

Handout C: Constitution of Pennsylvania (Excerpts), September 28, 1776

Directions:

Read the excerpt, underline examples of the rights of Englishmen and evidence of constitutional principles, and then complete the Review Activities as directed.

Text
WHEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man. . . .
A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OR STATE OF PENNSYLVANIA I. That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. . . . VIII. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent, nor are the people bound by any laws, but such as they have in like manner assented to, for their common good. IX. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his council, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favour, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty except by the laws of the land, or the judgment of his peers. . . . XIII. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power . . .
PLAN OR FRAME OF GOVERNMENT FOR THE COMMONWEALTH OR STATE OF PENNSYLVANIA SECTION 1. The commonwealth or state of Pennsylvania shall be governed hereafter by an assembly of the representatives of the freemen of the same, and a president and council, in manner and form following [Each of the twelve major cities and counties in the state elected one man to serve on the executive council.] . . . SECT. 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth or state of Pennsylvania.

SECT. 3. The supreme executive power shall be vested in a president and [executive] council. . . .

SECT. 6. Every freemen of the full age of twenty-one Years, having resided in this state for the space of one whole Year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided always, that sons of freeholders of the age of twenty-one years shall be intitled to vote although they have not paid taxes. . . .

SECT. 19. For the present the supreme executive council of this state shall consist of twelve persons. . . . The president and vice-president shall be chosen annually by the joint ballot of the general assembly and council. . . . Any person having served as a counsellor for three successive years, shall be incapable of holding that office for four years afterwards. Every member of the council shall be a justice of the peace for the whole commonwealth, by virtue of his office. . . .

SECT. 20. The president, and in his absence the vice-president, with the council, five of whom shall be a quorum, shall have power to appoint and commission judges. . . . They are to correspond with other states, and transact business with the officers of government, civil and military. . . . They shall sit as judges, to hear and determine on impeachments . . . And shall have power to grant pardons and remit fines, in all cases whatsoever, except in cases of impeachment. . . . They are also to take care that the laws be faithfully executed . . . and they may draw upon the treasury for such sums as shall be appropriated by the house. . . . The president shall be commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. . . .

SECT. 23. The judges of the supreme court of judicature shall have fixed salaries, be commissioned for seven years only, though capable of re-appointment at the end of that term, but removable for misbehaviour at any time by the general assembly. . . .

SECT. 25. Trials shall be by jury as heretofore. . . .

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

SECT. 30. Justices of the peace shall be elected by the freeholders of each city and county respectively, that is to say, two or more persons may be chosen for each ward, township, or district. . . .

SECT. 31. Sheriffs and coroners shall be elected annually in each city and county, by the freemen. . . . No person shall continue in the office of sheriff more than three successive years, or be capable of being again elected during four years afterwards. . . .

SECT. 36. . . . But if any man is called into public service; to the prejudice of his-private affairs, he has a right to a reasonable compensation: And whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. . . .

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

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

Review Activities:

Having underlined the rights of Englishmen and evidence of the constitutional principles, now review the document and complete the following:

1. According to the document, what is the purpose of government?
2. According to the document, who has the right to vote?
3. Explain which branch of government has the most power and offer evidence from the document to prove your answer.
4. What position do the document's authors take regarding standing armies in peacetime?

5. Where you have underlined evidence of constitutional principles in the document, add the name of the specific principle in the **left margin**.
6. In the **right margin**, list the specific rights and responsibilities of citizens.
7. In the document, **circle** the following information regarding the governor:
 - a. How is he elected?
 - b. What are his specific powers?
 - c. How long is his term of office?
 - d. What specific limits are placed on the governor?
8. According to Section 41, what rule must the legislature consider in writing laws that impose taxes?
9. How are judges and other officers of state government appointed?