



*Documents  
of American  
History*

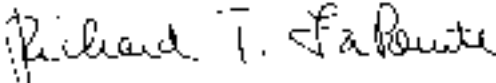
*Virginia Department of Education*

# *Foreword*

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State law requires that the following documents shall be taught to all pupils in the public schools of the Commonwealth: the Declaration of American Independence, the general principles of the Constitution of the United States, the Virginia Statute of Religious Freedom, the charters of April 10, 1606, May 23, 1609, and March 12, 1612 of the Virginia Company, and the Virginia Declaration of Rights. Emphasis shall be given to the citizenship responsibilities inherent in the rights included in these documents. It is also required by statute that pupils be instructed in the history of the United States flag and the Virginia flag.

These documents express and these flags symbolize the principles and ideals fundamental to the American system of freedom under law. It is the duty and the privilege of the Commonwealth's teachers to instruct pupils in these principles and ideals and it is the duty and the privilege of the Commonwealth's citizens to honor them and transmit them to succeeding generations. With a view to their perpetuation this booklet is published for the use of the public schools of the Commonwealth.

  
Superintendent of Public Instruction  
Virginia Department of Education

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*Virginia Department of Education  
Division of Instruction  
P. O. Box 2120  
Richmond, Virginia 23218-2120*

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# *Teaching the Virginia Declaration of Rights and Other Historical Documents*

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The ideas and ideals which are basic to the establishment and perpetuation of the American form of government and the American way of living are expressed in the American Declaration of Independence, the Virginia Statute of Religious Freedom, the Virginia Declaration of Rights of the Constitution of Virginia, the Charters of the Virginia Company, and the Constitution of the United States. Careful consideration of each of these great documents should provide a sound foundation upon which each student can develop a set of values.

Code of Virginia, Title 22, Chapter 13: Article 1, Section 22.1-201, specifies the documents that must be taught in the public schools of the State:

*“Study of documents of Virginia history and United States Constitution. — The Declaration of American Independence, the general principles of the Constitution of the United States, the Virginia Statute of Religious Freedom, the charters of April 10, 1606, May 23, 1609, and March 12, 1612 of The Virginia Company, and the Virginia Declaration of Rights shall be thoroughly explained and taught by teachers to pupils in both public elementary and secondary schools. Emphasis shall be given to the citizenship responsibilities inherent in the rights included in these documents. Written examinations as to each of such documents shall be given.”*

These enduring documents of human rights should be taught not merely because the law requires it, but also because all young citizens need to develop an appreciation for the wisdom and validity of the ideas expressed as well as a sense of responsibility for perpetuating the basic freedoms set forth in these documents.

The study of these documents should cause the student to reflect upon the nature of government and of the role of the individual in relation to it. Such study also should promote an understanding of the nature and proper role of law and its relevance to contemporary society. A major objective of the study should be the development of values which are consistent with the maintenance of our form of government and our democratic way of life.

The full text of the Constitution of Virginia, including the Declaration of Rights and the Statute of Religious Freedom, the American Declaration of Independence, the Constitution of the United States, and the Charters of the Virginia Company are reproduced in this publication.

## *Grades in Which the Documents Are to Be Taught*

Political awareness and the formulation of political attitudes and values begin early in the life of each individual. The development of these attitudes and values is influenced by home and community contacts, and by the school. While these documents probably cannot be analyzed in a comprehensive manner in the primary and early elementary grades, experiences which convey the spirit of the documents can be provided at all grade levels. A careful study of the documents by primary and early elementary school teachers is recommended so that experiences which are suitable for young children can be provided.

The middle grades provide an opportunity for more detailed study of the documents. The Virginia Charters, the American Declaration of Independence, the Virginia Declaration of Rights, and the Virginia Statute of Religious Freedom should be studied as integral parts of instruction in Virginia history and government. In addition to the study of the historical development of the documents, emphasis should be given to the fundamental principles involved and their application to the present.

The required courses in *Virginia and United States History* and *Virginia and United States Government* provide additional opportunities for instruction about the charters of April 10, 1606, May 23, 1609, and March 12, 1612 of The Virginia Company, the American Declaration of Independence, the Virginia Declaration of Rights, and the Virginia Statute of Religious Freedom. Instruction at this level should not merely repeat what has been taught in earlier grades, but should be planned to develop a deeper understanding of and appreciation for the significance of the ideas expressed in these documents. The two courses also provide for the study of the historical development and the meaning and significance of the Constitution of the United States and other basic documents. The historical development of the United States Constitution can best be treated in the course in *Virginia and United States History*, usually taught in the eleventh grade. The analysis of the document as an instrument of government should be reserved for the course in *Virginia and United States Government*, usually taught in twelfth grade.

# The Constitution of Virginia

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## ARTICLE I — Bill of Rights

*A DECLARATION OF RIGHTS made by the good people of Virginia in the exercise of their sovereign powers, which rights do pertain to them and their posterity, as the basis and foundation of government.*

### Section 1. Equality and rights of men.

That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

### Section 2. People the source of power.

That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.

### Section 3. Government instituted for common benefit.

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

### Section 4. No exclusive emoluments or privileges; offices not to be hereditary.

That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

### Section 5. Separation of legislative, executive, and judicial departments; periodical elections.

That the legislative, executive, and judicial departments of the Commonwealth should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

### Section 6. Free elections; consent of governed.

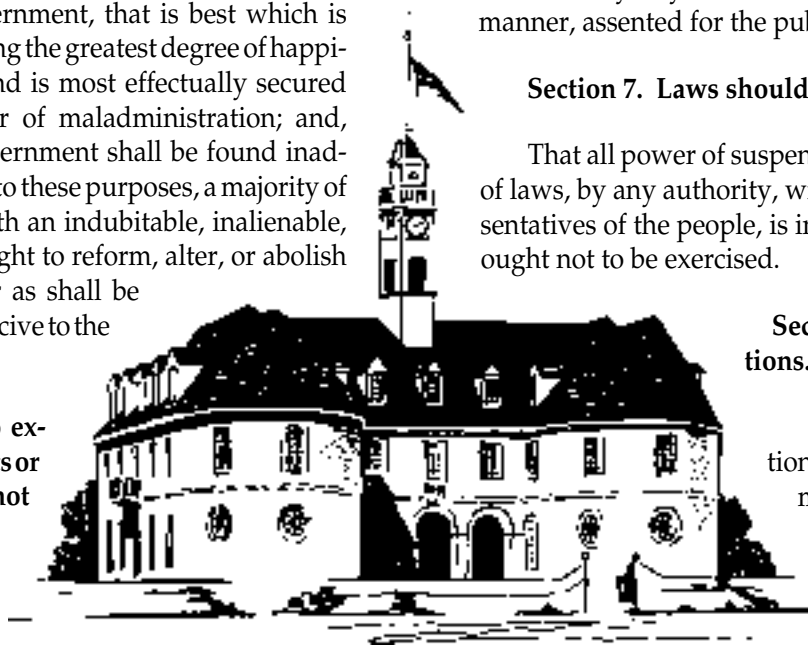
That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

### Section 7. Laws should not be suspended.

That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

### Section 8. Criminal prosecutions.

That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, and to call for evidence in his favor,



and he shall enjoy the right to a speedy and public trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers, nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

Laws may be enacted providing for the trial of offenses not felonious by a court not of record without a jury, preserving the right of the accused to an appeal to and a trial by jury in some court of record having original criminal jurisdiction. Laws may also provide for juries consisting of less than twelve, but not less than five, for the trial of offenses not felonious, and may classify such cases, and prescribe the number of jurors for each class.

In criminal cases, the accused may plead guilty. If the accused plead not guilty, he may, with his consent and the concurrence of the Commonwealth's Attorney and of the court entered of record, be tried by a smaller number of jurors, or waive a jury. In case of such waiver or plea of guilty, the court shall try the case.

The provisions of this section shall be self-executing.

#### **Section 8-A. Rights of victims of crime.**

That in criminal prosecutions, the victim shall be accorded fairness, dignity and respect by the officers, employees and agents of the Commonwealth and its political subdivisions and officers of the courts and, as the General Assembly may define and provide by law, may be accorded rights to reasonable and appropriate notice, information, restitution, protection, and access to a meaningful role in the criminal justice process. These rights may include, but not be limited to, the following:

1. The right to protection from further harm or reprisal through the imposition of appropriate bail and conditions of release;
2. The right to be treated with respect, dignity and fairness at all stages of the criminal justice system;

3. The right to address the circuit court at the time sentence is imposed;
4. The right to receive timely notification of judicial proceedings;
5. The right to restitution;
6. The right to be advised of release from custody or escape of the offender, whether before or after disposition; and
7. The right to confer with the prosecution.

This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this Constitution, and does not create any cause of action for compensation or damages against the Commonwealth or any of its political subdivisions, any officer, employee or agent of the Commonwealth or any of its political subdivisions, or any officer of the court.

*The amendment ratified November 5, 1996 and effective January 1, 1997—Added a new section (8-A).*

#### **Section 9. Prohibition of excessive bail and fines, cruel and unusual punishment, suspension of habeas corpus, bills of attainder, and ex post facto laws.**

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; that the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require; and that the General Assembly shall not pass any bill of attainder, or any ex post facto law.

#### **Section 10. General warrants of search or seizure prohibited.**

That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

**Section 11. Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.**

That no person shall be deprived of his life, liberty, or property without due process of law; that the General Assembly shall not pass any law impairing the obligation of contracts, nor any law whereby private property shall be taken or damaged for public uses, without just compensation, the term "public uses" to be defined by the General Assembly; and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.

That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five.

**Section 12. Freedom of speech and of the press; right peaceably to assemble, and to petition.**

That the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; that the General Assembly shall not pass any law abridging the freedom of speech or of the press, nor the right of the people peaceably to assemble, and to petition the government for the redress of grievances.

**Section 13. Militia; standing armies; military subordinate to civil power.**

That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

**Section 14. Government should be uniform.**

That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

**Section 15. Qualities necessary to preservation of free government.**

That no free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights, and that such rights cannot be enjoyed save in a society where law is respected and due process is observed.

That free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.

**Section 16. Free exercise of religion; no establishment of religion.**

That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advan-

tages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

### **Section 17. Construction of the Bill of Rights.**

The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

## **ARTICLE II — Franchise and Officers**

### **Section 1. Qualifications of voters.**

In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall fulfill the residence requirements set forth in this section, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished.

The residence requirements shall be that each voter shall be a resident of the Commonwealth and of the precinct where he votes. Residence, for all purposes of qualification to vote, requires both domicile and a place of abode. The General Assembly may provide for persons who are employed overseas, and their spouses and dependents residing with them, and who are qualified to vote except for relinquishing their place of abode in the Commonwealth while overseas, to vote in the Commonwealth subject to conditions and time limits defined by law. The General Assembly may provide for persons who are qualified to vote except for having moved their residence from one precinct to another within the Commonwealth to continue to vote in a former precinct subject to conditions and time limits defined by law. The

General Assembly may also provide, in elections for President and Vice-President of the United States, alternatives to registration for new residents of the Commonwealth.

Any person who will be qualified with respect to age to vote at the next general election shall be permitted to register in advance and also to vote in any intervening primary or special election.

*The amendment ratified November 7, 1972 and effective January 1, 1973 — In paragraph one, the voting age, formerly “twenty-one”, was reduced to “eighteen”.*

*The amendment ratified November 2, 1976 and effective January 1, 1977 — In paragraph two, substituted “be” for “have been” and removed the durational residency requirement of “six months” in the Commonwealth and “thirty days” in the precinct in the first sentence. The second sentence removed the language “fewer than thirty days prior to an election” and after the word “may” added the language “in the following November general election and (in any) intervening”. In the last sentence of the paragraph the less than six months residency requirement for presidential elections was removed to conform with the first sentence.*

*The amendment ratified November 5, 1996 and effective January 1, 1997 — In paragraph two, deleted the second sentence: “A person who is qualified to vote except for having moved his residence from one precinct to another may in the following November general election and in any intervening election vote in the precinct from which he has moved.”, added a next-to-the-last sentence: “The General Assembly may provide for persons who are qualified to vote . . .”, and added “also” preceding “provide” in the last sentence.*

*The amendment ratified November 3, 1998 and effective January 1, 1999 — In paragraph two, added the third sentence: “The General Assembly may provide for persons who are employed...”*

### **Section 2. Registration of voters.**

The General Assembly shall provide by law for the registration of all persons otherwise qualified to vote who have met the residence requirements contained in this article, and shall ensure that the opportunity to register is made available. Registrations accomplished

prior to the effective date of this section shall be effective hereunder. The registration records shall not be closed to new or transferred registrations more than thirty days before the election in which they are to be used.

Applications to register shall require the applicant to provide the following information on a standard form: full name; date of birth; residence address; social security number, if any; whether the applicant is presently a United States citizen; and such additional information as may be required by law. All applications to register shall be completed by or at the direction of the applicant and signed by the applicant, unless physically disabled. No fee shall be charged to the applicant incident to an application to register.

Nothing in this article shall preclude the General Assembly from requiring as a prerequisite to registration to vote the ability of the applicant to read and complete in his own handwriting the application to register.

*The amendment ratified November 2, 1976 and effective January 1, 1977 — In paragraph two, substituted “date of residence in the precinct” for “length of residence in the Commonwealth and in the precinct” and removed “time” of any previous registrations to vote.*

*The amendment ratified November 2, 1982 and effective January 1, 1983 — In paragraph two, after “maiden” added “and any other prior legal” and deleted “of a woman, if married” and after “birth;” deleted “marital status; occupation;”.*

*The amendment ratified November 8, 1994 and effective January 1, 1995 — In paragraph two, after “to provide” deleted “under oath”, after “has been restored.” deleted “Except as otherwise provided in this Constitution,”, and after “shall be completed” deleted “in person before the register and”.*

*The amendment ratified November 5, 1996 and effective January 1, 1997 — In paragraph two, after “full name”, deleted “, including the maiden and any other prior legal name; age”, after “date”, deleted “and place”, added “residence address;” after “of birth;”, and substituted “and such additional information as may be required by law” for “address and place of abode and date of residence in the precinct; place of any previous registrations to vote; and whether the applicant has ever been adjudicated to be mentally incompetent or convicted of a felony,*

*and if so, under what circumstances the applicant’s right to vote has been restored”.*

### **Section 3. Method of voting.**

In elections by the people, the following safeguards shall be maintained: Voting shall be by ballot or by machines for receiving, recording, and counting votes cast. No ballot or list of candidates upon any voting machine shall bear any distinguishing mark or symbol, other than words identifying political party affiliation; and their form, including the offices to be filled and the listing of candidates or nominees, shall be as uniform as is practicable throughout the Commonwealth or smaller governmental unit in which the election is held.

In elections other than primary elections, provision shall be made whereby votes may be cast for persons other than the listed candidates or nominees. Secrecy in casting votes shall be maintained, except as provision may be made for assistance to handicapped voters, but the ballot box or voting machine shall be kept in public view and shall not be opened, nor the ballots canvassed nor the votes counted, in secret. Votes may be cast in person or by absentee ballot as provided by law.

*The amendment ratified November 8, 1994 and effective January 1, 1995 — In paragraph two, after “Votes may be cast” deleted “only in person, except as otherwise provided in this article” and added “in person or by absentee ballot as provided by law”.*

### **Section 4. Powers and duties of General Assembly.**

The General Assembly shall establish a uniform system for permanent registration of voters pursuant to this Constitution, including provisions for appeal by any person denied registration, correction of illegal or fraudulent registrations, penalties for illegal, fraudulent, or false registrations, proper transfer of all registered voters, and cancellation of registrations in other jurisdictions of persons who apply to register to vote in the Commonwealth. The General Assembly shall provide for maintenance of accurate and current registration records and may provide for the cancellation of registrations for such purpose.

The General Assembly shall provide for the nomination of candidates, shall regulate the time, place, manner,

conduct, and administration of primary, general, and special elections, and shall have power to make any other law regulating elections not inconsistent with this Constitution.

*The amendment ratified November 8, 1994 and effective January 1, 1995 — In paragraph one, after “fraudulent registrations,” added “penalties for illegal, fraudulent, or false registrations,” and replaced “shall provide for cancellation” with “may provide for the cancellation”. Deleted provision for canceling a voter’s registration for not having voted for four years, allowing the General Assembly to revise laws for canceling a person’s registration for not voting. Deleted a paragraph relating to registration and voting by absentee application and ballot for those in the armed forces or temporarily employed out of the country, and for other qualified voters. [The amendment to this section ratified November 2, 1976 and effective January 1, 1977 and the amendment to this section ratified November 4, 1986 and effective July 1, 1987 were superseded by the 1994 amendment.]*

**Section 5. Qualifications to hold elective office.**

The only qualification to hold any office of the Commonwealth or of its governmental units, elective by the people, shall be that a person must have been a resident of the Commonwealth for one year next preceding his election and be qualified to vote for that office, except as otherwise provided in this Constitution, and except that:

- (a) the General Assembly may impose more restrictive geographical residence requirements for election of its members, and may permit other governing bodies in the Commonwealth to impose more restrictive geographical residence requirements for election to such governing bodies, but no such requirements shall impair equal representation of the persons entitled to vote;
- (b) the General Assembly may provide that residence in a local governmental unit is not required for election to designated elective offices in local governments, other than membership in the local governing body; and
- (c) nothing in this Constitution shall limit the power of the General Assembly to prevent conflict of interests, dual officeholding, or other incompat-

ible activities by elective or appointive officials of the Commonwealth or of any political subdivision.

*The amendment ratified November 2, 1976 and effective January 1, 1977—In paragraph one, after “one year” added the language “next preceding his election”.*

**Section 6. Apportionment.**

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the General Assembly. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 1971 and every ten years thereafter.

Any such reapportionment law shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

**Section 7. Oath or affirmation.**

All officers elected or appointed under or pursuant to this Constitution shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as ....., according to the best of my ability (so help me God).”

**Section 8. Electoral boards; registrars and officers of election.**

There shall be in each county and city an electoral board composed of three members, selected as provided by law. In the appointment of the electoral boards, representation, as far as practicable, shall be given to each of the two political parties which, at the general election

next preceding their appointment, cast the highest and the next highest number of votes. The present members of such boards shall continue in office until the expiration of their respective terms; thereafter their successors shall be appointed for the term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the officers of election and general registrar for its county or city. In appointing such officers of election, representation, as far as practicable, shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, who is employed by or holds any office or post of profit or emolument, or who holds any elective office of profit or trust, under the governments of the United States, the Commonwealth, or any county, city, or town, shall be appointed a member of the electoral board or general registrar. No person, nor the deputy or the employee of any person, who holds any elective office of profit or trust under the government of the United States, the Commonwealth, or any county, city, or town of the Commonwealth shall be appointed an assistant registrar or officer of election.

*The amendment ratified November 4, 1986 and effective January 1, 1987—In paragraph two, after “officers” deleted the words “and registrars” and added “and general registrar” after “of election”. In paragraph three, after “the electoral board or” added the word “general” before “registrar” and deleted a reference to officer of election, and added the last sentence: “No person, nor the deputy or the employee of any person . . .”.*

### **Section 9. Privileges of voters during election.**

No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, nor to attend any court as suitor, juror, or witness; nor shall any such voter be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

## **ARTICLE III — Division of Powers**

### **Section 1. Departments to be distinct.**

The legislative, executive, and judicial departments shall be separate and distinct, so that none exercise the powers properly belonging to the others, nor any person exercise the power of more than one of them at the same time; provided, however, administrative agencies may be created by the General Assembly with such authority and duties as the General Assembly may prescribe. Provisions may be made for judicial review of any finding, order, or judgment of such administrative agencies.

## **ARTICLE IV — Legislature**

### **Section 1. Legislative power.**

The legislative power of the Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

### **Section 2. Senate.**

The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts on the Tuesday succeeding the first Monday in November.

### **Section 3. House of Delegates.**

The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected biennially by the voters of the several house districts on the Tuesday succeeding the first Monday in November.

### **Section 4. Qualifications of senators and delegates.**

Any person may be elected to the Senate who, at the time of the election, is twenty-one years of age, is a resident of the senatorial district which he is seeking to represent, and is qualified to vote for members of the General Assembly. Any person may be elected to the House of Delegates who, at the time of the election, is

twenty-one years of age, is a resident of the house district which he is seeking to represent, and is qualified to vote for members of the General Assembly. A senator or delegate who moves his residence from the district for which he is elected shall thereby vacate his office.

No person holding a salaried office under the government of the Commonwealth, and no judge of any court, attorney for the Commonwealth, sheriff, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court shall be a member of either house of the General Assembly during his continuance in office; and his qualification as a member shall vacate any such office held by him. No person holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, shall be eligible to either house.

**Section 5. Compensation; election to civil office of profit.**

The members of the General Assembly shall receive such salary and allowances as may be prescribed by law, but no increase in salary shall take effect for a given member until after the end of the term for which he was elected. No member during the term for which he shall have been elected shall be elected by the General Assembly to any civil office of profit in the Commonwealth.

**Section 6. Legislative sessions.**

The General Assembly shall meet once each year on the second Wednesday in January. Except as herein provided for reconvened sessions, no regular session of the General Assembly convened in an even-numbered year shall continue longer than sixty days; no regular session of the General Assembly convened in an odd-numbered year shall continue longer than thirty days; but with the concurrence of two-thirds of the members elected to each house, any regular session may be extended for a period not exceeding thirty days. Neither house shall, without the consent of the other, adjourn to another place, nor for more than three days.

