

## Virginia Constitution of 1776 (page 1 of 8)

In a General Convention,  
 Begun and holden at the Capitol, in the City of  
 Williamsburg, on Monday the sixth day of May, one thousand  
 seven hundred and seventy six, and continued, by adjournments,  
 to the \_\_\_\_\_ day of June following.

A Constitution, or form of Government,  
 agreed to and resolved upon by the Delegates and Representatives  
 of the several Counties and Corporations of Virginia.

Whereas George the Third, King of Great Britain and  
 Ireland, and Elector of Hanover, heretofore intrusted with the exercise  
 of the Kingly Office in this Government, hath endeavoured to  
 prevent the same into a detestable and insupportable Tyranny;  
 by putting his negative on laws the most wholesome and necessary  
 for the publick good;  
 by denying his Governour permission to pass Laws of immediate  
 and pressing importance, unless suspended in their operation for  
 two a year, and, when so suspended, neglecting to attend to them  
 for many Years;  
 by refusing to pass certain other Laws, unless the persons to be benefited  
 by them would relinquish the inestimable right of Representation in  
 the Legislature;  
 by disposing Legislative assemblies repeatedly and continually,  
 for opposing with manly firmness his invasions of the Rights of  
 the people;  
 when dissolved, by refusing to call others for a long space of time,  
 thereby leaving the political system without any Legislative head;  
 by endeavouring to prevent the population of our Country, and  
 for that purpose, obstructing the laws for the naturalization of  
 foreigners;  
 by keeping among us, intimes of peace, Standing Armies and  
 Ships of War;  
 by affecting to render the Military independent of, and superior  
 to, the civil power;  
 by combining with others to subject us to a foreign Jurisdiction, giving  
 his assent to their pretended Acts of Legislation;  
 for quartering large bodies of armed troops among us;  
 for cutting off our Trade with all parts of the World;

