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## REVOLUTIONARY-ERA STATE CONSTITUTIONS AND DATES OF ADOPTION

Several weeks before adopting a resolution declaring independence from Great Britain, the Second Continental Congress on 15 May 1776 recommended that the individual colonies “adopt such Governments as shall . . . best conduce to the happiness and Safety of their Constituents in particular and America in General.” Acting on this recommendation, all but two of the colonies wrote new constitutions. Connecticut and Rhode Island retained their seventeenth-century colonial charters with appropriate adjustments that replaced the sovereignty of the king with the sovereignty of the people. South Carolina and New Hampshire, which had previously at the suggestions of Congress adopted temporary constitutions in 1776, adopted permanent constitutions in 1778 and 1784, respectively. The new constitutions created strong state assemblies while severely limiting the governors and councils. Rights were protected either within the body of the constitutions or in declarations of rights that preceded the provisions that outlined the structure of the government.

On 29 December 1780, the Continental Congress authorized the publication of 200 copies of a volume to contain the state constitutions, the Declaration of Independence, the proposed Articles of Confederation, and the 1778 treaties between France and the United States. Philadelphia printer Francis Bailey published such a volume that was reprinted in Boston and London, and in a French edition in Paris. In 1786, a revised edition that included the New Hampshire constitution of 1784 was printed in New York City by Eleazer Oswald.

The revolutionary-era state constitutions were frequently referred to during the debate over the drafting and adoption of the new federal Constitution of 1787. The Massachusetts and New York constitutions especially served as models for the new federal Constitution. Writing anonymously under the pseudonym “William Penn” No. 1, a writer in the Philadelphia *Independent Gazetteer*, 2 January 1788, profusely praised the state constitutions. “In this respect America is of all other nations the most favored of Heaven—The book of the constitutions of the different states, reflects such a mass of light as would have dazzled the greatest philosophers of antiquity. After the holy scriptures, it is certainly of all books that which contains the greatest store of eternal truths. I never open that sacred volume without feeling a kind of awful reverence, mixed with gratitude to the Almighty giver of all good gifts, who has been pleased to enlighten the minds of the legislators of this favored nation.” The writer thanked God that the political “truths” contained in the state constitutions were not “solely consigned to books made of perishable materials; they are deeply engraved in the hearts of every American. This nation may boast of enjoying the greatest collective store of political knowledge of any people on earth. Maxims of the utmost importance to the

happiness of mankind, are familiar to our meanest citizens, which many eminent Philosophers in other parts of the world, have perhaps never had an idea of.” Consequently, Americans were admonished to examine the newly-proposed federal Constitution “by the light of our own knowledge—Let us recur to those original principles upon which our present constitutions have been established. These guides never can mislead us; they are a sure touchstone to try any form of government by. If we find the federal plan conformable to those principles, let us by all means adopt it, and thereby secure perpetual happiness to ourselves and our posterity—If, on the contrary, we find that it is built on a different foundation, we must not hesitate a moment, but with a manly firmness, worthy of ourselves, unanimously reject it.”

An excellent analysis of American state constitutions in the Revolutionary Era is Willi Paul Adams’s 2001 expanded edition of *[The First American Constitutions: Republican Ideology and the Making of the State Constitutions in the Revolutionary Era](#)*. An excellent review and summary of Adams’s book by former Center for the Study of the American Constitution (CSAC) editor Gaspare J. Saladino, is [Saladino on Adams](#).

- [Connecticut \(royal charter of 23 April 1662 not replaced by a constitution\)](#)
- [Rhode Island \(royal charter of 15 July 1663 not replaced by a constitution\)](#)
- [New Hampshire, 5 January 1776 \(temporary\)](#)    [2 June 1784 \(permanent\)](#)
- [South Carolina, 26 March 1776 \(temporary\)](#)    [19 March 1778 \(permanent\)](#)
- [Virginia, 29 June 1776](#)    [Declaration of Rights adopted 12 June 1776](#)
- [New Jersey, 3 July 1776](#)
- [Delaware, 21 September 1776](#)
- [Pennsylvania, 28 September 1776](#)
- [Maryland, 11 November 1776](#)
- [North Carolina, 18 December 1776](#)
- [Georgia, 5 February 1777](#)
- [New York, 20 April 1777](#)
- [Vermont, 8 July 1777](#)
- [Massachusetts, 15 June 1780](#)

# RELIGIOUS TESTS FOR OFFICEHOLDERS IN REVOLUTIONARY-ERA STATE CONSTITUTIONS, 1776–1784

Nine out of fourteen states had some sort of religious test requirement for officeholders in their constitutions. At the time, many believed religious oaths were supposed to guarantee honorable public service for fear of incurring the wrath of God. Public officials who violated their oaths might escape punishment here on earth but could not avoid punishment in the hereafter. In Article VI among provisions that addressed matters of oaths and allegiance, there was a clause that stipulated that “no religious Test shall ever be required as a Qualification to any Office or public trust under the United States.” For many Americans it was difficult to imagine how, under the proposed Constitution, leaders could be virtuous without such an oath. These selections from state constitutions during the Revolutionary Period illustrate the historical back- ground that influenced much of the debate during ratification over the Constitution’s prohibition of a religious test for officeholding.

## *Delaware, 1776*

Every person who shall be chosen a member of either house, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take the following oath, or affirmation, if conscientiously scrupulous of taking an oath, to wit: “I, do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration.”

## *Maryland, 1776*

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

## *New Jersey, 1776*

No Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any Protestant sect. who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature. . . .

## *Pennsylvania, 1776*

I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.

***North Carolina, 1776***

That no person, who shall deny the being of God or the truth of the Protestant religion, or the divine authority either of the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

***Georgia, 1777***

The representatives shall be . . . of the Protestant religion....

***Vermont, 1777***

And each member, before he takes his seat, shall make and subscribe the following declaration, " I \_\_\_\_\_do believe in one God, the Creator and Governor of the Diverse, the rewarder of the good and punisher of the wicked. And I do acknowledge the scriptures of the old and new testament to be given by divine inspiration, and own and profess the protestant religion."

***Massachusetts, 1780***

Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration: "I . . . do declare that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

***New Hampshire, 1784***

Every member of the house of representatives shall be of the Protestant religion . . . That no person shall be capable of being elected a senator who is not of the Protestant religion . . . The President shall be chosen annually; and no person shall be eligible to this office, unless at the time of his election, he . . . shall be of the protestant religion.