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Introduction: Early State Constitutions

Americans have always been a constitutionally-oriented people. When first establishing colonies, they lived under charters written in England that provided for a frame of government, representation in a legislative body, and often protection for basic rights. Twelve of the thirteen mainland English colonies were established during the reign of the Stuart kings during which time there was significant distrust of the king and his ministers. This distrust was also manifested in the American colonies toward all government officials. Consequently, during the 170 years before they declared their independence, colonial Americans enacted statutes protecting a wide variety of rights. As the imperial crisis intensified and provincial congresses replaced governments loyal to the king and Parliament, the new American leaders wanted to establish new constitutions. In October 1775, the provincial legislatures of New Hampshire and South Carolina asked the Second Continental Congress for advice. Congress appointed a committee to consider the matter. In response to New Hampshire's plea, the committee reported on 3 November and Congress resolved

That it be recommended to the provincial Convention of New Hampshire, to call a full and free representation of the people, and that the representatives, if they think it necessary, establish such a form of government, as, in their judgment, will best produce the happiness of the people, and most effectually secure peace and good order in the province, during the continuance of the present dispute between G Britain and the colonies.

The next day, Congress passed a similar resolution for South Carolina.

Thomas Paine, in his widely popular pamphlet *Common Sense* published in January 1776, suggested that Americans should adopt very democratic constitutions; while, in response, John Adams in his pamphlet *Thoughts on Government* published in April 1776 recommended that the new constitutions should create far more balanced governments. On 10 and 15 May 1776 Congress recommended that all of the colonies should create new constitutions amenable to the people, not to the Crown.

Between 1776 and 1790 every American state, except Rhode Island, drafted a state constitution or a bill of rights. Some states did both. The rights in these documents provided abundant examples for those who drafted the Federal Bill of Rights. Below, organized by state, are the ten state bills of rights and excerpts from state constitutions which contain rights. Several states wrote multiple constitutions during this period, but only those constitutions which contain rights have been excerpted below. In the case that a subsequent state constitution contained virtually identical rights to an earlier version, only excerpts from the latest constitution have been included.

Unless stated otherwise in the footnotes, the text of all of the constitutions and bills of rights in this section have been taken from the 1786 pamphlet compilation of state constitutions printed on order from Congress by Eleazer Oswald in New York City.

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