for

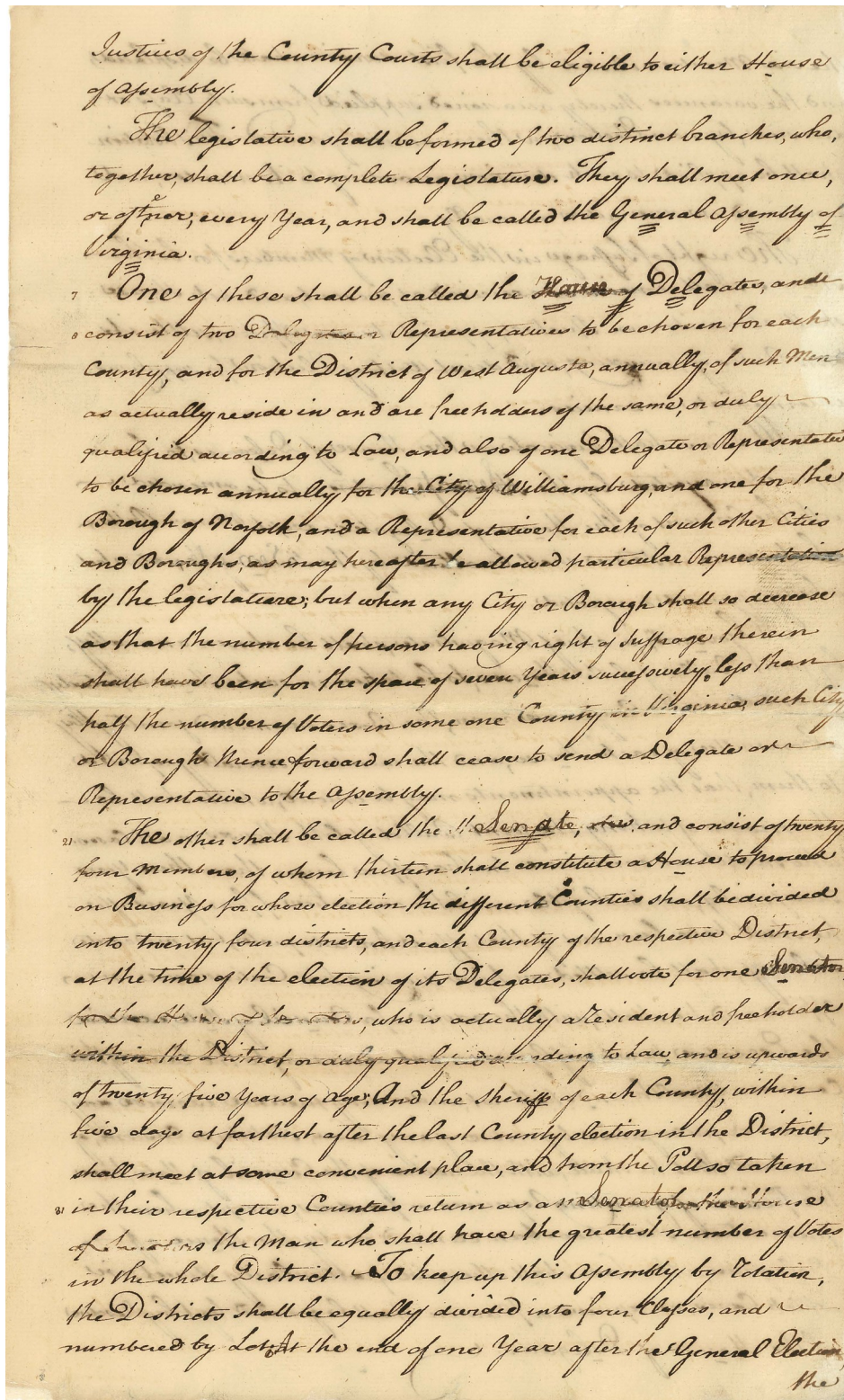
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for imposing Taxes on us without our Consent;  
 for depriving us of the Benefits of Trial by Jury;  
 for transporting us beyond Seas, to be tried for pretended Offences;  
 for suspending our own Legislatures, and declaring themselves  
 invested with power to legislate for us in all Cases whatsoever;  
 by plundering our Seas, ravaging our Coasts, burning our Towns,  
 and destroying the Lives of our People;  
 by inciting insurrections of our fellow Subjects, with the allurements  
 of forfeiture and confiscation;  
 by prompting our Negroes to rise in Arms among us, those very  
 negroes whom, by an inhuman use of his Negative, he hath refused  
 us permission to exclude by Law;  
 by endeavouring to bring on the inhabitants of our Frontiers the  
 merciless Indian savages, whose known rule of Warfare is a  
 indiscriminate Destruction of all Ages, Sexes, and Conditions of Persons;  
 by transporting, at this time, a large Army of foreign Mercenaries,  
 to complete the Works of Death, desolation, and Tyranny, already begun  
 with circumstances of Cruelty and Perfidy unworthy the head of a  
 civilized Nation;  
 by answering our repeated Petitions for Redress with a Repetition  
 of Injuries;  
 and finally, by abandoning the Helm of Government, and declaring  
 us out of his Allegiance and Protection,  
 By which several Acts of Misrule, the Government of this Country,  
 as formerly exercised under the Crown of Great Britain, is totally  
 dissolved. We therefore, the Delegates and Representatives of the  
 good People of Virginia, having maturely considered the Premises,  
 and viewing with great concern the deplorable condition to which  
 this once happy Country must be reduced, unless some regular  
 adequate Mode of civil Polity is speedily adopted, and in Com-  
 pliance with a Recommendation of the General Congress, do ordain  
 and declare the future Form of Government of Virginia to be as  
 followeth:  
 The legislative, executive, and judiciary departments, shall  
 be separate and distinct, so that neither exercise the Powers  
 properly belonging to the other; nor shall any person exercise the  
 powers of more than one of them at the same time, except that the  
 Justices

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The six Members elected by the first division shall be displaced, and the vacancies thereby occasioned supplied from such Claps or division, by new Elections, in the manner aforesaid. This Rotation shall be applied to each division, according to its numbers, and continued in due order annually.

The right of Suffrage in the Election of Members for both Houses shall remain as exercised at present, and each House shall choose its own Speaker, appoint its own Officers, settle its own Rules of proceeding, and direct Writts of Election for supplying intermediate vacancies.

All Laws shall originate in the House of Delegates, to be approved or rejected by the ~~House of Delegates~~ or to be amended with the Consent of the House of Delegates, except Money Bills, which in no instance shall be altered by the ~~House of Delegates~~ but wholly approved or rejected.

A Governour, a chief Magistrate, shall be chosen annually, by joint Ballot of both Houses, to be taken in each House respectively, deposited in the Conference room, the Boxes examined jointly by a Committee of each House, and the numbers severally reported to them, that the appointments may be entered, which shall be the mode of taking the joint Ballot of both Houses in all Cases, who shall not continue in that office longer than three Years successively, nor be eligible until the expiration of four Years after he shall have been out of that office: An adequate, but moderate Salary, shall be settled on him during his Continuance in Office, and he shall, with the advice of a Council of State, exercise the Executive powers of Government according to the laws of this Commonwealth; and shall not, under any pretence, exercise any power or prerogative by virtue of any Law, Statute, or Customs, of England; But he shall, with the advice of the Council of State, have the power of granting Reprieves or pardons, except where the prosecution shall have been carried on by the House of Delegates, or the Law shall otherwise particularly direct; in which Cases, no reprieve or pardon shall be granted but by Resolves of the House of Delegates.