The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special

session upon the application of two-thirds of the members elected to each house.

The General Assembly shall reconvene on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections. No other business shall be considered at a reconvened session. Such reconvened session shall not continue longer than three days unless the session be extended, for a period not exceeding seven additional days, upon the vote of the majority of the members elected to each house.

*The amendment ratified November 4, 1980 and effective January 1, 1981—After the first sentence in the first paragraph added "Except as herein provided for reconvened sessions," and added a third paragraph "The General Assembly shall reconvene on the sixth Wednesday . . .".*

**Section 7. Organization of General Assembly.**

The House of Delegates shall choose its own Speaker; and, in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor, the Senate shall choose from its own body a president pro tempore. Each house shall select its officers and settle its rules of procedure. The houses may jointly provide for legislative continuity between sessions occurring during the term for which members of the House of Delegates are elected. Each house may direct writs of election for supplying vacancies which may occur during a session of the General Assembly. If vacancies exist while the General Assembly is not in session, such writs may be issued by the Governor under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members, may punish them for disorderly behavior, and, with the concurrence of two-thirds of its elected membership, may expel a member.

**Section 8. Quorum.**

A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number

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may adjourn from day to day and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe. A smaller number, not less than two-fifths of the elected membership of each house, may meet and may, notwithstanding any other provision of this Constitution, enact legislation if the Governor by proclamation declares that a quorum of the General Assembly cannot be convened because of enemy attack upon the soil of Virginia. Such legislation shall remain effective only until thirty days after a quorum of the General Assembly can be convened.

### **Section 9. Immunity of legislators.**

Members of the General Assembly shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest under any civil process during the sessions of the General Assembly, or during the fifteen days before the beginning or after the ending of any session.

### **Section 10. Journal of proceedings.**

Each house shall keep a journal of its proceedings, which shall be published from time to time. The vote of each member voting in each house on any question shall, at the desire of one-fifth of those present, be recorded in the journal. On the final vote on any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a member, the name of each member voting in each house and how he voted shall be recorded in the journal.

### **Section 11. Enactment of laws.**

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

- (a) it has been referred to a committee of each house, considered by such committee in session, and reported;

- (b) it has been printed by the house in which it originated prior to its passage therein;
- (c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and
- (d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than three days after each bill is enrolled, sign each bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

The amendment ratified November 4, 1980 and effective January 1, 1981—In the last paragraph substituted “or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than three days after each bill is enrolled, sign each” for “shall, not later than twenty days after adjournment, sign every”.

#### **Section 12. Form of laws.**

No law shall embrace more than one object, which shall be expressed in its title. Nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be reenacted and published at length.

#### **Section 13. Effective date of laws.**

All laws enacted at a regular session, including laws which are enacted by reason of actions taken during the reconvened session following a regular session, but excluding a general appropriation law, shall take effect on the first day of July following the adjournment of the session of the General Assembly at which it has been enacted; and all laws enacted at a special session, including laws which are enacted by reason of actions taken during the reconvened session following a special session but excluding a general appropriation law, shall take effect on the first day of the fourth month following the month of adjournment of the special session; unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal, or unless a subsequent date is specified in the body of the bill or by general law.

*The amendment ratified November 4, 1980 and effective January 1, 1981 — Rewrote the section so that all laws enacted*

*at regular sessions and reconvened sessions which follow will take effect on July 1 rather than on the first day of the fourth month following the month of adjournment, and all laws enacted at special sessions and reconvened sessions which follow will take effect on the fourth month following the month of adjournment, excluding the general appropriation laws.*

#### **Section 14. Powers of General Assembly; limitations.**

The authority of the General Assembly shall extend to all subjects of legislation not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the General Assembly of such authority, or to indicate a change of policy in reference thereto, unless such purpose plainly appear.

The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sales of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction.

The General Assembly may regulate the exercise by courts of the right to punish for contempt.

The General Assembly’s power to define the accrual date for a civil action based on an intentional tort committed by a natural person against a person who, at the time of the intentional tort, was a minor shall include the power to provide for the retroactive application of a change in the accrual date. No natural person shall have a constitutionally protected property right to bar a cause of action based on intentional torts as described herein on the ground that a change in the accrual date for the action has been applied retroactively or that a statute of limitations or statute of repose has expired.

The General Assembly shall not enact any local, special, or private law in the following cases:

- (1) For the punishment of crime.

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| <p>(2) Providing a change of venue in civil or criminal cases.</p> <p>(3) Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments or prescribing the effect of judicial sales of real estate.</p> <p>(4) Changing or locating county seats.</p> <p>(5) For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.</p> <p>(6) Extending the time for the assessment or collection of taxes.</p> <p>(7) Exempting property from taxation.</p> <p>(8) Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association to the Commonwealth or to any political subdivision thereof.</p> <p>(9) Refunding money lawfully paid into the treasury of the Commonwealth or the treasury of any political subdivision thereof.</p> <p>(10) Granting from the treasury of the Commonwealth, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.</p> <p>(11) For registering voters, conducting elections, or designating the places of voting.</p> <p>(12) Regulating labor, trade, mining, or manufacturing, or the rate of interest on money.</p> <p>(13) Granting any pension.</p> <p>(14) Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of pub-</p> | <p>lic officers during the term for which they are elected or appointed.</p> <p>(15) Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.</p> <p>(16) Affecting or regulating fencing or the boundaries of land, or the running at large of stock.</p> <p>(17) Creating private corporations, or amending, renewing, or extending the charters thereof.</p> <p>(18) Granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.</p> <p>(19) Naming or changing the name of any private corporation or association.</p> <p>(20) Remitting the forfeiture of the charter of any private corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.</p> <p>The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.</p> <p><i>The amendment ratified November 8, 1994 and effective January 1, 1995 — Added a new paragraph after paragraph three.</i></p> <p><b>Section 15. General laws.</b></p> <p>In all cases enumerated in the preceding section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact, and shall not have the effect of enactment of, a special, private, or local law.</p> <p>No general or special law shall surrender or suspend the right and power of the Commonwealth, or any politi-</p> |
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cal subdivision thereof, to tax corporations and corporate property, except as authorized by Article X. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall a general law's operation be suspended for the benefit of any private corporation, association, or individual.

**Section 16. Appropriations to religious or charitable bodies.**

The General Assembly shall not make any appropriation of public funds, personal property, or real estate to any church or sectarian society, or any association or institution of any kind whatever which is entirely or partly, directly or indirectly, controlled by any church or sectarian society. Nor shall the General Assembly make any like appropriation to any charitable institution which is not owned or controlled by the Commonwealth; the General Assembly may, however, make appropriations to nonsectarian institutions for the reform of youthful criminals and may also authorize counties, cities, or towns to make such appropriations to any charitable institution or association.

**Section 17. Impeachment.**

The Governor, Lieutenant Governor, Attorney General, judges, members of the State Corporation Commission, and all officers appointed by the Governor or elected by the General Assembly, offending against the Commonwealth by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor may be impeached by the House of Delegates and prosecuted before the Senate, which shall have the sole power to try impeachments. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Commonwealth; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

**Section 18. Auditor of Public Accounts.**

An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

**ARTICLE V — Executive**

**Section 1. Executive power; Governor's term of office.**

The chief executive power of the Commonwealth shall be vested in a Governor. He shall hold office for a term commencing upon his inauguration on the Saturday after the second Wednesday in January, next succeeding his election, and ending in the fourth year thereafter immediately upon the inauguration of his successor. He shall be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

**Section 2. Election of Governor.**

The Governor shall be elected by the qualified voters of the Commonwealth at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the State Board of Elections, or such other officer or agency as may be designated by law, which shall cause the returns to be opened and the votes to be counted in the manner prescribed by law. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by a majority of the total membership of the General Assembly. Contested elections for Governor shall be decided by a like vote. The mode of proceeding in such cases shall be prescribed by law.

**Section 3. Qualifications of Governor.**

No person except a citizen of the United States shall be eligible to the office of Governor; nor shall any person be eligible to that office unless he shall have attained the

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age of thirty years and have been a resident of the Commonwealth and a registered voter in the Commonwealth for five years next preceding his election.

**Section 4. Place of residence and compensation of Governor.**

The Governor shall reside at the seat of government. He shall receive for his services a compensation to be prescribed by law, which shall neither be increased nor diminished during the period for which he shall have been elected. While in office he shall receive no other emolument from this or any other government.

**Section 5. Legislative responsibilities of Governor.**

The Governor shall communicate to the General Assembly, at every regular session, the condition of the Commonwealth, recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members elected to each house thereof, or when, in his opinion, the interest of the Commonwealth may require.

**Section 6. Presentation of bills; powers of Governor; vetoes and amendments.**

- (a) Every bill which passes the Senate and House of Delegates, before it becomes law, shall be presented to the Governor.
- (b) During a regular or special session, the Governor shall have seven days in which to act on the bill after it is presented to him and to exercise one of the three options set out below. If the Governor does not act on the bill, it shall become law without his signature.
  - (i) The Governor may sign the bill if he approves it, and the bill shall become law.
  - (ii) The Governor may veto the bill if he objects to it by returning the bill with his objections to the house in which the bill originated. The house shall enter the objections in its journal and reconsider the bill. The house may override the veto by a two-thirds vote of the

members present, which two-thirds shall include a majority of the members elected to that house. If the house of origin overrides the Governor's veto, it shall send the bill and Governor's objections to the other house where the bill shall be reconsidered. The second house may override the Governor's veto by a two-thirds vote of the members present, which two-thirds shall include a majority of the members elected to that house. If both houses override the Governor's veto, the bill shall become law without his signature. If either house fails to override the Governor's veto, the veto shall stand and the bill shall not become law.

- (iii) The Governor may recommend one or more specific and severable amendments to a bill by returning it with his recommendation to the house in which it originated. The house shall enter the Governor's recommendation in its journal and reconsider the bill. If both houses agree to the Governor's entire recommendation, the bill, as amended, shall become law. Each house may agree to the Governor's amendments by a majority vote of the members present. If both houses agree to the bill in the form originally sent to the Governor by a two-thirds vote of all members present in each house, which two-thirds shall include a majority of the members elected to that house, the original bill shall become law. If the Governor sends down specific and severable amendments then each house may determine, in accordance with its own procedures, whether to act on the Governor's amendments en bloc or individually, or any combination thereof. If the house of origin agrees to one or more of the Governor's amendments, it shall send the bill and the entire recommendation to the other house. The second house may also agree to one or more of the Governor's amendments. If either house fails to agree to the Governor's entire recommendation or fails to agree to at least one of the Governor's amendments agreed to by the other house,

the bill, as originally presented to the Governor, shall be returned to the Governor. If both houses agree to one or more amendments but not to the entire recommendation of the Governor, the bill shall be reenrolled with the Governor's amendments agreed to by both houses and shall be returned to the Governor. If the Governor fails to send down specific and severable amendments as determined by the majority vote of the members present in either house, then the bill shall be before that house, in the form originally sent to the Governor and may be acted upon in accordance with Article IV, Section 11 of this Constitution and returned to the Governor. The Governor shall either sign or veto a bill returned as provided in this subsection or, if there are fewer than seven days remaining in the session, as provided in subsection (c).

- (c) When there are fewer than seven days remaining in the regular or special session from the date a bill is presented to the Governor and the General Assembly adjourns to a reconvened session, the Governor shall have thirty days from the date of adjournment of the regular or special session in which to act on the bills presented to him and to exercise one of the three options set out below. If the Governor does not act on any bill, it shall become law without his signature.
- (i) The Governor may sign the bill if he approves it, and the bill shall become law.
- (ii) The Governor may veto the bill if he objects to it by returning the bill with his objections to the house in which the bill originated. The same procedures for overriding his veto are applicable as stated in subsection (b) for bills vetoed during the session.
- (iii) The Governor may recommend one or more specific and severable amendments to a bill by returning it with his recommendation to the house in which it originated. The same procedures for considering his recommen-

ation are applicable as stated in subsection (b) (iii) for bills returned with his recommendation. The Governor shall either sign or veto a bill returned to him from a reconvened session. If the Governor vetoes the bill, the veto shall stand and the bill shall not become law. If the Governor does not act on the bill within thirty days after the adjournment of the reconvened session, the bill shall become law without his signature.

- (d) The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section for a bill vetoed by the Governor.
- (e) In all cases set forth above, the names of the members voting for and against the bill, the amendment or amendments to the bill, or the item or items of an appropriation bill shall be entered on the journal of each house.

*The amendment ratified November 8, 1994 and effective January 1, 1995 — Rewrote the section to provide that the Governor may offer only one set of amendments to any bill, to require the Governor to take action to veto a bill, to allow the General Assembly to sever the Governor's amendments, acting on them individually or en bloc, and to allow the General Assembly to propose its own amendments if it determines the Governor's amendments are not severable. [The amendment to this section ratified November 4, 1980 and effective January 1, 1981 was superseded by the 1994 amendment.]*

#### **Section 7. Executive and administrative powers.**

The Governor shall take care that the laws be faithfully executed.

The Governor shall be commander-in-chief of the armed forces of the Commonwealth and shall have power to embody such forces to repel invasion, suppress insurrection, and enforce the execution of the laws.

The Governor shall conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states.

The Governor shall have power to fill vacancies in all offices of the Commonwealth for the filling of which the Constitution and laws make no other provision. If such office be one filled by the election of the people, the appointee shall hold office until the next general election, and thereafter until his successor qualifies, according to law. The General Assembly shall, if it is in session, fill vacancies in all offices which are filled by election by that body.

Gubernatorial appointments to fill vacancies in offices which are filled by election by the General Assembly or by appointment by the Governor which is subject to confirmation by the Senate or the General Assembly, made during the recess of the General Assembly, shall expire at the end of thirty days after the commencement of the next session of the General Assembly.

**Section 8. Information from administrative officers.**

The Governor may require information in writing, under oath, from any officer of any executive or administrative department, office, or agency, or any public institution upon any subject relating to their respective departments, offices, agencies, or public institutions; and he may inspect at any time their official books, accounts, and vouchers, and ascertain the conditions of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney General upon any question of law affecting the official duties of the Governor.

**Section 9. Administrative organization.**

The functions, powers, and duties of the administrative departments and divisions and of the agencies of the Commonwealth within the legislative and executive branches may be prescribed by law.

**Section 10. Appointment and removal of administrative officers.**

Except as may be otherwise provided in this Constitution, the Governor shall appoint each officer serving as the head of an administrative department or division of the executive branch of the government, subject to such confirmation as the General Assembly may prescribe. Each officer appointed by the Governor pursuant to this section shall have such professional qualifications as may be prescribed by law and shall serve at the pleasure of the Governor.

**Section 11. Effect of refusal of General Assembly to confirm an appointment by the Governor.**

No person appointed to any office by the Governor, whose appointment is subject to confirmation by the General Assembly, under the provisions of this Constitution or any statute, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, nor shall such person be eligible for reappointment during the recess of the General Assembly to fill the vacancy caused by such refusal to confirm.

**Section 12. Executive clemency.**

The Governor shall have power to remit fines and penalties under such rules and regulations as may be prescribed by law; to grant reprieves and pardons after conviction except when the prosecution has been carried on by the House of Delegates; to remove political disabilities consequent upon conviction for offenses committed prior or subsequent to the adoption of this Constitution; and to commute capital punishment.

He shall communicate to the General Assembly, at each regular session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

**Section 13. Lieutenant Governor; election and qualifications.**

A Lieutenant Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same, except that there shall be no limit on the terms of the Lieutenant Governor.

**Section 14. Duties and compensation of Lieutenant Governor.**

The Lieutenant Governor shall be President of the Senate but shall have no vote except in case of an equal division. He shall receive for his services a compensation to be prescribed by law, which shall not be increased nor diminished during the period for which he shall have been elected.

**Section 15. Attorney General.**

An Attorney General shall be elected by the qualified voters of the Commonwealth at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. No person shall be eligible for election or appointment to the office of Attorney General unless he is a citizen of the United States, has attained the age of thirty years, and has the qualifications required for a judge of a court of record. He shall perform such duties and receive such compensation as may be prescribed by law, which compensation shall neither be increased nor diminished during the period for which he shall have been elected. There shall be no limit on the terms of the Attorney General.

**Section 16. Succession to the office of Governor.**

When the Governor-elect is disqualified, resigns, or dies following his election but prior to taking office, the Lieutenant Governor-elect shall succeed to the office of Governor for the full term. When the Governor-elect fails to assume office for any other reason, the Lieutenant Governor-elect shall serve as Acting Governor.

Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Delegates his written declaration that he is unable to discharge the powers and duties of his office and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor.

Whenever the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit to the Clerk of the Senate and the Clerk of the House of Delegates their written declara-

tion that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall immediately assume the powers and duties of the office as Acting Governor.

Thereafter, when the Governor transmits to the Clerk of the Senate and the Clerk of the House of Delegates his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit within four days to the Clerk of the Senate and the Clerk of the House of Delegates their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon the General Assembly shall decide the issue, convening within forty-eight hours for that purpose if not already in session. If within twenty-one days after receipt of the latter declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to convene, the General Assembly determines by three-fourths vote of the elected membership of each house of the General Assembly that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall become Governor; otherwise, the Governor shall resume the powers and duties of his office.

In the case of the removal of the Governor from office or in the case of his disqualification, death, or resignation, the Lieutenant Governor shall become Governor.

If a vacancy exists in the office of Lieutenant Governor when the Lieutenant Governor is to succeed to the office of Governor or to serve as Acting Governor, the Attorney General, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor. If the Attorney General is ineligible to serve as Governor, the Speaker of the House of Delegates, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor. If a vacancy exists in the office of the Speaker of the House of Delegates or if the Speaker of the House of Delegates is ineligible to serve as Governor, the House of Delegates shall convene and fill the vacancy.

### **Section 17. Commissions and grants.**

Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

## **ARTICLE VI — Judiciary**

### **Section 1. Judicial power; jurisdiction.**

The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may from time to time establish. Trial courts of general jurisdiction, appellate courts, and such other courts as shall be so designated by the General Assembly shall be known as courts of record.

The Supreme Court shall, by virtue of this Constitution, have original jurisdiction in cases of habeas corpus, mandamus, and prohibition, in matters of judicial censure, retirement, and removal under Section 10 of this article, and to answer questions of state law certified by a court of the United States or the highest appellate court of any other state. All other jurisdiction of the Supreme Court shall be appellate. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court shall, by virtue of this

Constitution, have appellate jurisdiction in cases involving the constitutionality of a law under this Constitution or the Constitution of the United States and in cases involving the life or liberty of any person.

The General Assembly may allow the Commonwealth the right to appeal in all cases, including those involving the life or liberty of a person, provided such appeal would not otherwise violate this Constitution or the Constitution of the United States.

Subject to the foregoing limitations, the General Assembly shall have the power to determine the original and appellate jurisdiction of the courts of the Commonwealth.

*The amendment ratified November 4, 1986 and effective December 1, 1986—In paragraph two, after “mandamus, and prohibition” deleted “and” and added to the sentence “, and to answer questions of state law certified by a court of the United States . . .”.*

*The amendment ratified November 4, 1986 and effective December 1, 1986—In paragraph three, after “relating to the State revenue.” added the last sentence “The General Assembly may also allow the Commonwealth . . .”.*

*The amendment ratified November 5, 1996 and effective January 1, 1997—Deleted the third paragraph: “No appeal shall be allowed to the Commonwealth . . .” and added a next-to-the-last paragraph: “The General Assembly may allow the Commonwealth . . .”.*

### **Section 2. Supreme Court.**

The Supreme Court shall consist of seven justices. The General Assembly may, if three-fifths of the elected membership of each house so vote at two successive regular sessions, increase or decrease the number of justices of the Court, provided that the Court shall consist of no fewer than seven and no more than eleven justices. The Court may sit and render final judgment en banc or in divisions as may be prescribed by law. No decision shall become the judgment of the Court, however, except on the concurrence of at least three justices, and no law shall be declared unconstitutional under either this Constitution or the Constitution of the United States except on the concurrence of at least a majority of all justices of the Supreme Court.

### **Section 3. Selection of Chief Justice.**

The Chief Justice shall be selected from among the justices in a manner provided by law.

### **Section 4. Administration of the judicial system.**

The Chief Justice of the Supreme Court shall be the administrative head of the judicial system. He may temporarily assign any judge of a court of record to any other court of record except the Supreme Court and may assign a retired judge of a court of record, with his consent, to any court of record except the Supreme Court. The General Assembly may adopt such additional measures as it

deems desirable for the improvement of the administration of justice by the courts and for the expedition of judicial business.

**Section 5. Rules of practice and procedure.**

The Supreme Court shall have the authority to make rules governing the course of appeals and the practice and procedures to be used in the courts of the Commonwealth, but such rules shall not be in conflict with the general law as the same shall, from time to time, be established by the General Assembly.

**Section 6. Opinions and judgments of the Supreme Court.**

When a judgment or decree is reversed, modified, or affirmed by the Supreme Court, or when original cases are resolved on their merits, the reasons for the Court's action shall be stated in writing and preserved with the record of the case. The Court may, but need not, remand a case for a new trial. In any civil case, it may enter final judgment, except that the award in a suit or action for unliquidated damages shall not be increased or diminished.

