratified before 1791. The eleventh amendment was proposed by Congress by resolution of the year 1794, post, p. 402, and was ratified before 1796. The twelfth article was proposed by Congress by resolution of October, 1803, vol. 2, p. 306, and was ratified before September, 1804.

(b) *Ex parte* Burford, 3 Cranch, 448; 1 Cond. Rep. 594.

(c) *United States v. Haskell and Francis*, 4 Wash. C. C. R. 402. *United States v. Gilbert*, 2 Sumner's C. C. R. 19.

(d) The amendments to the Constitution of the United States, by which the trial by jury was secured, may, in a just sense, be well construed to embrace all suits which are not of equity or admiralty jurisdiction, whatever may be the form they may assume to settle legal rights. *Parsons v. Bedford* et al. 3 Peters, 433.

## AMENDMENTS TO THE CONSTITUTION.

Limitation of  
the judicial  
power.

Election of  
President and  
Vice President  
of the U. S.

stitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ART. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.<sup>(a)</sup>

ART. XII. § 1.(b) The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

§ 2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

§ 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

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(a) The amendment to the Constitution by which the judicial power was declared not to extend to any suit commenced or prosecuted by a citizen or citizens of another State, or by foreign subjects against a State, prevented the exercise of jurisdiction in any case past or future. *Hollingsworth v. The State of Virginia*, 3 Dall. 378; 1 Cond. Rep. 169.

(b) This amendment was proposed in October, 1803, and was ratified before September, 1804.