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Either House of <sup>the</sup> General Assembly may adjourn themselves respectively; The Govern<sup>r</sup> shall not prosequ<sup>e</sup> or adjourn the assembly during their sitting, nor dissolve them at any Time; but he shall, if necessary, either by advice of the Council of State, or on application of a Majority of the House of Delegates, call them before the time to which they shall stand prosequed or adjourned.

A Privy Council, or Council of State, consisting of eight Members, shall be chosen by joint Ballot of both Houses of Assembly, either from their own Members or the People at large, to assist in the Administration of Government. They shall annually choose out of their own Members, a President, who, in case of the death, inability, or necessary absence of the Govern<sup>r</sup> from the Government, shall act as Lieutenant Govern<sup>r</sup>. Four Members shall be sufficient to act, and their Advice and proceedings shall be entered of Record, and signed by the Members present, to any part whereof any Member may enter his dissent, to be laid before the General Assembly, when called for by them. This Council may appoint their own Clerk, who shall have a Salary settled by Law, and take an Oath of Secrecy in such matters as he shall be directed by the Board to conceal. A sum of Money or out of the appropriated to that purpose shall be divided annually among the Members, in proportion to their attendance; and they shall be incapable, during their continuance in Office, of sitting in either House of Assembly. Two Members shall be removed by <sup>joint</sup> Ballot of both Houses at the end of every three Years, and be in eligible for the three next years. This shall be regularly continued by Rotation, so that no Member be ~~in Office~~ longer than three Years in the Council, and these Vacancies, as well as those occasioned by death or incapacity, shall be supplied by new Elections, in the same manner as the first.

The Delegates for Virginia to the Continental Congress shall be chosen annually, or superseded in the mean time by joint Ballot of both Houses of Assembly.

The present Militia Officer shall be continued, and Vacancies supplied

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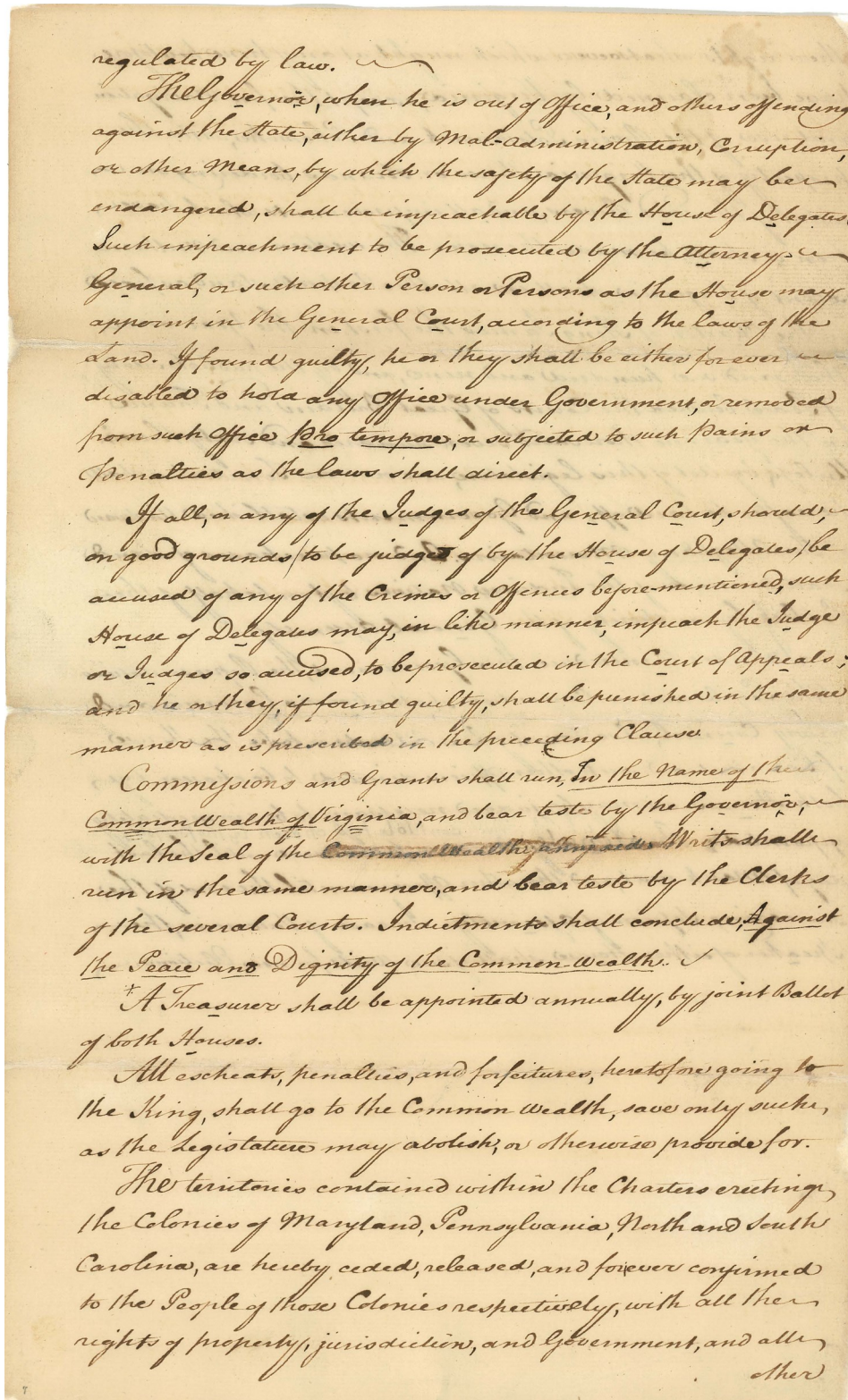
supplied by appointment of the Governour, with the advice of the  
 privy Council, or Recommendations from the respective County  
 Courts; but the Governour and Council shall have a power of  
 suspending any Officer, and ordering a Court Martial on  
 Complaint for misbehaviour or inability, or to supply Vacancies  
 of Officers happening when in actual Service. The Governour  
 may embody the Militia, with the advice of the privy Council;  
 and, when embodied, shall alone have the direction of the  
 Militia under the laws of the Country.