**Section 7. Selection and qualification of judges.**

The justices of the Supreme Court shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of twelve years. The judges of all other courts of record shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of eight years. During any vacancy which may exist while the General Assembly is not in session, the Governor may appoint a successor to serve until thirty days after the commencement of the next session of the General Assembly. Upon election by the General Assembly, a new justice or judge shall begin service of a full term.

All justices of the Supreme Court and all judges of other courts of record shall be residents of the Commonwealth and shall, at least five years prior to their appointment or election, have been admitted to the bar of the Commonwealth. Each judge of a trial court of record shall during his term of office reside within the jurisdiction of

one of the courts to which he was appointed or elected; provided, however, that where the boundary of such jurisdiction is changed by annexation or otherwise, no judge thereof shall thereby become disqualified from office or ineligible for reelection if, except for such annexation or change, he would otherwise be qualified.

**Section 8. Additional judicial personnel.**

The General Assembly may provide for additional judicial personnel, such as judges of courts not of record and magistrates or justices of the peace, and may prescribe their jurisdiction and provide the manner in which they shall be selected and the terms for which they shall serve.

The General Assembly may confer upon the clerks of the several courts having probate jurisdiction, jurisdiction of the probate of wills and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of persons adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

**Section 9. Commission; compensation; retirement.**

All justices of the Supreme Court and all judges of other courts of record shall be commissioned by the Governor. They shall receive such salaries and allowances as shall be prescribed by the General Assembly, which shall be apportioned between the Commonwealth and its cities and counties in the manner provided by law. Unless expressly prohibited or limited by the General Assembly, cities and counties shall be permitted to supplement from local funds the salaries of any judges serving within their geographical boundaries. The salary of any justice or judge shall not be diminished during his term of office.

The General Assembly may enact such laws as it deems necessary for the retirement of justices and judges, with such conditions, compensation, and duties as it may prescribe. The General Assembly may also provide for the mandatory retirement of justices and judges after they reach a prescribed age, beyond which they shall not serve, regardless of the term to which elected or appointed.

**Section 10. Disabled and unfit judges.**

The General Assembly shall create a Judicial Inquiry and Review Commission consisting of members of the judiciary, the bar, and the public and vested with the power to investigate charges which would be the basis for retirement, censure, or removal of a judge. The Commission shall be authorized to conduct hearings and to subpoena witnesses and documents. Proceedings and documents before the Commission may be confidential as provided by the General Assembly in general law.

If the Commission finds the charges to be well-founded, it may file a formal complaint before the Supreme Court.

Upon the filing of a complaint, the Supreme Court shall conduct a hearing in open court and, upon a finding of disability which is or is likely to be permanent and which seriously interferes with the performance by the judge of his duties, shall retire the judge from office. A judge retired under this authority shall be considered for the purpose of retirement benefits to have retired voluntarily.

If the Supreme Court after the hearing on the complaint finds that the judge has engaged in misconduct while in office, or that he has persistently failed to perform the duties of his office, or that he has engaged in conduct prejudicial to the proper administration of justice, it shall censure him or shall remove him from office. A judge removed under this authority shall not be entitled to retirement benefits, but only to the return of contributions made by him, together with any income accrued thereon.

This section shall apply to justices of the Supreme Court, to judges of other courts of record, and to members of the State Corporation Commission. The General Assembly also may provide by general law for the retirement, censure, or removal of judges of any court not of record, or other personnel exercising judicial functions.

*The amendment ratified November 3, 1998 and effective January 1, 1999—In paragraph one, third sentence, after "Proceedings", added "and documents", and substituted "Commission may be confidential as provided by the General Assembly in general law" for "Commission shall be confidential".*

**Section 11. Incompatible activities.**

No justice or judge of a court of record shall, during his continuance in office, engage in the practice of law within or without the Commonwealth, or seek or accept any nonjudicial elective office, or hold any other office of public trust, or engage in any other incompatible activity.

**Section 12. Limitation; judicial appointment.**

No judge shall be granted the power to make any appointment of any local governmental official elected by the voters except to fill a vacancy in office pending the next ensuing general election or, if the vacancy occurs within one hundred twenty days prior to such election, pending the second ensuing general election, unless such election falls within sixty days of the end of the term of the office to be filled.

*The amendment ratified November 2, 1976 and effective January 1, 1977—At the end of the section, after the word "election" added the language ", unless such election falls within sixty days of the end of the term of the office to be filled".*

**ARTICLE VII — Local Government****Section 1. Definitions.**

As used in this article (1) "county" means any existing county or any such unit hereafter created, (2) "city" means an independent incorporated community which became a city as provided by law before noon on the first day of July, nineteen hundred seventy-one, or which has within defined boundaries a population of 5,000 or more and which has become a city as provided by law, (3) "town" means any existing town or an incorporated community within one or more counties which became a town before noon, July one, nineteen hundred seventy-one, as provided by law or which has within defined boundaries a population of 1,000 or more and which has become a town as provided by law, (4) "regional government" means a unit of general government organized as provided by law within defined boundaries, as determined by the General Assembly, (5) "general law" means a law which on its effective date applies alike to all counties, cities, towns, or regional governments or to a

reasonable classification thereof, and (6) "special act" means a law applicable to a county, city, town, or regional government and for enactment shall require an affirmative vote of two-thirds of the members elected to each house of the General Assembly.

The General Assembly may increase by general law the population minima provided in this article for cities and towns. Any county which on the effective date of this Constitution had adopted an optional form of government pursuant to a valid statute that does not meet the general law requirements of this article may continue its form of government without regard to such general law requirements until it adopts a form of government provided in conformity with this article. In this article, whenever the General Assembly is authorized or required to act by general law, no special act for that purpose shall be valid unless this article so provides.

*The amendment ratified November 7, 1972 — Added language to the definition of city in (2) to include those communities which became cities before July 1, 1971. Added language to the definition of town in (3) to include those communities which became towns before July 1, 1971.*

## **Section 2. Organization and government.**

The General Assembly shall provide by general law for the organization, government, powers, change of boundaries, consolidation, and dissolution of counties, cities, towns, and regional governments. The General Assembly may also provide by general law optional plans of government for counties, cities, or towns to be effective if approved by a majority vote of the qualified voters voting on any such plan in any such county, city, or town.

The General Assembly may also provide by special act for the organization, government, and powers of any county, city, town, or regional government, including such powers of legislation, taxation, and assessment as the General Assembly may determine, but no such special act shall be adopted which provides for the extension or contraction of boundaries of any county, city, or town.

Every law providing for the organization of a regional government shall, in addition to any other require-

ments imposed by the General Assembly, require the approval of the organization of the regional government by a majority vote of the qualified voters voting thereon in each county and city which is to participate in the regional government and of the voters voting thereon in a part of a county or city where only the part is to participate.

## **Section 3. Powers.**

The General Assembly may provide by general law or special act that any county, city, town, or other unit of government may exercise any of its powers or perform any of its functions and may participate in the financing thereof jointly or in cooperation with the Commonwealth or any other unit of government within or without the Commonwealth. The General Assembly may provide by general law or special act for transfer to or sharing with a regional government of any services, functions, and related facilities of any county, city, town, or other unit of government within the boundaries of such regional government.

## **Section 4. County and city officers.**

There shall be elected by the qualified voters of each county and city a treasurer, a sheriff, an attorney for the Commonwealth, a clerk, who shall be clerk of the court in the office of which deeds are recorded, and a commissioner of revenue. The duties and compensation of such officers shall be prescribed by general law or special act.

Regular elections for such officers shall be held on Tuesday after the first Monday in November. Such officers shall take office on the first day of the following January unless otherwise provided by law and shall hold their respective offices for the term of four years, except that the clerk shall hold office for eight years.

The General Assembly may provide for county or city officers or methods of their selection, including permission for two or more units of government to share the officers required by this section, without regard to the provisions of this section, either (1) by general law to become effective in any county or city when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting

thereon in each such county or city, or (2) by special act upon the request, made after such an election, of each county or city affected. No such law shall reduce the term of any person holding an office at the time the election is held. A county or city not required to have or to elect such officers prior to the effective date of this Constitution shall not be so required by this section.

The General Assembly may provide by general law or special act for additional officers and for the terms of their office.

### **Section 5. County, city, and town governing bodies.**

The governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law.

If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law. Whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body.

Unless otherwise provided by law, the governing body of each city or town shall be elected on the second Tuesday in June and take office on the first day of the following September. Unless otherwise provided by law, the governing body of each county shall be elected on the Tuesday after the first Monday in November and take office on the first day of the following January.

### **Section 6. Multiple offices.**

Unless two or more units exercise functions jointly as authorized in Sections 3 and 4, no person shall at the same

time hold more than one office mentioned in this article. No member of a governing body shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law and except that a member of a governing body may be elected or appointed to fill a vacancy in the office of mayor or board chairman if permitted by general law or special act.

*The amendment ratified November 6, 1984 and effective January 1, 1985—After "as may be permitted by general law" added "and except that a member of a governing body may be elected or appointed to fill a vacancy in the office of mayor or board chairman if permitted by general law or special act".*

### **Section 7. Procedures.**

No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the governing body. In case of the veto of such an ordinance or resolution, where the power of veto exists, it shall require for passage thereafter a recorded affirmative vote of two-thirds of all members elected to the governing body.

On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

### **Section 8. Consent to use public property.**

No street railway, gas, water, steam or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge company, nor any corporation, association, person, or partnership engaged in these or like enterprises shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

**Section 9. Sale of property and granting of franchises by cities and towns.**

No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all members elected to the governing body.

No franchise, lease, or right of any kind to use any such public property or any other public property or easement of any description in a manner not permitted to the general public shall be granted for a longer period than forty years, except for air rights together with easements for columns of support, which may be granted for a period not exceeding sixty years. Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, unless prohibited by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

#### **Section 10. Debt.**

- (a) No city or town shall issue any bonds or other interest-bearing obligations which, including existing indebtedness, shall at any time exceed ten per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes. In determining the limitation for a city or town there shall not be included the following classes of indebtedness:

- (1) Certificates of indebtedness, revenue bonds, or other obligations issued in anticipation of the collection of the revenues of such city or town for the then current year; provided that such certificates, bonds, or other obligations mature within one year from the date of their issue, be not past due, and do not exceed the revenue for such year.
- (2) Bonds pledging the full faith and credit of such city or town authorized by an ordinance enacted in accordance with Section 7, and approved by the affirmative vote of the qualified voters of the city or town voting upon the question of their issuance, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the governing body not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor), the cost of insurance against loss by injury to persons or property, and an annual amount to be placed into a sinking fund sufficient to pay the bonds at or before maturity, all outstanding bonds issued on account of such undertaking shall be included in determining such limitation.
- (3) Bonds of a city or town the principal and interest on which are payable exclusively from the revenues and receipts of a water system or other specific undertaking or undertakings from which the city or town may derive a revenue or secured, solely or together with such revenues, by contributions of other units of government.
- (4) Contract obligations of a city or town to provide payments over a period of more than one year to any publicly owned or controlled regional project, if the project has been authorized by an interstate compact or if the General Assembly by general law or

special act has authorized an exclusion for such project purposes.

- (b) No debt shall be contracted by or on behalf of any county or district thereof or by or on behalf of any regional government or district thereof except by authority conferred by the General Assembly by general law. The General Assembly shall not authorize any such debt, except the classes described in paragraphs (1) and (3) of subsection (a), refunding bonds, and bonds issued, with the consent of the school board and the governing body of the county, by or on behalf of a county or district thereof for capital projects for school purposes and sold to the Literary Fund, the Virginia Supplemental Retirement System, or other State agency prescribed by law, unless in the general law authorizing the same, provision be made for submission to the qualified voters of the county or district thereof or the region or district thereof, as the case may be, for approval or rejection by a majority vote of the qualified voters voting in an election on the question of contracting such debt. Such approval shall be a prerequisite to contracting such debt.

Any county may, upon approval by the affirmative vote of the qualified voters of the county voting in an election on the question, elect to be treated as a city for the purposes of issuing its bonds under this section. If a county so elects, it shall thereafter be subject to all of the benefits and limitations of this section applicable to cities, but in determining the limitation for a county there shall be included, unless otherwise excluded under this section, indebtedness of any town or district in that county empowered to levy taxes on real estate.

*The amendment ratified November 4, 1980 and effective January 1, 1981 — In subsection (a) substituted "ten per centum" for "eighteen per centum".*

## ARTICLE VIII — Education

### Section 1. Public schools of high quality to be maintained.

The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained.

### Section 2. Standards of quality; State and local support of public schools.

Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly.

The General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.

### Section 3. Compulsory education; free textbooks.

The General Assembly shall provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law. It shall ensure that textbooks are provided at no cost to each child attending public school whose parent or guardian is financially unable to furnish them.

### Section 4. Board of Education.

The general supervision of the public school system shall be vested in a Board of Education of nine members, to be appointed by the Governor, subject to confirmation by the General Assembly. Each appointment shall be for four years, except that those to fill vacancies shall be for the unexpired terms. Terms shall be staggered, so that no

more than three regular appointments shall be made in the same year.

Section 5. Powers and duties of the Board of Education.

The powers and duties of the Board of Education shall be as follows:

- (a) Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose.
- (b) It shall make annual reports to the Governor and the General Assembly concerning the condition and needs of public education in the Commonwealth, and shall in such report identify any school divisions which have failed to establish and maintain schools meeting the prescribed standards of quality.
- (c) It shall certify to the school board of each division a list of qualified persons for the office of division superintendent of schools, one of whom shall be selected to fill the post by the division school board. In the event a division school board fails to select a division superintendent within the time prescribed by law, the Board of Education shall appoint him.
- (d) It shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.
- (e) Subject to the ultimate authority of the General Assembly, the Board shall have primary responsibility and authority for effectuating the educational policy set forth in this article, and it shall have such other powers and duties as may be prescribed by law.

### **Section 6. Superintendent of Public Instruction.**

A Superintendent of Public Instruction, who shall be an experienced educator, shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of the Governor making the appointment, but the General Assembly may alter by statute this method of selection and term of office. The powers and duties of the Superintendent shall be prescribed by law.

### **Section 7. School boards.**

The supervision of schools in each school division shall be vested in a school board, to be composed of members selected in the manner, for the term, possessing the qualifications, and to the number provided by law.

### **Section 8. The Literary Fund.**

The General Assembly shall set apart as a permanent and perpetual school fund the present Literary Fund; the proceeds of all public lands donated by Congress for free public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the Commonwealth by forfeiture except as hereinafter provided, of all fines collected for offenses committed against the Commonwealth, and of the annual interest on the Literary Fund; and such other sums as the General Assembly may appropriate. But so long as the principal of the Fund totals as much as eighty million dollars, the General Assembly may set aside all or any part of additional moneys received into its principal for public school purposes, including the teachers retirement fund.

The General Assembly may provide by general law an exemption from this section for the proceeds from the sale of all property seized and forfeited to the Commonwealth for a violation of the criminal laws of this Commonwealth proscribing the manufacture, sale or distribution of a controlled substance or marijuana. Such proceeds shall be paid into the state treasury and shall be distributed by law for the purpose of promoting law enforcement.

The Literary Fund shall be held and administered by the Board of Education in such manner as may be pro-

vided by law. The General Assembly may authorize the Board to borrow other funds against assets of the Literary Fund as collateral, such borrowing not to involve the full faith and credit of the Commonwealth.

The principal of the Fund shall include assets of the Fund in other funds or authorities which are repayable to the Fund.

*The amendment ratified November 6, 1990 and effective January 1, 1991 — In paragraph one, after “forfeiture” added “except as hereinafter provided”. Added a new paragraph after paragraph one.*

### **Section 9. Other educational institutions.**

The General Assembly may provide for the establishment, maintenance, and operation of any educational institutions which are desirable for the intellectual, cultural, and occupational development of the people of this Commonwealth. The governance of such institutions, and the status and powers of their boards of visitors or other governing bodies, shall be as provided by law.

### **Section 10. State appropriations prohibited to schools or institutions of learning not owned or exclusively controlled by the State or some subdivision thereof; exceptions to rule.**

No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof; provided, first, that the General Assembly may, and the governing bodies of the several counties, cities and towns may, subject to such limitations as may be imposed by the General Assembly, appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate or graduate education of Virginia students in public and nonsectarian private schools and institutions of learning, in addition to those owned or exclusively controlled by the State or any such county, city or town; second, that the General Assembly may appropriate funds to an agency, or to a school or institution of learning owned or controlled by an agency, created and established by two or more States under a joint agreement to which this State is a party for the purpose of providing educational facilities

for the citizens of the several States joining in such agreement; third, that counties, cities, towns, and districts may make appropriations to nonsectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

### **Section 11. Aid to nonpublic higher education.**

The General Assembly may provide for loans to, and grants to or on behalf of, students attending nonprofit institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education. The General Assembly may also provide for a State agency or authority to assist in borrowing money for construction of educational facilities at such institutions, provided that the Commonwealth shall not be liable for any debt created by such borrowing. The General Assembly may also provide for the Commonwealth or any political subdivision thereof to contract with such institutions for the provision of educational or other related services.

*The amendment ratified November 5, 1974 and effective January 1, 1975 — Provided for “grants to or on behalf of” in addition to loans to students, in the first sentence. Added the last sentence to permit “the Commonwealth or any political subdivision thereof to contract with” nonprofit institutions of higher education.*

## **ARTICLE IX — Corporations**

### **Section 1. State Corporation Commission.**

There shall be a permanent commission which shall be known as the State Corporation Commission and which shall consist of three members. The General Assembly may, by majority vote of the members elected to each house, increase the size of the Commission to no more than five members. Members of the Commission shall be elected by the General Assembly and shall serve for regular terms of six years. At least one member of the Commission shall have the qualifications prescribed for judges of courts of record, and any Commissioner may be

impeached or removed in the manner provided for the impeachment or removal of judges of courts of record. The General Assembly may enact such laws as it deems necessary for the retirement of the Commissioners, with such conditions, compensation, and duties as it may prescribe. The General Assembly may also provide for the mandatory retirement of Commissioners after they reach a prescribed age, beyond which they shall not serve, regardless of the term to which elected or appointed. Whenever a vacancy in the Commission shall occur or exist when the General Assembly is in session, the General Assembly shall elect a successor for such unexpired term. If the General

Assembly is not in session, the Governor shall forthwith appoint pro tempore a qualified person to fill the vacancy for a term ending thirty days after the commencement of the next regular session of the General Assembly and the General Assembly shall elect a successor for such unexpired term.

The Commission shall annually elect one of its members chairman. Its subordinates and employees, and the manner of their appointment and removal, shall be as provided by law, except that its heads of divisions and assistant heads of divisions shall be appointed and subject to removal by the Commission.

### **Section 2. Powers and duties of the Commission.**

Subject to the provisions of this Constitution and to such requirements as may be prescribed by law, the Commission shall be the department of government through which shall be issued all charters, and amendments or extensions thereof, of domestic corporations and all licenses of foreign corporations to do business in this Commonwealth.

Except as may be otherwise prescribed by this Constitution or by law, the Commission shall be charged with the duty of administering the laws made in pursuance of this Constitution for the regulation and control of corporations doing business in this Commonwealth. Subject to such criteria and other requirements as may be prescribed by law, the Commission shall have the power and be charged with the duty of regulating the rates, charges, and services and, except as may be otherwise authorized

by this Constitution or by general law, the facilities of railroad, telephone, gas, and electric companies.

The Commission shall in proceedings before it ensure that the interests of the consumers of the Commonwealth are represented, unless the General Assembly otherwise provides for representation of such interests.

The Commission shall have such other powers and duties not inconsistent with this Constitution as may be prescribed by law.

### **Section 3. Procedures of the Commission.**

Before promulgating any general order, rule, or regulation, the Commission shall give reasonable notice of its contents.

In all matters within the jurisdiction of the Commission, it shall have the powers of a court of record to administer oaths, to compel the attendance of witnesses and the production of documents, to punish for contempt, and to enforce compliance with its lawful orders or requirements by adjudging and enforcing by its own appropriate process such fines or other penalties as may be prescribed or authorized by law. Before the Commission shall enter any finding, order, or judgment against a party it shall afford such party reasonable notice of the time and place at which he shall be afforded an opportunity to introduce evidence and be heard.

The Commission may prescribe its own rules of practice and procedure not inconsistent with those made by the General Assembly. The General Assembly shall have the power to adopt such rules, to amend, modify, or set aside the Commission's rules, or to substitute rules of its own.

### **Section 4. Appeals from actions of the Commission.**

The Commonwealth, any party in interest, or any party aggrieved by any final finding, order, or judgment of the Commission shall have, of right, an appeal to the Supreme Court. The method of taking and prosecuting an appeal from any action of the Commission shall be prescribed by law or by the rules of the Supreme Court.

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All appeals from the Commission shall be to the Supreme Court only.

No other court of the Commonwealth shall have jurisdiction to review, reverse, correct, or annul any action of the Commission or to enjoin or restrain it in the performance of its official duties, provided, however, that the writs of mandamus and prohibition shall lie from the Supreme Court to the Commission.

**Section 5. Foreign corporations.**

No foreign corporation shall be authorized to carry on in this Commonwealth the business of, or to exercise any of the powers or functions of, a public service enterprise, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this Commonwealth. However, nothing in this section shall restrict the power of the General Assembly to enact such laws specially applying to foreign corporations as the General Assembly may deem appropriate.

