

Handout D: Constitution of Massachusetts (Excerpts), March 2, 1780

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
<p>Preamble.</p> <p>The end [or goal] of the institution, maintenance and administration of government, is to secure the existence of the body-politic; to protect it; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life. . . .</p>
<p>Part the First. A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.</p> <p>Art. I.—All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness. . . .</p> <p>V.—All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them. . . .</p> <p>XII.—No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his council. . . . And no subject shall be arrested, imprisoned . . . or deprived of his life, liberty, or estate; but by the judgment of his peers, or the law of the land.</p> <p>And the legislature shall not make any law, that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury. . . .</p> <p>XVI.—The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.</p> <p>XVII.—The people have a right to keep and to bear arms for the common defence. And as in time of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it. . . .</p> <p>XXIII.—No subsidy, charge, tax, impost, or duties, ought to be established . . . without the consent of the people, or their representatives in the legislature.</p>

XXIV.—Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government. . . .

XXX.—In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Part the Second. The Frame of Government. . . .

Chapter I. The Legislative Power.

Section I. The General Court.

Art. I.—The department of legislation shall be formed by two branches, a Senate and House of Representatives: each of which shall have a negative on the other.

The legislative body shall assemble every year . . . and shall be styled, The General Court of Massachusetts.

II.—No bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the Governor for his revisal: And if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in which soever the same shall have originated. . . . But if, after such reconsideration, two thirds of the said Senate or House of Representatives, shall... agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two thirds of the members present, shall have the force of a law. . . .

III.—The General Court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts . . . for the hearing, trying, and determining of all manner of crimes . . . whatsoever. . . .

Chapter I.

Section II. Senate. . . .

[Art.] II. The Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner, viz: There shall be a meeting . . . of the inhabitants of each town in the several counties of this Commonwealth. . . . And at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the Commonwealth, [and meeting certain property qualifications] . . . shall have a right to give in his vote for the Senators for the district of which he is an inhabitant. . . .

Chapter I.

Section III. House of Representatives.

Art. I.—There shall be in the Legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality. . . .

IV.—Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceding [meeting certain property qualifications] . . . shall have a right to vote in the choice of a Representative or Representatives for the said town. . . .

Chapter II. Executive Power.

Section I. Governor.

Art. I.—There shall be a Supreme Executive Magistrate, who shall be styled, THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be— HIS EXCELLENCY.

II.—The Governor shall be chosen annually: And no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seized in his own right, of a freehold within the Commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the christian religion.

III.—Those persons who shall be qualified to vote for Senators and Representatives within the several towns of this Commonwealth, shall, at a meeting, to be called for that purpose, on the first Monday of April annually, give in their votes for a Governor. . . .

VII.—The Governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy. . . .

VIII.—The power of pardoning offences, except such as persons may be convicted of before the Senate by an impeachment of the House, shall be in the Governor, by and with the advice of Council. . . .

IX.—All judicial officers, the Attorney-General, the Solicitor-General, all Sheriffs, Coroners, and Registers of Probate, shall be nominated and appointed by the Governor, by and with the advice and consent of the Council. . . .

X.— . . . The Governor, with advice of Council, shall appoint all officers of the continental army. . . .

XIII.—As the public good requires that the Governor should not be under the undue influence of any of the members of the General Court, by a dependence on them for his support. . . it is necessary that he should have an honorable stated salary, of a fixed and permanent value. . . .

Permanent and honorable salaries shall also be established by law for the Justices of the Supreme Judicial Court. . . .

Chapter III. Judiciary Power.

Art. I.— . . . All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior . . .

Provided, nevertheless, the Governor, with consent of the Council, may remove them upon the address of both Houses of the Legislature. . . .

III.—In order that the people may not suffer from the long continuance in place of any Justice of the Peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of Justices of the Peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

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. How are judges and other officers of state government appointed?