

The DECLARATION and CHARTER of RIGHTS.

THE parliament of Great-Britain, by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and in pursuance of such claim endeavoured by force of arms to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to erect themselves into independent states, and to assume new forms of government;

WE, therefore, the delegates of Maryland, in free and full Convention assembled, taking into our most serious consideration the best means of establishing a good constitution in this state, for the surer foundation, and more permanent security thereof; declare,

1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

2. That persons entrusted with the legislative and executive powers are the trustees and servants of the public, and as such accountable for their conduct; wherefore whenever the ends of government are perverted, and public liberty manifestly endangered by the legislative singly; or a treacherous combination of both those powers, the people may, and of right ought, to establish a new, or reform the old government: passive obedience is only due to the laws of God, and to the laws of the land; the doctrine of non-resistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

3. That the right in the people to participate in the legislature is the foundation of liberty, and of all free government; for this purpose, elections ought to be free, and frequent, made *viva voce*, without treating or bribery, and every man having sufficient evidence of a permanent common interest with, and attachment to the community, ought to have a right of suffrage.

4. That the legislative, judicial, and executive powers of government ought to be for ever separate, distinct from, and independent of each other.

5. That no power of suspending laws, or the execution of laws, unless by the legislature, ought to be exercised or allowed.

6. That freedom of speech, and debates, or proceedings, in the legislature, ought not to be impeached or questioned in any other place.

7. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of the public records, and the legislature ought not to be convened and held at any other place but from evident necessity.

8. That for redress of all grievances, and for the amending, strengthening and preserving of the laws, the legislature ought to be frequently convened.

9. That every man hath a right to petition the legislature for the redress of grievances, in a peaceable and orderly manner.

10. That no aid, charge, tax, burthen, fee, or fees, ought to be set or levied on any pretence whatever, without the consent of the legislature.

11. That every person in the state ought to contribute his proportion of public taxes for the support of government, according to his actual worth in real or personal estate; that the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that pauper estates not exceeding thirty pounds currency ought not to be assessed for the support of government.

12. That sanguinary laws ought to be avoided as far as is consistent with the safety of the state.

13. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared to be criminal, are oppressive, unjust, and incompatible with liberty; therefore no *ex post facto* law ought to be made.

14. That no law to attaint particular persons of treason or felony, no law to inflict unusual pains and penalties, unknown to the common law, ought to be made in any case, or at any time hereafter.

15. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

16. That the inhabitants of Maryland are entitled to the common law of England, and to the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which by experience have been found applicable to their local, and other circumstances, and of such others as have been since introduced, used, and practised by the courts of law, or equity; and also to all acts of assembly in force prior to the first of June seventeen hundred and seventy-four, except such as have been, or may be altered by acts of Convention, or this charter of rights; and to all property derived from, or under the charter granted by his majesty Charles the first to Cæcilius Calvert baron of Baltimore.

17. That every freeman for every injury done to him in his goods, lands, or person, by any other person, ought to have remedy by the course of the law of the land, and ought to have justice and right for the injury done to him, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

18. That the trial of facts where they arise is one of the greatest securities of the lives, liberties, and estate of the people.

19. That in all capital or criminal prosecutions, every man hath a right to be informed of the accusation against him, to be allowed counsel, to be confronted with the accusers, or witnesses, to examine evidence on oath in his favour, and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

20. That no man in the courts of common law ought to be compelled to give evidence against himself.

21. That no freeman ought to be taken, or imprisoned, or disseised of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the lawful judgment of his peers, or by the law of the land.

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

23. That all warrants, without oath, to search suspected places, or to seize any person, or his property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend all persons suspected, without naming or describing the place, or any person in special, are illegal, and ought not to be granted.

24. That there ought not to be a forfeiture of any part of the estate of convicted and attainted persons except for murder or high treason against the state.

25. That a well regulated militia is the proper, natural and safe defence of a free government.

26. That standing armies are dangerous to liberty, and ought not to be raised, or kept up without consent of the legislature.

27. That in all cases and at all times the military ought to be under strict subordination to, and controul of the civil power.

28. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and in time of war in such manner only as the legislature shall direct.

29. That no person except soldiers, mariners or marines in the service of this state, ought in any case to be subject to, or punishable by martial law.

30. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; therefore the chancellor and all judges and justices ought to hold commissions during good behaviour; removable only for misbehaviour on conviction in a court of law, on conviction by impeachment, or by a vote of the legislature.

31. That a long continuance in offices of trust or profit is dangerous to liberty, a rotation therefore in office is one of the best securities of permanent freedom; that salaries liberal, but not profuse, ought to be secured to the chancellor and the judges, during the continuance of their commissions, and reasonable salaries, or fees, allowed to the officers.

32. That no person holding a place of profit, or receiving any part of the profits thereof, or concerned in army, navy, or other government contracts, or employed in the executive department, or in the regular land service, or a minor, or an alien, ought to have a seat in the legislature, or

33. That no person ought to receive any salary, or pension, or gratuity, or emolument, from any foreign prince, or state, or from the United States, or any of them.

34. That the rights of conscience are sacred, and all persons professing the Christian religion ought for ever to enjoy equal rights and privileges in this state.

35. That no person ought to be by any law molested in his person or estate for his religious persuasion, profession, or practice, nor compelled to frequent or maintain, or contribute, unless on contract, to maintain any religious worship, place of worship, or ministry, provided that such of the present clergy of the church of England, who have remained in their parishes, and performed their duty, and shall continue so to do, be entitled to receive during their lives the provision and support established by an act of assembly passed at a session of assembly, begun and held at the city of Annapolis the 16th of November, 1773, entitled, "An act for the support of the clergy of the church of England in this province." subject nevertheless to such rules and regulations as shall be hereafter made by the legislature.

36. That no person conscientiously scrupulous of taking an oath ought to be obliged by any law to take an oath in order to be admitted into office, and in all civil cases such persons ought to be permitted to take an affirmation.

37. That no other oath, affirmation, test or qualification ought to be required on admission to any office of trust or profit, than such oath or affirmation of support and fidelity to this state as shall be prescribed by this Convention, and such oath of office as shall be directed by law, and a declaration of a belief in the Christian religion.

38. That the city of Annapolis ought to have all its rights, privileges, and benefits, agreeable to its charter and the acts of assembly.

39. That the liberty of the press ought to be inviolably preserved.

40. That monopolies in trade are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

41. That no person hereafter imported into this state from Africa, or any part of the British dominions, ought to be held in slavery under any pretence whatever, and that no negro or mulatto slave ought to be brought into this state for sale from any part of the world.

42. That no title of nobility ought to be granted in this state.

43. That the resolves and proceedings of this and the several Conventions held for this colony ought to continue and be in force as laws, unless altered by this Convention, or the legislature of this state.

44. That the form of government to be established by this Convention ought not to be altered, changed or abolished, but in such manner as this Convention shall prescribe and direct.