**Section 6. Corporations subject to general laws.**

The creation of corporations, and the extension and amendment of charters whether heretofore or hereafter granted, shall be provided for by general law, and no charter shall be granted, amended, or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment, or extension applied for and to issue or refuse the same accordingly. Such general laws may be amended, repealed, or modified by the General Assembly. Every corporation chartered in this Commonwealth shall be deemed to hold its charter and all amendments thereof under the provisions of, and subject to all the requirements, terms, and conditions of, this Constitution and any laws passed in pursuance thereof. The police power of the Commonwealth to regulate the affairs of corporations, the same as individuals, shall never be abridged.

**Section 7. Exclusions from term "corporation" or "company."**

The term "corporation" or "company" as used in this article shall exclude all municipal corporations, other political subdivisions, and public institutions owned or controlled by the Commonwealth.

**ARTICLE X — Taxation and Finance**

**Section 1. Taxable property; uniformity; classification and segregation.**

All property, except as hereinafter provided, shall be taxed. All taxes shall be levied and collected under general laws and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, except that the General Assembly may provide for differences in the rate of taxation to be imposed upon real estate by a city or town within all or parts of areas added to its territorial limits, or by a new unit of general government, within its area, created by or encompassing two or more, or parts of two or more, existing units of general government. Such differences in the rate of taxation shall bear a reasonable relationship to differences between nonrevenue-producing governmental services giving land urban character which are furnished in one or several areas in contrast to the services furnished in other areas of such unit of government.

The General Assembly may by general law and within such restrictions and upon such conditions as may be prescribed authorize the governing body of any county, city, town or regional government to provide for differences in the rate of taxation imposed upon tangible personal property owned by persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law who are deemed by the General Assembly to be bearing an extraordinary tax burden on said tangible personal property in relation to their income and financial worth.

The General Assembly may define and classify taxable subjects. Except as to classes of property herein expressly segregated for either State or local taxation, the

General Assembly may segregate the several classes of property so as to specify and determine upon what subjects State taxes, and upon what subjects local taxes, may be levied.

*The amendment ratified November 6, 1990 and effective January 1, 1991 — Added a new paragraph after paragraph one.*

### **Section 2. Assessments.**

All assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may define and classify real estate devoted to agricultural, horticultural, forest, or open space uses, and may by general law authorize any county, city, town, or regional government to allow deferral of, or relief from, portions of taxes otherwise payable on such real estate if it were not so classified, provided the General Assembly shall first determine that classification of such real estate for such purpose is in the public interest for the preservation or conservation of real estate for such uses. In the event the General Assembly defines and classifies real estate for such purposes, it shall prescribe the limits, conditions, and extent of such deferral or relief. No such deferral or relief shall be granted within the territorial limits of any county, city, town, or regional government except by ordinance adopted by the governing body thereof.

So long as the Commonwealth shall levy upon any public service corporation a State franchise, license, or other similar tax based upon or measured by its gross receipts or gross earnings, or any part thereof, its real estate and tangible personal property shall be assessed by a central State agency, as prescribed by law.

### **Section 3. Taxes or assessments upon abutting property owners.**

The General Assembly by general law may authorize any county, city, town, or regional government to impose taxes or assessments upon abutting property owners for such local public improvements as may be designated by the General Assembly; however, such taxes or assessments shall not be in excess of the peculiar benefits resulting from the improvements to such abutting property owners.

### **Section 4. Property segregated for local taxation; exceptions.**

Real estate, coal and other mineral lands, and tangible personal property, except the rolling stock of public service corporations, are hereby segregated for, and made subject to, local taxation only, and shall be assessed for local taxation in such manner and at such times as the General Assembly may prescribe by general law.

### **Section 5. Franchise taxes; taxation of corporate stock.**

The General Assembly, in imposing a franchise tax upon corporations, may in its discretion make the same in lieu of taxes upon other property, in whole or in part, of such corporations. Whenever a franchise tax shall be imposed upon a corporation doing business in this Commonwealth, or whenever all the capital, however invested, of a corporation chartered under the laws of this Commonwealth shall be taxed, the shares of stock issued by any such corporation shall not be further taxed.

### **Section 6. Exempt property.**

- (a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:
  - (1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law.
  - (2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers.
  - (3) Private or public burying grounds or cemeteries, provided the same are not operated for profit.
  - (4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily

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- used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law.
- (5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law.
- (6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by a three-fourths vote of the members elected to each house of the General Assembly and subject to such restrictions and conditions as may be prescribed.
- (7) Land subject to a perpetual easement permitting inundation by water as may be exempted in whole or in part by general law.
- (b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate and personal property designed for continuous habitation owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law who are deemed by the General Assembly to be bearing an extraordinary tax burden on said property in relation to their income and financial worth.
- (c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions.
- (d) The General Assembly may define as a separate subject of taxation any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth or for the purpose of transferring or storing solar energy, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.
- (e) The General Assembly may define as a separate subject of taxation household goods, personal effects and tangible farm property and products, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.
- (f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.
- (g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.
- (h) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of real estate whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement.
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- (i) The General Assembly may by general law allow the governing body of any county, city, or town to exempt or partially exempt from taxation any generating equipment installed after December thirty-one, nineteen hundred seventy-four, for the purpose of converting from oil or natural gas to coal or to wood, wood bark, wood residue, or to any other alternate energy source for manufacturing, and any co-generation equipment installed since such date for use in manufacturing.
- (j) The General Assembly may by general law allow the governing body of any county, city, or town to have the option to exempt or partially exempt from taxation any business, occupational or professional license or any merchants' capital, or both.

*The amendment ratified November 2, 1976 and effective January 1, 1977 — After (a)(6) added subdivision "(7) Land subject to a perpetual easement . . .". In subsection (b) after "sixty-five years of age" added the language "or persons permanently and totally disabled as established by general law". In subsection (d) after "Commonwealth" added the language "or for the purpose of transferring or storing solar energy". In subsection (e) after "personal effects" added the language "and tangible farm property and products".*

*The amendment ratified November 7, 1978 and effective January 1, 1979 — Added a new subsection (h).*

*The amendment ratified November 4, 1980 and effective January 1, 1981 — In subsection (b) substituted "exemption from local property taxation" for "exemption from local real property taxation". After "of real estate" added "and personal property designed for continuous habitation". Substituted "property" for "real estate" near the end of subsection (b).*

*The amendment ratified November 4, 1980 and effective January 1, 1981 — Added a new subsection (i).*

*The amendment ratified November 3, 1998 and effective January 1, 1999 — Added a new subsection (j).*

## **Section 7. Collection and disposition of State revenues.**

All taxes, licenses, and other revenues of the Commonwealth shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years and six months after the end of the session of the General Assembly at which the law is enacted authorizing the same.

Other than as may be provided for in the debt provisions of this Constitution, the Governor, subject to such criteria as may be established by the General Assembly, shall ensure that no expenses of the Commonwealth be incurred which exceed total revenues on hand and anticipated during a period not to exceed the two years and six months period established by this section of the Constitution.

*The amendment ratified November 6, 1984 and effective July 1, 1986 — Added the second paragraph.*

## **Section 8. Limit of tax or revenue.**

No other or greater amount of tax or revenues shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the Commonwealth.

The General Assembly shall establish the Revenue Stabilization Fund. The Fund shall consist of an amount not to exceed ten percent of the Commonwealth's average annual tax revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts for the three fiscal years immediately preceding. The Auditor of Public Accounts shall compute the ten percent limitation of such fund annually and report to the General Assembly not later than the first day of December. "Certified tax revenues" means the Commonwealth's annual tax revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts.

The General Assembly shall make deposits to the Fund to equal at least fifty percent of the product of the

certified tax revenues collected in the most recently ended fiscal year times the difference between the annual percentage increase in the certified tax revenues collected for the most recently ended fiscal year and the average annual percentage increase in the certified tax revenues collected in the six fiscal years immediately preceding the most recently ended fiscal year. However, growth in certified tax revenues, which is the result of either increases in tax rates on income or retail sales or the repeal of exemptions therefrom, may be excluded, in whole or in part, from the computation immediately preceding for a period of time not to exceed six calendar years from the calendar year in which such tax rate increase or exemption repeal was effective. Additional appropriations may be made at any time so long as the ten percent limitation established herein is not exceeded. All interest earned on the Fund shall be part thereof; however, if the Fund's balance exceeds the limitation, the amount in excess of the limitation shall be paid into the general fund after appropriation by the General Assembly.

The General Assembly may appropriate an amount for transfer from the Fund to compensate for no more than one-half of the difference between the total general fund revenues appropriated and a revised general fund revenue forecast presented to the General Assembly prior to or during a subsequent regular or special legislative session. However, no transfer shall be made unless the general fund revenues appropriated exceed such revised general fund revenue forecast by more than two percent of certified tax revenues collected in the most recently ended fiscal year.

Furthermore, no appropriation or transfer from such fund in any fiscal year shall exceed more than one-half of the balance of the Revenue Stabilization Fund. The General Assembly may enact such laws as may be necessary and appropriate to implement the Fund.

*The amendment ratified November 3, 1992 and effective January 1, 1993 — Added the second, third, and fourth paragraphs.*

### **Section 9. State debt.**

No debt shall be contracted by or in behalf of the Commonwealth except as provided herein.

- (a) Debts to meet emergencies and redeem previous debt obligations.

The General Assembly may (1) contract debts to suppress insurrection, repel invasion, or defend the Commonwealth in time of war; (2) contract debts, or may authorize the Governor to contract debts, to meet casual deficits in the revenue or in anticipation of the collection of revenues of the Commonwealth for the then current fiscal year within the amount of authorized appropriations, provided that the total of such indebtedness shall not exceed thirty per centum of an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the preceding fiscal year and that each such debt shall mature within twelve months from the date such debt is incurred; and (3) contract debts to redeem a previous debt obligation of the Commonwealth.

The full faith and credit of the Commonwealth shall be pledged to any debt created under this subsection. The amount of such debt shall not be included in the limitations on debt hereinafter established, except that the amount of debt incurred pursuant to clause (3) above shall be included in determining the limitation on the aggregate amount of general obligation debt for capital projects permitted elsewhere in this article unless the debt so incurred pursuant to clause (3) above is secured by a pledge of net revenues from capital projects of institutions or agencies administered solely by the executive department of the Commonwealth or of institutions of higher learning of the Commonwealth, which net revenues the Governor shall certify are anticipated to be sufficient to pay the principal of and interest on such debt and to provide such reserves as the law authorizing the same may require, in which event the amount thereof shall be included in determining the limitation on the aggregate amount of debt contained in the provision of this article which authorizes general obligation debt for certain revenue-producing capital projects.

- (b) General obligation debt for capital projects and sinking fund.

The General Assembly may, upon the affirmative vote of a majority of the members elected to each house,

authorize the creation of debt to which the full faith and credit of the Commonwealth is pledged, for capital projects to be distinctly specified in the law authorizing the same; provided that any such law shall specify capital projects constituting a single purpose and shall not take effect until it shall have been submitted to the people at an election and a majority of those voting on the question shall have approved such debt. No such debt shall be authorized by the General Assembly if the amount thereof when added to amounts approved by the people or authorized by the General Assembly and not yet submitted to the people for approval, under this subsection during the three fiscal years immediately preceding the authorization by the General Assembly of such debt and the fiscal year in which such debt is authorized shall exceed twenty-five per centum of an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the authorization of such debt by the General Assembly.

No debt shall be incurred under this subsection if the amount thereof when added to the aggregate amount of all outstanding debt to which the full faith and credit of the Commonwealth is pledged other than that excluded from this limitation by the provisions of this article authorizing the contracting of debts to redeem a previous debt obligation of the Commonwealth and for certain revenue-producing capital projects, less any amounts set aside in sinking funds for the repayment of such outstanding debt, shall exceed an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the incurring of such debt.

All debt incurred under this subsection shall mature within a period not to exceed the estimated useful life of the projects as stated in the authorizing law, which statement shall be conclusive, or a period of thirty years, whichever is shorter; and all debt incurred to redeem a previous debt obligation of the Commonwealth, except that which is secured by net revenues anticipated to be sufficient to pay the same and provide reserves therefor, shall mature within a period not to exceed thirty years. Such debt shall be amortized, by payment into a sinking

fund or otherwise, in annual installments of principal to begin not later than one-tenth of the term of the bonds, and any such sinking fund shall not be appropriated for any other purpose; if such debt be for public road purposes, such payment shall be first made from revenues segregated by law for the construction and maintenance of State highways. No such installment shall exceed the smallest previous installment by more than one hundred per centum. If sufficient funds are not appropriated in the budget for any fiscal year for the timely payment of the interest upon and installments of principal of such debt, there shall be set apart by direction of the Governor, from the first general fund revenues received during such fiscal year and thereafter, a sum sufficient to pay such interest and installments of principal.

- (c) Debt for certain revenue-producing capital projects.

The General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth, and such debt shall not be included in determining the limitation on general obligation debt for capital projects as permitted elsewhere in this article, provided that

- (1) the creation of such debt is authorized by the affirmative vote of two-thirds of the members elected to each house of the General Assembly; and
- (2) such debt is created for specific revenue-producing capital projects (including the enlargement or improvement thereof), which shall be distinctly specified in the law authorizing the same, of institutions and agencies administered solely by the executive department of the Commonwealth or of institutions of higher learning of the Commonwealth.

Before any such debt shall be authorized by the General Assembly, and again before it shall be incurred, the Governor shall certify in writing, filed with the Auditor of Public Accounts, his opinion, based upon responsible engineering and economic estimates, that the anticipated net revenues to be pledged to the payment of

principal of and interest on such debt will be sufficient to meet such payments as the same become due and to provide such reserves as the law authorizing such debt may require, and that the projects otherwise comply with the requirements of this subsection, which certifications shall be conclusive.

No debt shall be incurred under this subsection if the amount thereof when added to the aggregate amount of all outstanding debt authorized by this subsection and the amount of all outstanding debt incurred to redeem a previous debt obligation of the Commonwealth which is to be included in the limitation of this subsection by virtue of the provisions of this article authorizing the contracting of debts to redeem a previous debt obligation of the Commonwealth, less any amounts set aside in sinking funds for the payment of such debt, shall exceed an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the incurring of such debt.

This subsection shall not be construed to pledge the full faith and credit of the Commonwealth to the payment of any obligation of the Commonwealth, or any institution, agency, or authority thereof, or to any refinancing or reissuance of such obligation which was incurred prior to the effective date of this subsection.

(d) Obligations to which section not applicable.

The restrictions of this section shall not apply to any obligation incurred by the Commonwealth or any institution, agency, or authority thereof if the full faith and credit of the Commonwealth is not pledged or committed to the payment of such obligation.

**Section 10. Lending of credit, stock subscriptions, and works of internal improvement.**

Neither the credit of the Commonwealth nor of any county, city, town, or regional government shall be directly or indirectly, under any device or pretense whatsoever, granted to or in aid of any person, association, or corporation; nor shall the Commonwealth or any such unit of government subscribe to or become interested in the stock or obligations of any company, association, or

corporation for the purpose of aiding in the construction or maintenance of its work; nor shall the Commonwealth become a party to or become interested in any work of internal improvement, except public roads and public parks, or engage in carrying on any such work; nor shall the Commonwealth assume any indebtedness of any county, city, town, or regional government, nor lend its credit to the same. This section shall not be construed to prohibit the General Assembly from establishing an authority with power to insure and guarantee loans to finance industrial development and industrial expansion and from making appropriations to such authority.

**Section 11. Governmental employees retirement system.**

The General Assembly shall maintain a retirement system for state employees and employees of participating political subdivisions and school divisions. The funds of the retirement system shall be deemed separate and independent trust funds, shall be segregated from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the members and beneficiaries thereof. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of such trust funds for any purpose other than as provided in law for benefits, refunds, and administrative expenses, including but not limited to legislative oversight of the retirement system. Such trust funds shall be invested as authorized by law. Retirement system benefits shall be funded using methods which are consistent with generally accepted actuarial principles. The retirement system shall be subject to restrictions, terms, and conditions as may be prescribed by the General Assembly.

*The amendment ratified November 5, 1996 and effective January 1, 1997 — In the heading of the section, substituted “employees” for “employee” and deleted “fund” after “retirement system”. In the text, substituted “retirement system for state employees and employees of participating political subdivisions and school divisions” for “state employees retirement system to be administered in the best interest of the beneficiaries thereof and subject to such restrictions or conditions as may be prescribed by the General Assembly” and added the remainder of the paragraph.*

## **ARTICLE XI — Conservation**

### **Section 1. Natural resources and historical sites of the Commonwealth.**

To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings. Further, it shall be the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.

### **Section 2. Conservation and development of natural resources and historical sites.**

In the furtherance of such policy, the General Assembly may undertake the conservation, development, or utilization of lands or natural resources of the Commonwealth, the acquisition and protection of historical sites and buildings, and the protection of its atmosphere, lands, and waters from pollution, impairment, or destruction, by agencies of the Commonwealth or by the creation of public authorities, or by leases or other contracts with agencies of the United States, with other states, with units of government in the Commonwealth, or with private persons or corporations. Notwithstanding the time limitations of the provisions of Article X, Section 7, of this Constitution, the Commonwealth may participate for any period of years in the cost of projects which shall be the subject of a joint undertaking between the Commonwealth and any agency of the United States or of other states.

### **Section 3. Natural oyster beds.**

The natural oyster beds, rocks, and shoals in the waters of the Commonwealth shall not be leased, rented, or sold but shall be held in trust for the benefit of the people of the Commonwealth, subject to such regulations and restriction as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks, or shoals by surveys or otherwise.

## **ARTICLE XII — Future Changes**

### **Section 1. Amendments.**

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, the name of each member and how he voted to be recorded, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates. If at such regular session or any subsequent special session of that General Assembly the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the voters qualified to vote in elections by the people, in such manner as it shall prescribe and not sooner than ninety days after final passage by the General Assembly. If a majority of those voting vote in favor of any amendment, it shall become part of the Constitution on the date prescribed by the General Assembly in submitting the amendment to the voters.

### **Section 2. Constitutional convention.**

The General Assembly may, by a vote of two-thirds of the members elected to each house, call a convention to propose a general revision of, or specific amendments to, this Constitution, as the General Assembly in its call may stipulate.

The General Assembly shall provide by law for the election of delegates to such a convention, and shall also provide for the submission, in such manner as it shall prescribe and not sooner than ninety days after final adjournment of the convention, of the proposals of the convention to the voters qualified to vote in elections by the people. If a majority of those voting vote in favor of any proposal, it shall become effective on the date prescribed by the General Assembly in providing for the submission of the convention proposals to the voters.

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## **SCHEDULE**

### **Section 1. Effective date of revised Constitution.**

This revised Constitution shall, except as is otherwise provided herein, go into effect at noon on the first day of July, nineteen hundred and seventy-one.

### **Section 2. Officers and elections.**

Unless otherwise provided herein or by law, nothing in this revised Constitution shall affect the oath, tenure, term, status, or compensation of any person holding any public office, position, or employment in the Commonwealth, nor affect the date of filling any State or local office, elective or appointive, which shall be filled on the date on which it would otherwise have been filled.

### **Section 3. Laws, proceedings, and obligations unaffected.**

The common and statute law in force at the time this revised Constitution goes into effect, so far as not in conflict therewith, shall remain in force until they expire by their own limitation or are altered or repealed by the General Assembly. Unless otherwise provided herein or by law, the adoption of this revised Constitution shall have no effect on pending judicial proceedings or judgments, on any obligations owing to or by the Commonwealth or any of its officers, agencies, or political subdivisions, or on any private obligations or rights.

### **Section 4. Qualifications of judges.**

The requirement of Article VI, Section 7, that justices of the Supreme Court and judges of courts of record shall, at least five years prior to their election or appointment, have been members of the bar of the Commonwealth, shall not preclude justices or judges who were elected or appointed prior to the effective date of this revised Constitution, and who are otherwise qualified, from completing the term for which they were elected or appointed and from being reelected for one additional term.

### **Section 5. First session of General Assembly following adoption of revised Constitution.**

The General Assembly shall convene at the Capitol at noon on the first Wednesday in January, nineteen hundred and seventy-one. It shall enact such laws as may be deemed proper, including those necessary to implement this revised Constitution. The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with Article II, Section 6, of this Constitution. The General Assembly shall be vested with all the powers, charged with all the duties, and subject to all the limitations prescribed by this Constitution except that this session shall continue as long as may be necessary; that the salary and allowances of members shall not be limited by Section 46 of the Constitution of 1902 as amended and that effective date limitation of Section 53 of the Constitution of 1902 as amended shall not be operative.

# Virginia Statute of Religious Freedom



## Code of Virginia, 1950

§ 57-1. **Act for religious freedom recited.**—The General Assembly, on the sixteenth day of January, seventeen hundred and eighty-six, passed an act in the following words:

“Whereas, Almighty God hath created the mind free; that all attempts to influence it by temporal punishment, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, have established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical, and even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors, for the instruction of mankind; that our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously, of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends only to corrupt the principles of that religion it meant to encourage, by bribing, with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though, indeed, those are criminal who do not withstand such temptation, yet,

neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he, being of course judge of that tendency, will make his opinions the rules of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere, when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail, if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them:

“Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burthened, in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

“And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies constituted with powers equal to our own, and that, therefore, to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind; and that if any act shall be hereafter passed to repeal the present, or to narrow its operations, such act will be an infringement of natural right.”