The two Houses of Assembly shall, by joint Ballot, appoint  
 Judges of the supreme Court of Appeals, and General Court, Judges  
 in Chancery, Judges of Admiralty, Secretary, and the Attorney General,  
 to be commissioned by the Governour, and continue in Office during  
 good behaviour. In case of death, incapacity, or resignation,  
 the Governour, with the advice of the privy Council, shall appoint  
 Persons to succeed in Office, to be approved or displaced by both  
 Houses. These Officers shall have fixed and adequate Salaries,  
 and all Ministers of the Gospel of every Denomination,  
 and, together with all other holding lucrative Offices, be incapable  
 of being elected Members of either House of Assembly, or the  
 privy Council.

The Governour, with the Advice of the privy Council, shall  
 appoint Justices of the Peace for the Counties; and in case of  
 Vacancies, or a necessity of increasing the number hereafter,  
 such appointments to be made upon the Recommendation of  
 the respective County Courts. The present acting Secretary  
 in Virginia, and Clerks of all the County Courts, shall continue  
 in Office. In case of Vacancies, either by death, incapacity,  
 or resignation, a Secretary shall be appointed as before directed,  
 and the Clerks by the respective Courts. The present and  
 future Clerks shall hold their Office during good behaviour,  
 to be judged of and determined in the General Court. The  
 Sheriffs and Coroners shall be nominated by the respective  
 Courts, approved by the Governour with the advice of the privy  
 Council, and commissioned by the Governour. The Justices shall  
 appoint Constables, and all fees of the aforesaid Officers be  
 regulated

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others rights whatsoever which might at any time herefore have been claimed by Virginia, except the free Navigation and use of the Rivers Potomack and Pohomotoe, with the property of the Virginia Shores or strands bordering on either of the said Rivers, and all improvements which have been or shall be made thereon. The western and Northern extent of Virginia shall in all other Respects stand as fixed by the Charter of King James the first, in the Year one thousand six hundred and nine, and by the publick Treaty of Peace between the Courts of Great Britain and France in the year one thousand seven hundred and sixty three. Unless by Act of this Legislature, one or more Territories shall hereafter be laid off, and Governments established Westward of the Allegheny Mountains. And no purchases of Land shall be made of the Indians Natives by or on behalf of the Publick, by authority of the General Assembly.

In order to introduce this Government, the Representatives of the People met in Convention shall choose a Governor and privy Council, also two or three Senators to be the House of Representatives and such other Officers directed to be chosen by both Houses as may be judged necessary to be immediately appointed. The Senate shall continue until the last day of March next, and the other Officers until the end of the succeeding Session of Assembly. In case of Vacancies, the Speaker of either House shall issue Writts for new Elections.

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