



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > The Creation and Ratification of the Bill of Rights > Origins of the American Bill Of Rights > Early State Constitutions

Delaware

Delaware Declaration of Rights, 1776

A *DECLARATION of RIGHTS and Fundamental Rules of the Delaware State*,² formerly stiled, The Government of the Counties of New Castle, Kent, and Sussex, upon Delaware.

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 all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings; and that no man ought, or of right can be compelled to attend any religious worship, or maintain any ministry, contrary to or against his own free will and consent, and that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul the right of conscience, in the free exercise of religious worship.

3. That all persons professing the Christian religion, ought forever to enjoy equal rights and privileges in this state, unless under colour of religion, any man disturb the peace, the happiness or safety of society.

4. That the people of this state have the sole, exclusive, and inherent right of governing and regulating the internal police of the same.

5. That persons intrusted 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, the people may, and of right ought to establish a new, or reform the old government.

6. That the right in the people to participate in the legislature, is the foundation of liberty and of all free government, and for this end all elections ought to be free and frequent, and every freeman having sufficient evidence of a permanent common interest with, and attachment to the community, hath a right of suffrage.

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

8. That for redress of grievances, and for amending and strengthening 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 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 that is conscientiously scrupulous of bearing arms in any case, be justly compelled thereto, if he will pay such equivalent.

11. That retrospective laws, punishing offences committed before the existence of such laws, are oppressive and unjust, and ought not to be made.

12. That every freeman, for every injury done 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.

13. That trial by jury of facts where they arise, is one of the greatest securities of the lives, liberties, and estates of the people.

14. That in all prosecutions for criminal offences, 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.

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

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

17. 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.

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

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

20. That in all cases and at all times the military ought to be under strict subordination to, and governed by the civil power.

21. 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.

22. 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.

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

Delaware Constitution, 1776 (excerpts)

25. The common law of England, as well as so much of the statute law as has been heretofore adopted in practice in this state, shall remain in force, unless they shall be altered by a future law of the legislature; such parts only excepted as are repugnant to the rights and privileges contained in this constitution and the declaration of rights, &c. agreed to by this convention.

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

29. There shall be no establishment of any one religious sect in this state in preference to another; and no clergyman or preacher of the gospel of any denomination shall be capable of holding any civil office in this state, or of being a member of either of the branches of the legislature, while they continue in the exercise of the pastoral function.

30. No article of the declaration of rights and fundamental rules of this state, agreed to by this convention, nor the first, second, fifth (except that part thereof that relates to the right of suffrage) twenty-sixth and twenty-ninth articles of this constitution, ought ever to be violated on any pretence whatever. No other part of this constitution shall be altered, changed or diminished, without the consent of five parts in seven of the assembly, and seven members of the legislative council.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XXXVII: Bill of Rights [1] (Madison, Wis.: Wisconsin Historical Society Press, 2019), 64–67.