§ 57-2. **Rights asserted therein reaffirmed.**—The General Assembly doth now again declare that the rights asserted in the said act are of the natural rights of mankind.

# *Declaration of American Independence*

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When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpation, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world:

He has refused to assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasions from without and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowl-

edged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them by a mock trial from punishment, for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefit of trial by jury:

For transporting us beyond seas to be tried for pretended offenses.

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws and altering fundamentally, the powers of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the work of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to

become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war—in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connections between them and the State of Great Britain is, and ought to be, totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

# Constitution of the United States of America

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## Preamble

*We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

## Article I - Legislative Department

### SECTION 1. Legislative Power; the Congress

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION 2. House of Representatives

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.<sup>1</sup>

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.<sup>2</sup>

3. Representatives and direct taxes<sup>3</sup> shall be apportioned among the several States which may be included

within this Union, according to their respective numbers, [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years]<sup>4</sup> and excluding Indians not taxed, [three-fifths of all other persons].<sup>5</sup> The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand,<sup>6</sup> but each State shall have at least one Representative; [and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.]<sup>7</sup>

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker<sup>8</sup> and other officers; and shall have the sole power of impeachment.<sup>9</sup>

### SECTION 3. Senate

1. The Senate of the United States shall be composed of two Senators from each State [chosen by the legislature thereof]<sup>10</sup>: for six years; and each Senator shall have one vote.

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<sup>1</sup> Each State must permit the same persons to vote for United States Representatives as it permits to vote for the members of the larger house of its own legislature. The 17th Amendment (1913) extended this requirement to the qualification of voters for United States Senators.

<sup>2</sup> In addition, political custom requires that a Representative also reside in the district in which he or she is elected.

<sup>3</sup> Modified by the 16th Amendment (1913) which provides for an income tax as an express exception to this restriction.

<sup>4</sup> Altered by the 14th Amendment (1868).

<sup>5</sup> The phrase refers to slaves and was rescinded by the 13th Amendment (1865) and the 14th Amendment (1868).

<sup>6</sup> The Constitution does not set a specific size for the House; rather, Congress does so when it reapportions the seats among the States after each census. It fixed the "permanent" size at 435 members in the Reapportionment Act of 1929.

<sup>7</sup> Temporary provision.

<sup>8</sup> Although the Constitution does not require it, the House always chooses the Speaker from among its own members.

<sup>9</sup> The House has the exclusive power to impeach civil officers; the Senate (Article 1, Section 3, Clause 6) has the exclusive power to try those impeached by the House.

<sup>10</sup> Modified by the 17th Amendment (1913) which provides for the popular election of Senators.

2. Immediately after they shall be assembled in consequences of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.]<sup>11</sup>

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of the President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.<sup>12</sup>

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted

shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION 4. *Elections and Meetings*

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.<sup>13</sup>

2. The Congress shall assemble at least once in every year, [and such meeting shall be on the first Monday in December,]<sup>14</sup> unless they shall by law appoint a different day.

#### SECTION 5. *Legislative Proceedings*

1. Each House shall be the judge of the elections, returns, and qualifications of its own members,<sup>15</sup> and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more

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<sup>11</sup> Modified by the 17th Amendment (1913) which provides for the filling of vacancies by election and (if a State chooses) by a temporary gubernatorial appointment to fill the vacancy until the election.

<sup>12</sup> Those who object on religious grounds to the taking of an oath are permitted to "affirm" rather than "swear."

<sup>13</sup> In 1842 Congress directed that Representatives and in 1914 that Senators be chosen on the Tuesday after the first Monday in November of every even-numbered year.

<sup>14</sup> Superseded by the 20th Amendment (1933) which fixes the date January 3rd.

<sup>15</sup> In 1969 the Supreme Court held that the House cannot exclude any member-elect who satisfies the qualifications set out in Article 1. Section 2. Clause 2.

than three days, nor to any other place than that in which the two Houses shall be sitting.

**SECTION 6. *Compensation, Immunities, and Disabilities of Members***

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office.

**SECTION 7. *Revenue Bills, President's Veto***

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and

against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

**SECTION 8. *Powers of Congress***

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare, of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;



3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies, committed on the high seas, and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION 9. Powers Denied to Congress

[1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.]<sup>16</sup>

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

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<sup>16</sup> Temporary provision; “persons” refers to slaves.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties, in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

#### SECTION 10. *Powers Denied to the States*

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligations of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## Article II - Executive Department

### SECTION 1. *Term, Election, Qualifications, Salary, Oath of Office*

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years,<sup>17</sup> and together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives, to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit, under the United States, shall be appointed an Elector.

[3. The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one, who have such majority, and have an equal number of votes, then, the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President. But if there

<sup>17</sup> The Constitution did not originally set a limit to the number of times a person may be elected President. The 22nd Amendment (1951) now limits a President to two terms or not more than 10 years in office.

should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.]<sup>18</sup>

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.<sup>19</sup>

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.<sup>20</sup>

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

## **SECTION 2. *President's Powers and Duties***

1. The President shall be Commander in Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall, nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

## **SECTION 3. *President's Powers and Duties***

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be

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<sup>18</sup> *Superseded by the 12th Amendment (1804).*

<sup>19</sup> *Congress has set the date for the choosing of electors as the Tuesday after the first Monday in November every fourth year and for the casting of electoral votes as the Monday after the second Wednesday in December of that year.*

<sup>20</sup> *Modified by the 25th Amendment (1967) which provides expressly for the succession of the Vice President for the filling of a vacancy in the Vice Presidency, and for the determination of presidential inability.*

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faithfully executed, and shall commission all the officers of the United States.

#### **SECTION 4. *Impeachment***

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### *Article III - Judicial Department*

#### **SECTION 1. *Courts, Terms of Office***

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

#### **SECTION 2. *Jurisdiction***

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

#### **SECTION 3. *Treason***

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

### *Article IV - Relation of States*

#### **SECTION 1. *Full Faith and Credit***

Full faith and credit shall be given in each State to the public acts, records, and the judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

#### **SECTION 2. *Privileges and Immunities of Citizens***

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered

up on claim of the party to whom such service or labor may be due.<sup>21</sup>

### SECTION 3. *New States; Territories*

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

### SECTION 4. *Protection Afforded to States by the Nation*

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

## *Article V - Provisions for Amendment*

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may

be proposed by the Congress; provided [that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article;]<sup>22</sup> and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## *Article VI - National Debts, Supremacy of National Law, Oath*

### SECTION 1. *Validity of Debts*

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.<sup>23</sup>

### SECTION 2. *Supremacy of National Law*

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

### SECTION 3. *Oaths of Office*

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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<sup>21</sup> Superseded by the 13th Amendment.

<sup>22</sup> Obsolete.

<sup>23</sup> Extended by 14th Amendment (1868).

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*Article VII -  
Ratification of Constitution*

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. *In Witness* whereof, we have hereunto subscribed our names.

George Washington  
PRESIDENT AND DEPUTY FROM VIRGINIA

**NEW HAMPSHIRE**

John Langdon  
Nicholas Gilman

**MASSACHUSETTS**

Nathaniel Gorham  
Rufus King

**CONNECTICUT**

William Samuel Johnson  
Roger Sherman

**NEW YORK**

Alexander Hamilton

**NEW JERSEY**

William Livingston  
David Brearley  
William Paterson  
Jonathan Dayton

**PENNSYLVANIA**

Benjamin Franklin  
Thomas Mifflin  
Robert Morris  
George Clymer  
Thomas Fitzsimons  
Jared Ingersoll

James Wilson  
Gouverneur Morris

**DELAWARE**

George Read  
Gunning Bedford, Jr.  
John Dickinson  
Richard Bassett  
Jacob Broom

**MARYLAND**

James McHenry  
Dan of St. Thomas Jennifer  
Daniel Carroll

**VIRGINIA**

John Blair  
James Madison, Jr.

**NORTH CAROLINA**

William Blount  
Richard Dobbs Spaight  
Hugh Williamson

**SOUTH CAROLINA**

John Rutledge  
Charles Cotesworth Pinckney  
Charles Pinckney  
Pierce Butler

**GEORGIA**

William Few  
Abraham Baldwin

Attest: William Jackson, Secretary

# Amendments to the U.S. Constitution

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## **1ST AMENDMENT. *Freedom of Religion, Speech, Press, Assembly, and Petition***<sup>24</sup>

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## **2ND AMENDMENT. *Bearing Arms***

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## **3RD AMENDMENT. *Quartering of Troops***

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

## **4TH AMENDMENT. *Searches and Seizures***

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.<sup>25</sup>

## **5TH AMENDMENT. *Criminal Proceedings; Due Process; Eminent Domain***

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service, in time of war, or public danger; nor shall any

person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself,<sup>26</sup> nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## **6TH AMENDMENT. *Criminal Proceedings***

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.<sup>27</sup>

## **7TH AMENDMENT. *Civil Trials***

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

## **8TH AMENDMENT. *Punishment for Crimes***

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.<sup>28</sup>

## **9TH AMENDMENT. *Unenumerated Rights***

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

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<sup>24</sup> The first 10 amendments and the Bill of Rights were each proposed by Congress on September 25, 1789 and ratified by the necessary three-fourths of the States on December 15, 1791.

<sup>25</sup> The 4th Amendment's provisions apply against the States through the Due Process Clause of the 14th Amendment.

<sup>26</sup> The prohibition of double jeopardy and the guarantee against self-incrimination each apply against the States through the Due Process Clause of the 14th Amendment.

<sup>27</sup> The rights to counsel, to speedy and public trial by jury (in serious criminal cases), of confrontation, and to compel witnesses apply against the States through Due Process Clause of the 14th Amendment.

<sup>28</sup> The protection against cruel and unusual punishment applies against the States through the Due Process Clause of the 14th Amendment.

**TENTH AMENDMENT. Powers Reserved to the States**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people.

**ELEVENTH AMENDMENT. Suits against States<sup>29</sup>**

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign state.

**TWELFTH AMENDMENT. Election of President and Vice President<sup>30</sup>**

The Electors shall meet in their respective States,<sup>31</sup> and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this

purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, [before the fourth day of March next following,]<sup>32</sup> then the Vice President shall act as President, as in case of death, or other constitutional disability, of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

**THIRTEENTH AMENDMENT. Slavery and Involuntary Servitude<sup>33</sup>**

**SECTION 1.** Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**SECTION 2.** Congress shall have power to enforce this article by appropriate legislation.

**FOURTEENTH AMENDMENT. Rights of Citizens<sup>34</sup>**

**SECTION 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

<sup>29</sup> Proposed by Congress March 4, 1794; ratified February 7, 1795.

<sup>30</sup> Proposed by Congress December 9, 1803; ratified June 15, 1804.

<sup>31</sup> Modified by 23rd Amendment (1961) which provides presidential electors for the District of Columbia.

<sup>32</sup> Changed by the 20th Amendment (1933) which sets the presidential inauguration date as January 20th.

<sup>33</sup> Proposed by Congress January 31, 1865; ratified December 6, 1865.

<sup>34</sup> Proposed by Congress June 13, 1866; ratified July 9, 1868.

**SECTION 2.** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**SECTION 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

**SECTION 4.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

**SECTION 5.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

**15TH AMENDMENT. *Right to Vote—Race, Color, Servitude***<sup>35</sup>

**SECTION 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

**SECTION 2.** The Congress shall have power to enforce this article by appropriate legislation.

**16TH AMENDMENT. *Income Tax***<sup>36</sup>

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

**17TH AMENDMENT. *Popular Election of Senators***<sup>37</sup>

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

**18TH AMENDMENT. *Prohibition of Intoxicating Liquors***<sup>38</sup>

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<sup>35</sup> Proposed by Congress February 26, 1869; ratified February 3, 1870.

<sup>36</sup> Proposed by Congress July 12, 1909; ratified February 3, 1913. The amendment modifies Article 1, Section 9, Clause 4.

<sup>37</sup> Proposed by Congress May 13, 1912; ratified April 8, 1913. The amendment modifies Article 1, Section 3, Clauses 1 and 2.

<sup>38</sup> Proposed by Congress December 18, 1917; ratified January 16, 1919.

**SECTION 1.** After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

**SECTION 2.** The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

**SECTION 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years of the date of the submission hereof to the States by Congress.<sup>39</sup>

**19TH AMENDMENT. *Equal Suffrage—Sex***<sup>40</sup>

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.

**20TH AMENDMENT. *Commencement of Terms; Sessions of Congress; Death or Disqualification of President-Elect***<sup>41</sup>

**SECTION 1.** The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

**SECTION 2.** The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

**SECTION 3.** If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President-elect shall become President. If a

President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

**SECTION 4.** The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

**SECTION 5.** Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

**SECTION 6.** This article shall be inoperative unless it shall have been ratified as an amendment to the constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

**21ST AMENDMENT. *Repeal of 18th Amendment***<sup>42</sup>

**SECTION 1.** The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

**SECTION 2.** The transportation or importation into any state, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

**SECTION 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof the States by the Congress.

<sup>39</sup> *The 18th Amendment was repealed in its entirety by the 21st Amendment (1933).*

<sup>40</sup> *Proposed by Congress June 4, 1919; ratified August 18, 1920.*

<sup>41</sup> *Proposed March 2, 1932; ratified January 23, 1933.*

<sup>42</sup> *Proposed by Congress February 20, 1933; ratified December 5, 1933.*

**22ND AMENDMENT. *Presidential Tenure***<sup>43</sup>

**SECTION 1.** No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

**SECTION 2.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

**23RD AMENDMENT. *Presidential Electors for the District of Columbia***<sup>44</sup>

**SECTION 1.** The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

**SECTION 2.** The Congress shall have power to enforce this article by appropriate legislation.

**24TH AMENDMENT. *Right to Vote in Federal Elections—Tax Payment***<sup>45</sup>

**SECTION 1.** The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

**SECTION 2.** The Congress shall have power to enforce this article by appropriate legislation.

**25TH AMENDMENT. *Presidential Succession, Vice Presidential Vacancy, Presidential Inability***<sup>46</sup>

**SECTION 1.** In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**SECTION 2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by majority vote of both Houses of Congress.

**SECTION 3.** Whenever the President transmits to the President *pro tempore* of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

**SECTION 4.** Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President *pro tempore* of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

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<sup>43</sup> Proposed by Congress March 24, 1947; ratified February 27, 1951.

<sup>44</sup> Proposed by Congress June 16, 1960; ratified March 29, 1961.

<sup>45</sup> Proposed by Congress September 14, 1962; ratified January 23, 1964.

<sup>46</sup> Proposed by Congress July 6, 1965; ratified February 10, 1967.

Thereafter, when the President transmits to the President *pro tempore* of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President *pro tempore* of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.



**26TH AMENDMENT. *Right to Vote—Age***<sup>47</sup>

**SECTION 1.** The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

**SECTION 2.** Congress shall have power to enforce this article by appropriate legislation.

**27TH ADMENDMENT. *Congressional Pay Raises***

No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.

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<sup>47</sup>Proposed by Congress March 23, 1971; ratified July 1, 1971.

# *The First Charter*

*April 10, 1606*

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James, by the grace of God [King of England, Scotland, France, and Ireland, Defender of the Faith], etc. Whereas our loving and weldisposed subjects, Sir Thomas Gates and Sir George Somers, Knights; Richarde Hackluit, Clarke, Prebendarie of Westminster; and Edwarde Maria Winghfeilde, Thomas Hannam and Raleighe Gilberde, Esquiers; William Parker and George Popham, Gentlemen; and divers others of our loving subjects, have been humble sutors unto us that wee woulde vouchsafe unto them our licence to make habitacion, plantacion and to deduce a colonie of sondrie of our people into that parte of America commonly called Virginia, and other parts and territories in America either appartaining unto us or which are not nowe actuallie possessed by anie Christian prince or people, scituate, lying and being all along the sea coastes between fower and thirtie degrees of northerly latitude from the equinoctiall line and five and fortie degrees of the same latitude and in the maine lande betweene the same fower and thirtie and five and fourtie degrees, and the ilandes thereunto adjacente or within one hundred miles of the coaste thereof;

And to that ende, and for the more speedy accomplishmente of their saide intended plantacion and habitacion there, are desirous to devide themselves into two severall colonies and companies, the one consisting of certaine Knights, gentlemen, marchanntes and other adventurers of our cittie of London, and elsewhere, which are and from time to time shalbe joined unto them which doe desire to begin their plantacions and habitacions in some fitt and conveniente place between fower and thirtie and one and fortie degrees of the said latitude all alongest the coaste of Virginia and coastes of America aforesaid and the other consisting of sondrie Knights, gentlemen, merchanntes, and other adventurers of our citties of Bristoll and Exeter, and of our towne of Plymouthe, and of other places which doe joine themselves unto that colonie which doe desire to beginn their plantacions and habitacions in some fitt and convenient place betweene eighte and thirtie degrees and five and fortie degrees of the saide latitude all alongst the saide coaste of Virginia and America as that coaste lieth;

Wee, greatly commending and graciously accepting of their desires to the furtherance of soe noble a worke which may, by the providence of Almighty God,

hereafter tende to the glorie of His Divine Majestie in propagating of Christian religion to suche people as yet live in darkenesse and miserable ignorance of the true knoweledge and worshippe of God and may in tyme bring the infidels and salvages living in those parts to humane civilitie and to a setled and quiet govermente, doe by these our lettres patents graciously accepte of and agree to their humble and well intended desires;

And doe, therefore, for us, our heires and successors, grannte and agree that the saide Sir Thomas Gates, Sir George Sumers, Richarde Hackluit and Edwarde Maria Winghfeilde, adventurers of and for our cittie of London, and all suche others as are or shalbe joined unto them of that Colonie, shalbe called the Firste Colonie, and they shall and may beginne their saide firste plantacion and seate of their firste aboade and habitacion at anie place upon the saide coaste of Virginia or America where they shall thincke fitt and conveniente betweene the saide fower and thirtie and one and fortie degrees of the saide latitude; and that they shall have all the landes, woods, soile, groundes, havens, ports, rivers, mines, mineralls, marshes, waters, fishinges, commodities and hereditamentes whatsoever, from the said first seate of their plantacion and habitacion by the space of fiftie miles of Englishe statute measure all alongest the saide coaste of Virginia and America towards the weste and southe weste as the coaste lieth, with all the ilandes within one hundred miles directlie over againste the same sea coaste; and alsoe all the landes, soile, groundes havens, ports, rivers, mines, mineralls, woods, marrishes [marshes], waters, fishinges, commodities and hereditamentes whatsoever, from the saide place of their firste plantacion and habitacion for the space of fiftie like Englishe miles, all alongest the saide coaste of Virginia and America towards the easte and northeaste [or toward the north] as the coaste lieth, together with all the ilandes within one hundred miles directlie over againste the same sea coaste; and alsoe all the landes, woodes, soile, groundes, havens, portes, rivers, mines, mineralls, marrishes, waters, fishinges, commodities and hereditamentes whatsoever, from the same fiftie miles everie waie on the sea coaste directly into the maine lande by the space of one hundred like Englishe miles; and shall and may inhabit and remaine there; and shall and may alsoe bulde and fortifie within anie the same for their better safegarde and defence, according to their best

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discrecions and the direction of the Counsell of that Colonie; and that noe other of our subjectes shalbe permitted or suffered to plante or inhabit behinde or on the backside of them towards the maine lande, without the expresse licence or consente of the Counsell of that Colonie thereunto in writing firste had or obtained.

And wee doe likewise for us, our heires and successors, by these presentes grannte and agree that the saide Thomas Hannam and Raleighe Gilberde, William Parker and George Popham, and all others of the towne of Plymouthe in the countie of Devon, or elsewhere, which are or shalbe joined unto them of that Colonie, shalbe called the Seconde Colonie; and that they shall and may beginne their saide firste plantacion and seate of their first abode and habitacion at anie place upon the saide coaste of Virginia and America, where they shall thincke fitt and conveniente, betweene eighte and thirtie degrees of the saide latitude and five and fortie degrees of the same latitude; and that they shall have all the landes, soile, groundes, havens, ports, rivers, mines, mineralls, woods, marishes, waters, fishinges, commodities and hereditaments whatsoever, from the firste seate of their plantacion and habitacion by the space of fiftie like Englishe miles, as is aforesaide, all alongeste the saide coaste of Virginia and America towards the weste and southwest, or towards the southe, as the coaste lieth, and all the islandes within one hundred miles directlie over againste the saide sea coaste; and alsoe all the landes, soile, groundes, havens, portes, rivers, mines, mineralls, woods, marishes, waters, fishinges, commodities and hereditamentes whatsoever, from the saide place of their firste plantacion and habitacion for the space of fiftie like miles all alongeste the saide coaste of Virginia and America towards the easte and northeaste or towards the northe, as the coaste liethe, and all the islandes alsoe within one hundred miles directly over againste the same sea coaste; and alsoe all the landes, soile, groundes, havens, ports, rivers, woodes, mines, mineralls, marishes, waters, fishings, commodities and hereditaments whatsoever, from the same fiftie miles everie waie on the sea coaste, directlie into the maine lande by the space of one hundred like Englishe miles; and shall and may inhabit and remaine there; and shall and may alsoe bulde and fortifie within anie the same for their better saufegarde according to their beste discrecions and the direction of the Counsell of that Colonie; and that none of our subjectes shalbe

permitted or suffered to plante or inhabit behinde or on the backe of them towards the maine lande without the expresse licence or consente of the Counsell of that Colonie, in writing thereunto, firste had and obtained.

