

# 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.