Provided alwaies, and our will and pleasure herein is, that the plantacion and habitacion of suche of the saide Colonies as shall laste plante themselves, as aforesaid, shall not be made within one hundred like Englishe miles of the other of them that firste beganne to make their plantacion, as aforesaide.

And wee doe alsoe ordaine, establishe and agree for [us], our heires and successors, that eache of the saide Colonies shall have a Counsell which shall governe and order all matters and causes which shall arise, growe, or happen to or within the same severall Colonies, according to such lawes, ordinances and instructions as shalbe in that behalfe, given and signed with our hande or signe manuell and passe under the Privie Seale of our realme of Englande; eache of which Counsells shall consist of thirteene parsons and to be ordained, made and removed from time to time according as shalbe directed and comprised in the same instructions; and shall have a severall seale for all matters that shall passe or concerne the same severall Counsells, eache of which seales shall have the Kinges armes engraven on the one side thereof and his pourtraiture on the other; and that the seale for the Counsell of the saide Firste Colonie shall have engraven rounde about on the one side these wordes: *Sigillum Regis Magne Britanie, Francie [et] Hibernie*; on the other side this inscripture rounde about: *Pro Consillio Prime Colonie Virginie*. And the seale for the Counsell of the saide Seconde Colonie shall alsoe have engraven rounde about the one side thereof the foresaide wordes: *Sigillum Regis Magne Britanie, Francie [et] Hibernie*; and on the other side: *Pro Consilio Secunde Colonie Virginie*.

And that alsoe ther shalbe a Counsell established here in Englande which shall in like manner consist of thirteene parsons to be, for that purpose, appointed by us, our heires and successors, which shalbe called our Counsell of Virginia; and shall from time to time have the superior managing and direction onelie of and for all matters that shall or may concerne the govermente, as well of the said severall Colonies as of and for anie other parte or place within the aforesaide precinctes of fower

and thirtie and five and fortie degrees abovementioned; which Counsell shal in like manner have a seale for matters concerning the Counsell [or Colonies] with the like armes and purtraiture as aforesaide, with this inscription engraven rounde about the one side: Sigillum Regis Magne Britanie, Francie [et] Hibernie; and rounde about the other side: Pro Consilio Suo Virginie.

And more over wee doe grannte and agree for us, our heires and successors, that the saide severall Counsell of and for the saide severall Colonies shall and lawfully may by vertue hereof, from time to time, without interruption of us, our heires or successors, give and take order to digg, mine and searche for all manner of mines of goulde, silver and copper, as well within anie parte of their saide severall Colonies as of the saide maine landes on the backside of the same Colonies; and to have and enjoy the goulde, silver and copper to be gotten there of to the use and behoofe of the same Colonies and the plantacions thereof; yeilding therefore yerelie to us, our heires and successors, the fiftie parte onelie of all the same goulde and silver and the fifteenth parte of all the same copper soe to be gotten or had, as is aforesaid, and without anie other manner of profit or accompte to be given or yeilded to us, our heires or successors, for or in respecte of the same.

And that they shall or lawfullie may establishe and cawse to be made a coine, to passe currant there betwene the people of those severall Colonies for the more ease of traffique and bargaining betwene and amongst them and the natives there, of such mettall and in such manner and forme as the same severall Counsell there shall limitt and appointe. And wee doe likewise for us, our heires and successors, by these presents give full power and auctoritie to the said Sir Thomas Gates, Sir George Summers, Richarde Hackluit, Edwarde Maria Wingheilde, Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and to everie of them, and to the saide severall Companies, plantacions and Colonies, that they and everie of them shall and may at all and everie time and times hereafter have, take and leade in the saide voyage, and for and towards the saide severall plantacions and Colonies, and to travell thitherwarde and to abide and inhabit there in everie of the saide Colonies and plantacions, such and somanie of our subjectes as shall willinglie accompanie them, or anie of

them, in the saide voyages and plantacions, with sufficiente shipping and furniture of armour, weapon, ordonnance, powder, victall, and all other thinges necessarie for the saide plantacions and for their use and defence there: provided alwaies that none of the said parsons be such as hereafter shalbe speciallie restrained by us, our heires or successors.

Moreover, wee doe by these presents, for us, our heires and successors, give and grannte licence unto the said Sir Thomas Gates, Sir George Summers, Richarde Hackluit, Edwarde Maria Wingheilde, Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and to everie of the said Colonies, that they and everie of them shall and may, from time to time and at all times for ever hereafter, for their severall defences, incounter or expulse, repell and resist, aswell by sea as by lande, by all waies and meanes whatsoever, all and everie suche parson and parsons as without espicial licence of the said severall Colonies and plantacions shall attempte to inhabit within the saide severall precincts and limitts of the saide severall Colonies and plantacions, or anie of them, or that shall enterprise or attempt at anie time hereafter the hurte, detrimente or annoyance of the saide severall Colonies or plantacions.

Giving and granting by these presents unto the saide Sir Thomas Gates, Sir George Somers, Richarde Hackluit, and Edwarde Maria Wingheilde, and their associates of the said Firste Colonie, and unto the said Thomas Hannam, Raleigh Gilberde, William Parker and George Popham, and their associates of the saide Second Colonie, and to everie of them from time to time and at all times for ever hereafter, power and auctoritie to take and surprize by all waies and meanes whatsoever all and everie parson and parsons with their shippes, vessels, goods and other furniture, which shalbe founde traffiqueing into anie harbor or harbors, creeke, creekes or place within the limitts or precincts of the saide severall Colonies and plantacions, not being of the same Colonie, untill such time as they, being of anie realmes or dominions under our obedience, shall paie or agree to paie to the handes of the Tresorer of the Colonie, within whose limitts and precincts theie shall soe traffique, twoe and a halfe upon anie hundred of anie thing soe by them traffiqued, boughte or sould; and being stranngers and not subjects under our obeysance, untill they shall paie

five upon everie hundred of suche wares and commoditie as theie shall traffique, buy or sell within the precincts of the saide severall Colonies wherein theie shall soe traffique, buy or sell, as aforesaide; which sommes of money or benefitt, as aforesaide, for and during the space of one and twentie yeres nexte ensuing the date hereof shalbe whollie imploied to the use, benefitt and behoofe of the saide severall plantacions where such trafficque shalbe made; and after the saide one and twentie yeres ended the same shalbe taken to the use of us, our heires and successors by such officer and minister as by us, our heires and successors shalbe thereunto assigned or appointed.

And wee doe further, by these presentes, for us, our heires and successors, give and grannte unto the saide Sir Thomas Gates, Sir George Summers, Richarde Hackluit, and Edwarde Maria Winghfeilde, and to their associates of the saide Firste Colonie and plantacion, and to the saide Thomas Hannam, Raleighe Gilberde, William Parker and George Popham, and their associates of the saide Seconde Colonie and plantacion, that theie and everie of them by their deputies, ministers and factors may transport the goods, chattells, armor, munition and furniture, needfull to be used by them for their saide apparrell, defence or otherwise in respecte of the saide plantacions, out of our realmes of Englande and Irelande and all other our dominions from time to time, for and during the time of seaven yeres nexte ensuing the date hereof for the better reliefe of the said severall Colonies and plantacions, without anie custome, subsidie or other dutie unto us, our heires or successors to be yeilded or paide for the same.

Alsoe wee doe, for us, our heires and successors, declare by these presentes that all and everie the parsons being our subjects which shall dwell and inhabit within everie or anie of the saide severall Colonies and plantacions and everie of their children which shall happen to be borne within the limitts and precincts of the said severall Colonies and plantacions shall have and enjoy all liberties, franchises and immunities within anie of our other dominions to all intents and purposes as if they had been abiding and borne within this our realme of Englande or anie other of our saide dominions.

Moreover our gracious will and pleasure is, and wee doe by these presents, for us, our heires and successors, declare and sett forthe, that if anie parson or parsons which shalbe of anie of the said Colonies and plantacions or anie other, which shall trafficque to the saide Colonies and plantacions or anie of them, shall at anie time or times hereafter transporte anie wares, marchandize or commodities out of [any] our dominions with a pretence and purpose to lande, sell or otherwise dispose the same within anie the limitts and precincts of anie of the saide Colonies and plantacions, and yet nevertheles being at the sea or after he hath landed the same within anie of the said Colonies and plantacions, shall carrie the same into any other forraine countrie with a purpose there to sell or dispose of the same without the licence of us, our heires or successors in that behalfe first had or obtained, that then all the goods and chattels of the saide parson or parsons soe offending and transporting, together with the said shippe or vessell wherein suche transportacion was made, shall be forfeited to us, our heires and successors.

Provided alwaies, and our will and pleasure is and wee doe hereby declare to all Christian kinges, princes and estates, that if anie parson or parsons which shall hereafter be of anie of the said severall Colonies and plantacions, or anie other, by his, their, or anie of their licence or appointment, shall at anie time or times hereafter robb or spoile by sea or by lande or doe anie acte of unjust and unlawfull hostilitie to anie the subjects of us, our heires or successors, or anie of the subjects of anie king, prince, ruler, governor or state being then in league or amitie with us, our heires or successors, and that upon suche injurie or upon juste complainte of such prince, ruler, governor or state or their subjects, wee, our heires or successors, shall make open proclamation within anie the ports of our realme of Englande, commodious for that purpose, that the saide parson or parsons having committed anie such robberie or spoile shall, within the terme to be limited by suche proclamations, make full restitution or satisfaction of all suche injuries done, soe as the saide princes or others soe complained may houlde themselves fully satisfied and contented; and that if the saide parson or parsons having committed such robberie or spoile shall not make or cause to be made satisfaction accordingly with[in] such time soe to be limited, that then it shalbe lawfull to us, our heires and successors to put the

saide parson or parsons having committed such robbrie or spoile and their procurers, abettors or comfortors out of our alleageance and protection; and that it shalbe lawfull and free for all princes and others to pursue with hostilitie the saide offenders and everie of them and their and everie of their procurers, aiders, abettors and comforters in that behalfe.

And finallie wee doe, for us, our heires and successors, grannte and agree, to and with the saide Sir Thomas Gates, Sir George Summers, Richarde Hackluit and Edwarde Maria Wingheilde, and all other of the saide Firste Colonie, that wee, our heires or successors, upon petition in that behalfe to be made, shall, by lettres patents under the Greate [Seale] of Englande, give and grannte unto such parsons, their heires and assignees, as the Counsell of that Colonie or the most part of them shall for that purpose nominate and assigne, all the landes, tenements and hereditaments which shalbe within the precincts limited for that Colonie, as is aforesaid, to be holden of us, our heires and successors as of our manor of Eastgreenwiche in the countie of Kente, in free and common soccage onelie and not in capite.

And doe, in like manner, grannte and agree, for us, our heires and successors, to and with the saide Thomas Hannam, Raleighe Gilberd, William Parker and George Popham, and all others of the saide Seconde Colonie, that wee, our heires [and] successors, upon petition in that behalfe to be made, shall, by lettres patentees under the Great Seale of Englande, give and grannte unto such parsons, their heires and assignees, as the Counsell of that Colonie or the most parte of them shall for that purpose nominate and assigne, all the landes, tenements and hereditaments which shalbe within the precinctes limited for that Colonie as is afore said, to be holden of us, our heires and successors as of our manor of Eastgreenwich in the countie of Kente, in free and common soccage onelie and not in capite.

All which landes, tenements and hereditaments soe to be passed by the saide severall lettres patents, shalbe, by sufficient assurances from the same patentees, soe distributed and devided amongst the undertakers for the plantacion of the said severall Colonies, and such as shall make their plantacion in either of the said severall Colonies, in such manner and forme and for such estates

as shall [be] ordered and sett [downe] by the Counsell of the same Colonie, or the most part of them, respectively, within which the same lands, tenements and hereditaments shall ly or be. Although expresse mencion [of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants, by us or any our progenitors or predecessors, to the aforesaid Sir Thomas Gates, Knt. Sir George Somers, Knt. Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Ralegh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these presents, is not made; or any statute, act, ordnance, or provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or any other thing, cause, or matter whatsoever, in any wise notwithstanding.] In wisse wherof [we have caused these our letters to be made patents;] wisse our selfe at Westminster the xth day of Aprill [1606, in the fourth year of our reign of England, France, and Ireland, and of Scotland the nine and thirtieth.]

[Lukin]  
Exactum per breve de private sigillo [etc.]

British Public Record Office, Chancery Patent Rolls (c. 66), 1709; William Stith, *The History of the First Discovery and Settlement of Virginia* (Williamsburg, Printed by William Parks, 1747; New York, 1865), Appendix, pp. 1-8 (1-32 in 1865 edition); William Waller Hening, comp., *The Statutes at Large; Being a Collection of All the Laws of Virginia, From the First Session of the Legislature, in the Year 1619* (13 vols., Richmond, 1809-23), I, 57-66. Hening obtained the full charter texts from Stith.

Scanned from *The Three Charters of the Virginia Company of London, with Seven Related Documents: 1606-1621*, edited and with an introduction by Samuel M. Bemiss (Williamsburg, Va., 350th Anniversary Celebration Corporation, 1957). This small volume contains the most complete and accurate texts of all the Virginia charters. The text of the charters is in the public domain and not protected by copyright. Included in this publication is the text of the documents and none of Mr. Bemiss's editorial notes. (Mr. Bemiss did point out some personal names that appear in Stith but not in the British Public Record Office copy.) Be aware that the scanned text is verbatim, with no correction of spelling errors or translation of archaic words into modern English.

# *The Second Charter*

*May 23, 1609*

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James, by the grace of God [King of England, Scotland, France and Ireland, defender of the faith, etc.] To all [to whom these presents shall come, greeting.]

Whereas, at the humble suite and request of sondrie oure lovinge and well disposed subjects intendinge to deduce a colonie and to make habitacion and plantacion of sondrie of oure people in that parte of America comonlie called Virginia, and other part and territories in America either apperteyninge unto us or which are not actually possessed of anie Christian prince or people within certaine bound and regions, wee have formerly, by oure lettres patents bearinge date the tenth of Aprill in the fourth yeare of oure raigne of England, Fraunce, and Ireland, and the nine and thirtieth of Scotland, graunted to Sir Thomas Gates, Sir George Somers and others, for the more speedie accomplishment of the said plantacion and habitacion, that they shoulde devide themselves into twoe collonies—the one consistinge of divers Knights, gentlemen, merchaunts and others of our cittie of London, called the First Collonie; and the other of sondrie Knights, gentlemen and others of the citties of Bristoll, Exeter, the towne of Plymouth, and other places, called the Second Collonie—and have yielded and graunted maine and sondrie priviledges and liberties to each Collonie for their quiet setlinge and good government therein, as by the said lettres patents more at large appeareth.

Nowe, forasmuch as divers and sondrie of oure lovinge subjects, as well adventurers as planters, of the said First Collonie (which have already engaged themselves in furtheringe the businesse of the said plantacion and doe further intende by the assistance of Almightye God to prosecute the same to a happie ende) have of late ben humble suiters unto us that, in respect of their great chardegas and the adventure of manie of their lives which they have hazarded in the said discoverie and plantacion of the said countrie, wee woulde be pleased to graunt them a further enlargement and explanacion of the said graunte, priviledge and liberties, and that suche counsellors and other officers maie be appointed amongest them to manage and direct their affaires [as] are willinge and readie to adventure with them; as also whose dwellings are not so farr remote from the cittye of London but that they maie at convenient tymes be readie

at hande to give advice and assistance upon all occacions requisite.

We, greatlie affectinge the effectual prosecucion and happie successe of the said plantacion and comendinge their good desires theirin, for their further encouragement in accomplishinge so excellent a worke, much pleasinge to God and profitable to oure Kingdomes, doe, of oure speciall grace and certeine knowledge and meere motion, for us, oure heires and successors, give, graunt and confirme to oure trustie and welbeloved subjects,

Robert, Earle of Salisburie [Salisbury]  
Thomas, Earle of Suffolke [Suffolk]  
Henrie, Earle of Southampton  
William. Earle of Pembroke [Henrie]  
[Henrie] Earle of Lincolne [Lincoln]  
Henrie, Earle of Dorsett [Dorset]  
Thomas, Earle of Exeter  
Phillipp, Earle of Mountgommery  
Robert, Lord Vicount Lisle  
Theophilus, Lord Howard of Walden  
James Mountague, Lord Bishopp of Bathe and Wells  
Edward, Lord Zouche  
Thomas, Lord Lawarr  
Wiliam, Lord Mouteagle  
Raphe, Lord Ewre  
Edmond, Lord Sheffeild [Sheffield]  
Grey, Lord Shandis [Chandois]  
[Grey], Lord Compton  
John, Lord Petre  
John, Lord Stanhope  
George, Lord Carew  
Sir Humfrey Welde, Lord Mayor of London [Weld]  
George Pertie, Esquire [Percie]  
Sir Edward Cecill, Knight [Cecil]  
Sir George Wharton, Knight  
Frauncis West, Esquire  
Sir William Waade, Knight [Wade]  
Sir Henrie Nevill, Knight [Nevil]  
Sir Thomas Smithe, Knight [Smith]  
Sir Oliver Cromwell, Knight  
Sir Peter Manwood, Knight  
Sir Dru Drurie, Knight [Drury]  
Sir John Scott, Knight [Scot]  
Sir Thomas Challouer, Knight [Challoner]  
Sir Robert Drurie, Knight [Drury]  
Sir Anthonye Cope, Knight

Sir Horatio Veere, Knight [Vere]  
Sir Edward Conwaie, Knight [Conway]  
Sir William Browne [Brown]  
Sir Maurice Barkeley, Knight [Berkeley]  
Sir Roberte Maunsell, Knight [Mansel]  
Sir Amias Presou, Knight [Preston]  
Sir Thomas Gates, Knight  
Sir Anthonie Ashley, Knight [Ashly]  
Sir Michael Sandes, Knight [Sandys]  
Sir Henrie Carew, Knight [Carey]  
Sir Stephen Soame, Knight  
Sir Calisthenes Brooke, Knight  
Sir Edward Michelborne, Knight [Michelborn]  
Sir John Racliffe, Knight [Ratcliffe]  
Sir Charles Willmott, Knight [Wilmot]  
Sir George Moore, Knight [Moor]  
Sir Hugh Wirral, Knight [Wirral]  
Sir Thomas Dennys, Knight [Dennis]  
Sir John Hollis, Knight [Holles]  
Sir William Godolphin, Knight  
Sir Thomas Monnson, Knight [Monson]  
Sir Thomas Ridgwaie, Knight [Ridgwine]  
Sir John Brooke, Knight  
Sir Roberte Killigrew, Knight  
Sir Henrie Peyton, Knight  
Sir Richard Williamson, Knight  
Sir Ferdinando Weynman, Knight  
Sir William St. John, Knight  
Sir Thomas Holcrofte, Knight [Holcroft]  
Sir John Mallory, Knight  
Sir Roger Ashton, Knight  
Sir Walter Cope, Knight  
Sir Richard Wigmore, Knight  
Sir William Cooke, Knight [Coke]  
Sir Herbert Crofte, Knight  
Sir Henrie Faushawe, Knight [Fanshaw]  
Sir John Smith, Knight  
Sir Francis Wolley, Knight  
Sir Edward Waterhouse, Knight  
Sir Henrie Sekeford, Knight [Seekford]  
Sir Edward Saudes, Knights [Edwin Sandys]  
Sir Thomas Wayneman, Knight [Waynam]  
Sir John Trevor, Knight  
Sir Warrwick Heale, Knight [Heele]  
Sir Robert Wroth, Knight  
Sir John Townnesende, Knight [Townsend]  
Sir Christopher Perkins, Knight

Sir Daniell Dun, Knight  
Sir Henrie Hobarte, Knight [Hobart]  
Sir Franncis Bacon, Knight  
Sir Henrie Mountague, Knight [Montague]  
Sir Georg Coppin, Knight  
Sir Samuel Sandes, Knight [Sandys]  
Sir Thomas Roe, Knight  
Sir George Somers, Knight  
Sir Thomas Freake, Knight  
Sir Thomas Horwell, Knight [Harwell]  
Sir Charles Kelke, Knight  
Sir Baptist Hucks, Knight [Hicks]  
Sir John Watts, Knight  
Sir Roberte Carey, Knight  
Sir William Romney, Knight  
Sir Thomas Middleton, Knight  
Sir Hatton Cheeke, Knight  
Sir John Ogle, Knight  
Sir Cavallero Meycot, Knight  
Sir Stephen Riddlesden, Knight [Riddleson]  
Sir Thomas Bludder, Knight  
Sir Anthonie Aucher, Knight  
Sir Robert Johnson, Knight  
Sir Thomas Panton, Knight  
Sir Charles Morgan, Knight  
Sir Stephen Powle, Knight [Pole]  
Sir John Burlacie, Knight  
Sir Christofer Cleane, Knight [Cleave]  
Sir George Hayward, Knight  
Sir Thomas Dane, Knight [Davis]  
Sir Thomas Dutton, Knight [Sutton]  
Sir Anthonie Forrest, Knight [Forest]  
Sir Robert Payne, Knight  
Sir John Digby, Knight  
Sir Dudley Diggs, Knight [Digges]  
Sir Rowland Cotton, Knight  
Doctour Mathewe Rutcliffe [Sutcliffel]  
Doctor Meddowes [Meadows]  
Doctor Tumer  
Doctor Poe  
Captaine Pagnam  
Captaine Jeffrey Holcrofte  
Captaine Raunne [Romney]  
Captaine Henrie Spry  
Captaine Shelpton [Shelton]  
Captaine Spark [Sparks]  
[Captain] Thomas Wyatt [Wyat]

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Captaine Brinsley	William Seabright, Esquire
Captaine William Courtney	Christopher Brook, Esquire
Captaine Herbert	John Bingley, Esquire
Captaine Clarke	Thomas Watson, Esquire
Captaine Dewhurst	Richard Percivall, Esquire [Percival]
Captaine John Blundell	John Moore, Esquire
Captaine Frier [Fryer]	Hugh Brooker, Esquire
Captaine Lewis Orwell	David Waterhouse, Esquire [Woodhouse]
Captaine Edward Lloyd [Loyd]	Anthonie Auther, Esquier [Aucher]
Captaine Slingsby	Roberte Bowyer, Esquire [Boyer]
Captaine Huntley [Hawley]	Raphe Ewens, Esquire
Captaine Orme	Zacharie Jones, Esquire
Captaine Woodhouse	George Calvert, Esquire
Captaine Mason	William Dobson, Esquire
Captaine Thomas Holcroft	Henry Reynold, Esquire [Reynolds]
Captaine John Cooke [Coke]	Thomas Walker, Esquire
Captaine Hollis [Hollesl]	Anthonie Barnars, Esquire
Captaine William Proude	Thomas Sandes, Esquire [Sandys]
Captaine Henrie Woodhouse	Henrie Sand, Esquire [Sandys]
Captaine Richard Lindeley [Lindesey]	Richard Sand [Sandys],
Captaine Dexter	Sonne of Sir Edwin Sandes [Sandys]
Captaine William Winter	William Oxenbridge, Esquire
Captaine Herle [Pearsel]	John Moore, Esquire
Captain John Bingham	Thomas Wilson, Esquire
Captaine Burray	John Bullocke, Esquire [Bullock]
Captaine Thomas Conwey [Conway]	John Waller, [Esquire]
Captaine Rookwood	Thomas Webb
Captaine William Lovelace	Jehughe Robinson
Captaine John Ashley	William Brewster
Captaine Thomas Wynne	Robert Evelyn
Captaine Thomas Mewtis	Henrie Dabenie [Danby]
Captaine Edward Harwood	Richard Hacklewte, minister [Hackluit]
Captaine Michael Evered [Everard]	John Eldred, marchaunt [Eldrid]
Captaine Connoth [Comock]	William Russell, marchaunt
Captaine Miles [Mills]	John Merrick, marchaunt
Captaine Pigott [Pigot]	Richard Bannester, merchant [Banister]
Captaine Edward Maria Wingfeild [Wingfield]	Charles Anthonie, goldsmith [Anthony]
Captaine Christopher Newporte [Newport]	John Banck [Banks]
Captaine John Siclemore, alias Ratcliffe [Sicklemore]	William Evans
Captaine John Smith	Richard Humble
Captyn John Martyn [Martin]	Robert Chamberleyne,
Captaine Peter Wynne	marchaunt [Richard Chamberlayne]
Captaine Waldoe [Waldo]	Thomas Barber, marchaunt
Captyn Thomas Wood	Richard Pevyrell, merchaunt [Pomet]
Captaine Thomas Button	John Fletcher, merchant
George Bolls, Esquire, Sheriffe of London	Thomas Nicholls, merchant
William Crashawe, [Clerk], Bachelor of Divinite	John Stoak, merchaunt [Stoke]

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Gabriell Archer  
Francis Covell [Covel]  
William Bouham [Bonham]  
Edward Harrison  
John Wolstenholme  
Nicholas Salter  
Hugh Evans  
William Barners [Barnes]  
Otho Mawdett [Mawdet]  
Richard Staper, marchand  
John Elkin, marchaunt  
William Cayse [Coyse]  
Thomas Perkin, cooper  
Humphrey Ramell, cooper [Humphrey James]  
Henry Jackson  
Roberte Shingleton [Singleton]  
Christopher Nicholls  
John Harper  
Abraham Chamberlaine [Chamberlayne]  
Thomas Shipton  
Thomas Carpenter  
Anthoine Crewe [Crew]  
George Holman  
Robert Hill  
Cleophas Smithe [Smith]  
Raphe Harrison  
John Farmer  
James Brearley  
William Crosley [Crosby]  
Richard Cocks [Cox]  
John Gearinge [Gearing]  
Richard Strough, iremonnger [Strongarm]  
Thomas Langton  
Griffith Hinton  
Richard Ironside  
Richard Deane [Dean]  
Richard Turner  
William Leveson, mercer [Lawson]  
James Chatfeilde [Chatfield]  
Edward Allen [Edward Allen Tedder]  
Tedder Roberts  
Heldebrand Sprinson [Robert Hildebrand Sprinson]  
Arthur Mouse  
John Gardener [Gardiner]  
James Russell [Russel]  
Richard Casewell [Caswell]  
Richard Evanns [Evans]  
John Hawkins  
Richard Kerrill [Kerril]  
Richard Brooke  
Mathewe Scrivener, gentleman [Screvener]  
William Stallendge, gentleman [Stallenge]  
Arthure Venn, gentleman  
Saund Webb, gentleman [Sandys Webbe]  
Michael Phettiplace, gentleman  
William Phetiplace, gentleman [Phettiplace]  
Ambrose Brusey, gentleman [Prusey]  
John Taverner, gentleman  
George Pretty, gentleman  
Peter Latham, gentleman  
Thomas Monnford, gentleman [Montford]  
William Cautrell, gentleman [Cantrel]  
Richard Wiffine, gentleman [Wilfin]  
Raphe Mooreton, gentleman [Moreton]  
John Cornellis [Comelius]  
Martyn Freeman  
Raphe Freeman  
Andreau Moore  
Thomas White  
Edward Perkin  
Robert Osey  
Thomas Whitley  
George Pitt [Pit]  
Roberte Parkehurste [Parkhurst]  
Thomas Morris  
Peter Vaulore [Harloe]  
Jeffrey Duppa  
John Gilbert  
William Hancock  
Mathew Bromrigg [Brown]  
Francis Tirrell [Tyrrel]  
Randall Carter  
Othowell Smithe [Smith]  
Thomas Honnyman [Hamond]  
Marten Bonde, haberdasher [Bond]  
Joan Mousloe [John Moulsoe]  
Roberte Johnson  
William Younge [Young]  
John Woddall [Woodal]  
William Felgate  
Humphrey Westwood  
Richard Champion  
Henrie Robinson  
Francis Mapes

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William Sambatch [Sambach]	George Barkeley
Rauley Crashawe [Raleigh Crashaw]	Thomas Sued [Snead]
Daruelliacker	George Barkeley [Berkeley]
Thomas Grave	Ardhure Pett [Pet]
Hugh Willestone	Thomas Careles
Thomas Culpepper, of Wigsell, Esquire	William Barkley [Berkley]
John Culpepper, gentleman	Thomas Johnson
Henrie Lee	Alexander Bent [Bents]
Josias Kirton, gentleman [Kerton]	Captaine William Kinge [King]
John Porie, gentleman [Pory]	George Sandes, gentleman [Sandys]
Henrie Collins	James White, gentleman
George Burton	Edmond Wynn [Wynne]
William Atkinson	Charles Towler
Thomas Forrest [Forest]	Richard Reynold
John Russell [Russel]	Edward Webb
John Houlte [Holt]	Richard Maplesden
Harman Harrison	Thomas Levers [Lever]
Gabriell Beedell [Beedel]	David Bourne
John Beedell [Beedel]	Thomas Wood
Henrie Dankes [Dawkes]	Raphe Hamer
George Scott [Scot]	Edward Barnes, mercer
Edward Fleetewood, gentleman [Fleetwood]	John Wright, mercer
Richard Rogers, gentleman	Robert Middleton
Arthure Robinson	Edward Litsfeild [Littlefield]
Robert Robinson	Katherine West
John Huntley	Thomas Webb [Web]
John Grey [Gray]	Raphe Kinge [King]
William Payne	Roberte Coppine [Coppin]
William Feilde [Field]	James Askewe
William Wattey	Christopher Nicholls [Christopher Holt]
William Webster	William Bardwell
John Dingley	Alexander Childe [Chiles]
Thomas Draper	Lewes Tate
Richard Glanvile [Glanvil]	Edward Ditchfeilde [Ditchfield]
Arnolde Lulls [Hulls]	James Swifte
Henrie Rowe [Roe]	Richard Widdowes, goldsmith
William Moore [More]	Edmonde Brundells [Brudenell]
Nicholas Grice [Gryce]	John Hanford [Hansford]
James Monnger [Monger]	Edward Wooller
Nicholas Andrewes [Andrews]	William Palmer, haberdasher
Jerome Haydon, iremonnger [Jeremy Haydon]	John Badger
Phillipp Durrant [Philip Durette]	John Hodgson
John Quales [Quarles]	Peter Monnsill [Mounsel]
John West	Jahn Carril [Carril]
Madlew Springeham [Springham]	John Busbridge [Bushridge]
John Johnson	William Dunn [Dun]
Christopher Hore	Thomas Johnson

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Nicholas Benson	Christopher Lanman [Salmon]
Thomas Shipton	John Haward, clerke [Howard]
Nathaniell Wade	Richarde Partridge
Randoll Wettwood [Wetwood]	Allen Cotton [Cassen]
Mathew Dequester	Felix Wilson
Charles Hawkins	Thomas Colethurst [Bathurst]
Hugh Hamersley	George Wilmer
Abraham Cartwright	Andrew Wilmer
George Bennett [Bennet]	Morrice Lewellin
William Cattor [Cater]	Thomas Jedwin [Godwin]
Richard Goddart	Peter Burgoyne
Henrie Cromwell	Thomas Burgoyne
Phinees Pett [Pet]	Roberte Burgoyne
Roberte Cooper	Roberte Smithe, merchauntaylor [Smith]
Henrie Neite [Newce]	Edward Cage, grocer
Edward Wilks [Wilkes]	Thomas Canon, gentleman [Cannon]
Roberte Bateman	William Welby, stacioner
Nicholas Farrar	Clement Wilmer, gentleman
John Newhouse	John Clapham, gentleman
John Cason	Giles Fraunces, gentleman [Francis]
Thomas Harris, gentleman	George Walker, sadler
George Etheridge, gentleman	John Swinehowe, stacioner [Swinhow]
Thomas Mayle, gentleman	Edward Bushoppe, stacioner [Bishop]
Richard Stratford [Stafford]	Leonard White, gentleman
Thomas	Christopher Barron [Baron]
Richard Cooper	Peter Benson
John Westrowe [Westrow]	Richard Smyth [Smith]
Edward Welshe [Welch]	George Prockter, minister [Proctor]
Thomas Brittanie [Britain]	Millicent Ramesden, widowe [Ramsdent]
Thomas Knowls [Knowles]	Joseph Soane
Octavian Thome	Thomas Hinshawe [Hinshaw]
Edmonde Smyth [Smith]	John Baker
John March	Robert Thorneton [Thomton]
Edward Carew	John Davies [Davis]
Thomas Pleydall	Edward Facett [Facetl]
Richard Lea [Let]	George Nuce, gentleman [Newce]
Miles Palmer	John Robinson
Henrie Price	Captaine Thomas Wood
John Josua, gentleman	William Browne, shoemaker [Brown]
[Joshua]	Roberte Barker, shoemaker
William Clawday [Clauday]	Roberte Penington [Pennington]
Jerome Pearsye	Francis Burley, minister
John Bree, gentleman	William Quick, grocer
William Hampson	Edward Lewes, grocer [Lewis]
Christopher Pickford	Laurence Campe, draper
Thomas Hunt	Aden Perkins, grocer
Thomas Truston	Richard Shepparde, preacher [Shepherd]

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William Sheckley, haberdasher [Sherley]  
William Tayler, haberdasher [Taylor]  
Edward Lukyn, gentleman [Edwin Lukin]  
John Francklyn, haberdasher [Franklyn]  
John Southicke [Southwick]  
Peter Peate  
George Johan, iremonnger  
George Yardley, gentleman [Yeardley]  
Henrie Shelly [Shelley]  
John Pratt [Prat]  
Thomas Church, draper  
William Powell, gentleman [Powel]  
Richard Frithe, gentleman [Frith]  
Thomas Wheeler, draper  
Francis Hasilerigg, gentleman [Haselrig]  
Hughe Shippley, gentleman [Shipley]  
John Andrewes, thelder, [doctor],  
of Cambridge [Andrews]  
Francis Whistley, gentleman [Whistler]  
John Vassall, gentleman  
Richard Howle  
Edward Barkeley, gentleman [Berkeley]  
Richard Knerisborough, gentleman [Keneridgburg]  
Nicholas Exton, draper  
William Bennett, fishmonger [Bennet]  
James Hawood, marchaunt [Haywood]  
Nicholas Isaak, merchaunt [Isaac]  
William Gibbs, merchannt  
[William] Bushopp [Bishop]  
Barnard Michell [Mitchel]  
Isaake Michell [Isaac Mitchel]  
John Streat [Streate]  
Edward Gall  
John Marten, gentleman [Martin]  
Thomas Fox  
Luke Lodge  
John Woodleefe, gentleman [Woodliffel]  
Rice Webb [Piichard]  
Vincent Lowe [Low]  
Samuell Burnam [Burnham]  
Edmonde Pears, haberdasher  
Josua Goudge [John Googe]  
John St. John  
Edwarde Vaughan  
William Dunn  
Thomas Alcock [Alcocke]  
John Andrewes, the younger,

of Cambridge [Andrews]  
Samuell Smithe [Smith]  
Thomas Jerrard [Gerrard]  
Thomas Whittingham  
William Cannyng [Canning]  
Paule Caminge [Canning]  
George Chaudler [Chandler]  
Henrye Vincent  
Thomas Ketley  
James Skelton  
James Montain [Mountaine]  
George Webb, gentleman  
Josephe Newbroughesmith  
[Joseph Newbridge, smith]  
Josias Mande [Mand]  
Raphe Haman, the younger [Hamer]  
Edward Brewster, the sonne of William Brewster  
Leonard Harwood, mercer  
Phillipp Druerdent  
William Carpenter  
Tristram Hill  
Roberte Cock, grocer  
Laurence Grene, grocer [Greene]  
Daniell Winche, grocer [Samuel Winch]  
Humfrey Stile, grocer  
Averie Dransfeild, grocer [Dransfield]  
Edwarde Hodges, grocer  
Edward Beale, grocer  
Raphe Busby, grocer  
John Whittingham, grocer  
John Hide, grocer  
Mathew Shipperd, grocer [Shepherd]  
Thomas Allen, grocer  
Richard Hooker, grocer  
Laurence Munckas, grocer [Munks]  
John Tanner, grocer  
Peter Gate, grocer  
John Blunt, grocer  
Roberte Berrisford, grocer  
Thomas Wells, gentleman  
John Ellis, grocer  
Henrie Colthurst, grocer  
John Cranage, grocer [Cavady]  
Thomas Jenings, grocer [Jennings]  
Edmond Peshall, grocer [Pashall]  
Timothie Bathurst, grocer  
Gyles Parslowe, grocer [Parslow]

Roberte Johnson, grocer [Richard]	The companie of lethersellers
William Janson, vintener [Johnson]	The companie of pewterers
Ezechiell Smith	The companie of cutlers
Richard Murrettone [Martin]	The companie of whitebakers
William Sharpe	The companie of waxchaundlers
Roberte Ritche [Rich]	The companie of tallowe chaundlers
William Stannerd, inholder [Stannard]	The companie of armorers
John Stocken	The companie of girdlers
William Strachey, gentleman	The companie of butchers
George Farmer, gentleman	The companie of sadlers
Thomas Gypes, clothworker	The companie of carpenters
Abraham Dawes, gentleman [Davies]	The companie of cordwayners
Thomas Brockett, gentleman [Brocket]	The companie of barbor chirurgions
George Bathe, fishmonger [Bache]	The companie of painter stayners
John Dike, fishmonger	The companie of curriers
Henrie Spranger	The companie of masons
Richard Farringdon [Farrington]	The companie of plumbers
Chistopher Vertue, vintener	The companie of inholders
Thomas Baley, vintener [Bayley]	The companie of founders
George Robins, vintener	The companie of poulterers
Tobias Hinson, grocer	The companie of cookes
Urian Spencer [Vrian]	The companie of coopers
Clement Chachelley [Chicheley]	The companie of tylers and bncklayers
John Searpe, gentleman [Scarpe]	The companie of bowyers
James Cambell, iremonnger [Campbell]	The companie of Retchers
Christopher Clitherowe, iremonnger [Clitheroe]	The companie of blacksmithes
Phillipp Jacobson	The companie of joyners
Peter Jacobson, of Andwarpe	The companie of weavers
William Barckley [Berkeley]	The companie of wollmen
Miles Banck, cutler [Banks]	The companie of wood monnvers
Peter Highley, grocer [Higgons]	The companie of scrivenors
Henrie John, gentleman	The companie of fruterers
John Stoakley, merchauntaylor [Stokeley]	The companie of plasterers
The companie of mercers	The companie of brownebakers
The companie of grocers	The companie of stacioners
The companie of drapers	The companie of imbroderers
The company of fishmongers	The companie of upholsters
The companie of Gouldsmithes	The companie of musicians
The companie of skynners	The companie of turners
The companie merchauntailors	The companie of basketmakers
The companie of haberdashers	The companie of glasiars
The companie of salters	John Levett, merchaunt [Levet]
The companie of iremongers	Thomas Nomicott, clothworker [Nomicot]
The companie of vintners	Richard Venn, haberdasher
The companie of clothworkers	Thomas Scott, gentleman [Scot]
The companie of dyers	Thomas Juxson, merchauntaylor [Juxon]
The companie of bruers	George Hankinson

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Thomas Leeyer, gentleman [Seyer]  
Mathew Cooper  
Gorge Butler, gentleman  
Thomas Lawson, gentleman  
Edward Smith, haberdasher  
Stephen Sparrowe  
John Jones, merchaunt  
[John] Reynold, brewer [Reynolds]  
Thomas Plummer, merchaunt  
James Duppa, bruer  
Rowland Coytemore [Coitmore]  
William Sotherne [Southerne]  
Gorge Whittmoore, haberdasher [Whitmore]  
Anthonie Gosoulde, the younger [Gosnold]  
John Allen, fishmonger  
John Kettlebye, gentleman [Kettleby]  
Symonde Yeomans, fishmonger [Simon]  
Richard Chene, goldsmithe  
Launcelot Davis, gentleman [Clene]  
John Hopkins, an alderman of Bristoll  
George Hooker, gentlernan  
Roberte Shevinge, yeoman [Chening]

And to such and so manie as they doe or shall hereafter admitt to be joyned with them, in forme hereafter in theis presentes expressed, whether they goe in their persons to be planters there in the said plantacion, or whether they goe not, but doe adventure their monyes, goods or chattels, that they shalbe one bodie or commualtie perpetuall and shall have perpetual succession and one common seale to serve for the saide bodie or commualtie; and that they and their successors shalbe knowne, called and incorporated by the name of The Tresorer and Companie of Adventurers and Planters of the City of London for the Firste Collonie in Virginia.

And that they and their successors shalbe from hensforth, forever enabled to take, acquire and purchase, by the name aforesaid (licens for the same from us, oure heires or successors first had and obtained) anie manner of lands, tenements and hereditaments, goods and chattels, within oure realme of England and dominion of Wales; and that they and their successors shalbe likewise enabled, by the name aforesaid, to pleade and to be impleaded before anie of oure judges or justices, in anie oure courts, and in anie accions or suits whatsoever.

And wee doe also, of oure said speciall grace, certaine knowledge and mere mocion, give, grannte and confirme unto the said Tresorer and Companie, and their successors, under the reservacions, limittacions and declaracions hereafter expressed, all those lands, countries and territories scituat, lieinge and beinge in that place of America called Virginia, from the pointe of lande called Cape or Pointe Comfort all alonge the seacoste to the northward twoe hundred miles and from the said pointe of Cape Comfort all alonge the sea coast to the southward twoe hundred miles; and all that space and circuit of lande lieinge from the sea coaste of the precinct aforesaid upp unto the lande, throughoute, from sea to sea, west and northwest; and also all the island beinge within one hundred miles alonge the coaste of bothe seas of the precincte aforesaid; together with all the soiles, groundes, havens and portes, mynes, aswell royall mynes of golde and silver as other mineralls, pearles and precious stones, quarries, woods, rivers, waters, fishings, comodities, jurisdictions, royalties, priviledges, franchisies and preheminences within the said territorie and the precincts there of whatsoever; and thereto or there abouts, both by sea and lande, beinge or in anie sorte belonginge or appertayninge, and which wee by oure lettres patents maie or cann graunte; and in as ample manner and sorte as wee or anie oure noble progenitors have heretofore graunted to anie companie, bodie pollitique or corporate, or to anie adventurer or adventurers, undertaker or undertakers, of anie discoveries, plantacions or traffique of, in, or into anie forraine parts whatsoever; and in as large and ample manner as if the same were herin particularly mentioned and expressed: to have, houlde, possesse and enjoye all and singuler the said landes, countries and territories with all and singuler other the premisses heretofore by theis [presents] graunted or mencioned to be grannted, to them, the said Tresorer and Companie, their successors and assignes, forever; to the sole and proper use of them, the said Tresorer and Companie, their successors and assignes [forever], to be holden of us, oure heires and successors, as of oure mannour of Estgreenewich, in free and common socage and not in capite; yeldinge and payinge, therefore, to us, oure heires and successors, the fifte parte onlie of all oare of gould and silver that from tvme to time, and at all times hereafter, shalbe there gotton, had and obtained, for all manner of service.

And, nevertheles, oure will and pleasure is, and wee doe by theis presentes chardge, commannde, warrant and auctorize, that the said Tresorer and Companie and their successors, or the major parte of them which shall be present and assembled for that purpose, shall from time to time under their common seale distribute, convey, assigne and set over such particuler porcions of lands, tenements and hereditaments, by these presents formerly grannted, unto such oure lovinge subjects naturallie borne of denizens, or others, aswell adventurers as planters, as by the said Companie, upon a commision of survey and distribucion executed and returned for that purpose, shalbe named, appointed and allowed, wherein oure will and pleasure is, that respect be had as well of the proporcion of the adventure[r] as to the speciall service, hazarde, exploite or meritt of anie person so as to be recompenced, advannced or rewarded.

And for as muche as the good and prosperous successe of the said plantacion cannot but cheiflie depende, next under the blessinge of God and the supporte of oure royall authoritie, upon the provident and good direccion of the whole enterprise by a carefull and understandinge Counsell, and that it is not convenient that all the adventurers shalbe so often drawne to meete and assemble as shalbe requisite for them to have metings and conference aboute theire affaires, therefore we doe ordaine, establishe and confirme that there shalbe perpetually one Counsell here resident, accordinge to the tenor of oure former lettres patents, which Counsell shall have a seale for the better government and administracion of the said plantacion besides the legall seale of the Companie or Corporacion, as in oure former lettres patents is also expressed.

And further wee establishe and ordaine that  
Henrie, Earl of Southampton  
William, Earl of Pembroke  
Henrie, Earl of Lincoln  
Thomas, Earl of Exeter  
Roberte, Lord Viscounte Lisle  
Lord Theophilus Howard  
James, Lord Bishopp of Bathe and Wells  
Edward, Lord Zouche  
Thomas, Lord Laware  
William, Lord Mounteagle  
Edmunde, Lord Sheffeilde

Grey, Lord Shanndoys [Chandois]  
John, Lord Stanhope  
George, Lord Carew  
Sir Humfrey Welde, Lord Mayor of London  
Sir Edward Cecil  
Sir William Waad [Wade]  
Sir Henrie Nevill  
Sir Thomas Smith  
Sir Oliver Cromwell  
Sir Peter Manwood  
Sir Thomas Challoner  
Sir Henrie Hovarte [Hobart]  
Sir Franncis Bacon  
Sir George Coppin  
Sir John Scott  
Sir Henrie Carey  
Sir Roberte Drurie [Drury]  
Sir Horatio Vere  
Sir Eward Conwayne [Conway]  
Sir Maurice Berkeley [Barkeley]  
Sir Thomas Gates  
Sir Michaele Sands [Sandys]  
Sir Roberte Mansfeild [Mansel]  
Sir John Trevor  
Sir Amyas Preston  
Sir William Godolphin  
Sir Walter Cope  
Sir Robert Killigrew  
Sir Henrie Faushawe [Fanshaw]  
Sir Edwyn Sandes [Sandys]  
Sir John Watts  
Sir Henrie Montague  
Sir William Romney  
Sir Thomas Roe  
Sir Baptiste Hicks  
Sir Richard Williamson  
Sir Stephen Powle [Poole]  
Sir Dudley Diggs  
Christopher Brooke, [Esq.]  
John Eldred, and  
John Wolstenholme

shalbe oure Counsell for the said Companie of Adventurers and Planters in Virginia.

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And the said Sir Thomas Smith wee ordaine to be Tresorer of the said Companie, which Tresorer shall have auctoritie to give order for the warninge of the Counsell and sommoninge the Companie to their courts and meetings.

And the said Counsell and Tresorer or anie of them shalbe from henceforth nominated, chosen, contynued, displaced, chaunged, altered and supplied, as death or other severall occasions shall require, out of the Companie of the said adventurers by the voice of the greater parte of the said Counsell and adventurers in their assemblie for that purpose; provided alwaies that everie Councillor so newlie elected shalbe presented to the Lord Channcellor of England, or to the Lord Highe Treasurer of England, or the Lord Chambleyne of the housholde of us, oure heires and successors, for the tyme beinge to take his oathe of a Counsellor to us, oure heires and successors, for the said Companie and Collonie in Virginia.

And wee doe by theis presents, of oure especiall grace, certaine knowledge and meere motion, for us, oure heires and successors, grannte unto the said Tresorer and Companie and their successors, that if it happen at anie time or times the Tresorer for the tyme beinge to be sick, or to have anie such cause of absente from the cittie of London as shalbe allowed by the said Counsell or the greater parte of them assembled, so as he cannot attende the affaires of that Companie, in everie such case it shall and maie be lawfull for such Tresorer for the tyme beinge to assigne, constitute and appointe one of the Counsell for Companie to be likewise allowed by the Counsell or the greater parte of them assembled to be the deputie Tresorer for the said Companie; which Deputie shall have power to doe and execute all things which belonge to the said Tresorer duringe such tyme as such Tresorer shalbe sick or otherwise absent, upon cause allowed of by the said Counsell or the major parte of them as aforesaid, so fullie and wholie and in as large and ample manner and forme and to all intents and purposes as the said Tresorer if he were present himselfe maie or might doe and execute the same.

And further of oure especiall grace, certaine knowledge and meere mocion, for us, oure heires and successors, wee doe by theis presents give and grannt full power and auctoritie to oure said Counsell here resident aswell

at this present tyme as hereafter, from time to time, to nominate, make, constitute, ordaine and confirme by such name or names, stile or stiles as to them shall seeme good, and likewise to revoke, dischardge, change and alter aswell all and singuler governors, oficers and ministers which already hath ben made, as also which hereafter shalbe by them thought fitt and meedefull to be made or used for the government of the said Colonie and plantacion.

And also to make, ordaine and establishe all manner of orders, lawes, directions, instructions, formes and ceremonies of government and magistracie, fitt and necessarie, for and concerninge the government of the said Colonie and plantacion; and the same att all tymes hereafter to abrogate, revoke or change, not onely within the precincts of the said Colonie but also upon the seas in goinge and cominge to and from the said Collonie, as they in their good discrecions shall thinke to be fittest for [the] good of the adventurers and inhabitants there.

And we doe also declare that for divers reasons and consideracions us thereunto especiallie moving, oure will and pleasure is and wee doe hereby ordaine that immediatlie from and after such time as anie such governour or principall officer so to be nominated and appointed by oure said Counsell for the government of the said Colonie, as aforesaid, shall arive in Virginia and give notice unto the Collonie there resident of oure pleasure in this behalfe, the government, power and authority of the President and Counsell, heretofore by oure former lettres patents there established, and all lawes and constitucions by them formerlie made, shall utterly cease and be determined; and all officers, governours and ministers formerly constituted or appointed shalbe dischardged, anie thinge in oure said former lettres patents conserninge the said plantacion contayned in aniewise to the contrarie notwithstandinge; streightlie chardginge and commaundinge the President and Counsell nowe resident in the said Collonie upon their alleadgiance after knowledge given unto them of oure will and pleasure by theis presentes signified and declared, that they forth with be obedient to such governor or governors as by oure said Counsell here resident shalbe named and appointed as aforesaid; and to all direccions, orders and commandements which they shall receive from them, aswell in the present resigninge and giveinge upp of their

auctoritie, offices, chardg and places, as in all other attendannce as shalbe by them from time to time required.

And wee doe further by theis presentes ordaine and establishe that the said Tresorer and Counsell here resident, and their successors or anie fower of them assembled (the Tresorer beinge one), shall from time to time have full power and auctoritie to admitt and receive anie other person into their companie, corporacion and freedome; and further, in a generall assemblie of the adventurers, with the consent of the greater parte upon good cause, to disfranchise and putt oute anie person or persons oute of the said fredome and Companie.

And wee doe also grannt and confirme for us, oure heires and successors that it shalbe lawfull for the said Tresorer and Companie and their successors, by direccion of the Governours there, to digg and to serche for all manner of mynes of goulde, silver, copper, iron, leade, tinne and other mineralls aswell within the precincts aforesaid as within anie parte of the maine lande not formerly graunted to anie other; and to have and enjoye the gould, silver, copper, iron, leade, and tinn, and all other mineralls to be gotten thereby, to the use and behoofe of the said Companie of Planters and Adventurers, yeldinge therefore and payinge yerelie unto us, oure heires and successors, as aforesaid.

And wee doe further of oure speciall grace, certaine knowledge and meere motion, for us, oure heires and successors, grannt, by theis presents to and withe the said Tresorer and Companie and their successors, that it shalbe lawfull and free for them and their assignes at all and everie time and times here after, oute of oure realme of England and oute of all other [our] dominions, to take and leade into the said voyage, and for and towards the said plantacion, and to travell thitherwards and to abide and inhabite therein the said Colonie and plantacion, all such and so manie of oure lovinge subjects, or anie other straungers that wilbecomme oure lovinge subjects and live under oure allegiance, as shall willinglie accompanie them in the said voyadge and plantacion with sufficient shippinge armour, weapons, ordinannce, municion, powder, shott, victualls, and such merchaundize or wares as are esteemed by the wilde people in those parts, clothinge, implements, furnitures, catle, horses and mares, and all

other thinges necessarie for the said plantation and for their use and defence and trade with the people there, and in passinge and retourninge to and from without yeldinge or payinge subsedie, custome, impositcion, or anie other tax or duties to us, oure heires or successors, for the space of seaven yeares from the date of theis presents; provided, that none of the said persons be such as shalbe hereafter by speciall name restrained by us, oure heires or successors.

And for their further encouragement, of oure speciall grace and favour, wee doe by theis present for us, oure heires and successors, yeild and graunte to and with the said Tresorer and Companie and their successors and everie of them, their factors and assignes, that they and every of them shalbe free and quiett of all subsidies and customes in Virginia for the space of one and twentie yeres, and from all taxes and impositcions for ever, upon anie goods or merchaundizes at anie time or times hereafter, either upon importation thither or exportation from thence into oure realme of England or into anie other of oure [realms or] dominions, by the said Tresorer and Companie and their successors, their deputies, factors [or] assignes or anie of them, except onlie the five pound per centum due for custome upon all such good and merchanndizes as shalbe brought or imported into oure realme of England or anie other of theis oure dominions accordinge to the auncient trade of merchannts, which five poundes per centum onely beinge paid, it shalbe thensforth lawfull and free for the said Adventurers the same goods [and] merchaundizes to export and carrie oute of oure said dominions into forraine partes without anie custome, tax or other duty to be paide to us oure heires or successors or to anie other oure officers or deputies; provided, that the saide goods and merchaundizes be shipped out within thirteene monethes after their first landinge within anie parte of those dominions.

And wee doe also confirme and grannt to the said Tresorer and Companie, and their successors, as also to all and everie such governer or other officers and ministers as by oure said Counsell shalbe appointed, to have power and auctoritie of government and commannd in or over the said Colonie or plantacion; that they and everie of them shall and lawfullie maie from tyme to tyme and at all tymes forever hereafter, for their severall de-

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fence and safetie, enconnter, expulse, repell and resist by force and armes, aswell by sea as by land, and all waies and meanes whatsoever, all and everie such person and persons whatsoever as without the speciall licens of the said Tresorer and Companie and their successors shall attempte to inhabite within the said severall precincts and lymitts of the said Colonie and plantacion; and also, all and everie such person and persons whatsoever as shall enterprise, or attempte at anie time hereafter, destruccion, invasion, hurte, detriment or annoyannce to the said Collonye and plantacion, as is likewise specified in the said former grannte.

And that it shalbe lawful for the said Tresorer and Companie, and their successors and everie of them, from time to time and at all times hereafter, and they shall have full power and auctoritie, to take and surprize by all waies and meanes whatsoever all and everie person and persons whatsoever, with their shippes, goods and other furniture, traffiquinge in anie harbor, creeke or place within the limitts or precincts of the said Colonie and plantacion, [not] being allowed by the said Companie to be adventurers or planters of the said Colonie, untill such time as they beinge of anie realmes or dominions under oure obedience shall paie or agree to paie, to the hands of the Tresorer or [of] some other officer deputed by the said governors in Virginia (over and above such subsedie and custome as the said Companie is or here after shalbe to paie) five poundes per centum upon all goods and merchaundizes soe brought in thither, and also five per centum upon all goods by them shipped oute from thence; and being straungers and not under oure obedience untill they have payed (over and above such subsedie and custome as the same Tresorer and Companie and their successors is or hereafter shalbe to paie) tenn pounds per centum upon all such goods, likewise carried in and oute, any thinge in the former lettres patents to the contrarie not withstandinge; and the same sommes of monie and benefitt as aforesaid for and duringe the space of one and twentie yeares shalbe wholie imploied to the benefitt and behoof of the said Colonie and plantacion; and after the saide one and twentie yeares ended, the same shalbe taken to the use of us, oure heires or successors, by such officer and minister as by us, oure heires or successors, shalbe thereunto assigned and appointed, as is specified in the said former lettres patents.

Also wee doe, for us, oure heires and successors, declare by theis presents, that all and everie the persons beinge oure subjects which shall goe and inhabit within the said Colonie and plantacion, and everie of their children and posteritie which shall happen to be borne within [any] the lymitts thereof, shall have [and] enjoye all liberties, franchises and immunities of free denizens and naturall subjects within anie of oure other dominions to all intents and purposes as if they had bine abidinge and borne within this oure kingdome of England or in anie other of oure dominions.

And forasmuch as it shalbe necessarie for all such our lovinge subjects as shall inhabitt within the said precincts of Virginia aforesaid to determine to live together in the feare and true woorshipp of Almightye God, Christian peace and civill quietnes, each with other, whereby everie one maie with more safety, pleasure and profitt enjoye that where unto they shall attaine with great paine and perill, wee, for us, oure heires and successors, are likewise pleased and contented and by theis presents doe give and graunte unto the said Tresorer and Companie and their successors and to such governors, officers and ministers as shalbe, by oure said Councill, constituted and appointed, accordinge to the natures and lymitts of their offices and places respectively, that they shall and maie from time to time for ever hereafter, within the said precincts of Virginia or in the waie by the seas thither and from thence, have full and absolute power and authority to correct, punishe, pardon, governe and rule all such the subjects of us, oure heires and successors as shall from time to time adventure themselves in anie voiadge thither or that shall at anie tyme hereafter inhabitt in the precincts and territorie of the said Colonie as aforesaid, accordinge to such order, ordinaunces, constitution, directions and instruccions as by oure said Counsell, as aforesaid, shalbe established; and in defect thereof, in case of necessitie accordinge to the good discretions of the said governours and officers respectively, aswell in cases capitall and criminall as civill, both marine and other, so alwaies as the said statuts, ordinnances and proceedinges as neere as convenientlie maie be, be agreeable to the lawes, statutes, government and pollicie of this oure realme of England.

And we doe further of oure speciall grace, certeine knowledge and mere mocion, grant, declare and ordaine that such principall governour as from time to time shall dulia and lawfullie be aucthorised and appointed, in manner and forme in theis presents heretofore expressed, shall [have] full power and aucthoritie to use and exercise marshall lawe in cases of rebellion or mutiny in as large and ample manner as oure leiutenant in oure countyes within oure realme of England have or ought to have by force of their comissions of lieutenantancy. And furthermore, if anie person or persons, adventurers or planters, of the said Colonie, or anie other at anie time or times hereafter, shall transporte anie monyes, goods or marchaundizes oute of anie [of] oure kingdomes with a pretence or purpose to lande, sell or otherwise dispose the same within the lymitts and bounds of the said Collonie, and yet nevertheles beinge at sea or after he hath landed within anie part of the said Colonie shall carrie the same into anie other forraine Countrie, with a purpose there to sell and dispose there of that, then all the goods and chattels of the said person or persons so offendinge and transported, together with the shipp or vessell wherein such transportation was made, shalbe forfeited to us, oure heires and successors.

And further, oure will and pleasure is, that in all questions and doubts that shall arrise upon anie difficultie of construccion or interpretacion of anie thinge contained either in this or in oure said former lettres patents, the same shalbe taken and interpreted in most ample and beneficiall manner for the said Tresorer and Companie and their successors and everie member there of.

And further, wee doe by theis presents ratifie and confirme unto the said Tresorer and Companie and their successors all privileges, franchises, liberties and immunties graunted in oure said former lettres patents and not in theis oure lettres patents revoked, altered, channged or abridged.

And finallie, oure will and pleasure is and wee doe further hereby for us, oure heires and successors grannte and agree, to and with the said Tresorer and Companie and their successors, that all and singuler person and persons which shall at anie time or times hereafter adventure anie somme or sommes of money in and towards the said plantacion of the said Colonie in Virginia and shalbe

admitted by the said Counsell and Companie as adventurers of the said Colonie, in forme aforesaid, and shalbe enrolled in the booke or record of the adventurers of the said Companie, shall and maie be accompted, accepted, taken, helde and reputed Adventurers of the said Collonie and shall and maie enjoye all and singuler grannts, priviledges, liberties, benefitts, profitts, commodities [and immunities], advantages and emoluments whatsoever as fullie, largely, amplie and absolutely as if they and everie of them had ben precisely, plainly, singularly and distinctly named and inserted in theis oure lettres patents.

And lastely, because the principall effect which wee cann desier or expect of this action is the conversion and reduccion of the people in those partes unto the true worshipp of God and Christian religion, in which respect wee would be lothe that anie person should be permitted to passe that wee suspected to affect the superstitions of the Church of Rome, wee doe hereby declare that it is oure will and pleasure that none be permitted to passe in anie voiadge from time to time to be made into the saide countrie but such as firste shall have taken the oath of supremacie, for which purpose wee doe by these presents give full power and aucthoritie to the Tresorer for the time beinge, and anie three of the Counsell, to tender and exhibite the said oath to all such persons as shall at anie time be sent and imploied in the said voiadge.

Although expresse mention [of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants, by us or any of our progenitors or predecessors, to the aforesaid Treasurer and Company heretofore made, in these presents is not made; or any act, statute, ordinance, provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or provided, or any other thing, cause, or matter, whatsoever, in any wise notwithstanding.] In witnes whereof [we have caused these our letters to be made patent. Witness ourself at Westminster, the 23d day of May (1609) in the seventh year of our reign of England, France, and Ireland, and of Scotland the \*\*\*\*]

Per ipsum Regem exactum.

British Public Record Office, Chancery Patent Rolls (c. 66), 1796, 5; William Stith, *The History of the First Discovery and Settlement of Virginia* (Williamsburg, Printed

by William Parks, 1747; New York, 1865), Appendix, pp. 8-22 (1-32 in 1865 edition); William Waller Hening, comp., *The Statutes at Large; Being a Collection of All the Laws of Virginia, From the First Session of the Legislature, in the Year 1619* (13 vols., Richmond, 1809-23), I, 80-98. Hening obtained the full charter texts from Stith.

Scanned from *The Three Charters of the Virginia Company of London, with Seven Related Documents: 1606-1621*, edited and with an introduction by Samuel M. Bemiss (Williamsburg, Va., 350th Anniversary Celebration Corporation, 1957). This small volume contains the most complete and accurate texts of all the Virginia charters. The text of the charters is in the public domain and not protected by copyright. Included in this publication is the text of the documents and none of Mr. Bemiss's editorial notes. (Mr. Bemiss did point out some personal names that appear in Stith but not in the British Public Record Office copy.) Be aware that the scanned text is verbatim, with no correction of spelling errors or translation of archaic words into modern English.

# *The Third Charter*

*March 12, 1612*

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James, by the grace of God [King of England, Scotland, France and Ireland, Defender of the Faith;] to all to whom [these presents shall come,] greeting. Whereas at the humble suite of divers and sundry our loving subjects, aswell adventurers as planters of the First Colonie in Virginia, and for the propogacion of Christian religion and reclayminge of people barbarous to civilitie and humanitie, we have by our lettres patent bearing date at Westminster the three and twentieth daie of May in the seaventh yeare of our raigne of England, Franncce and Ireland, and the twoe and fortieth of Scotland, given and grannted unto them, that they and all suche and soe manie of our loving subjects as shold from time to time for ever after be joyned with them as planters or adventurers in the said plantacion, and their successors for ever, shold be one body politique incorporated by the name of The Treasurer and Planters of the Cittie of London for the First Colonie in Virginia;

And whereas allsoe for the greater good and benefitt of the said Companie and for the better furnishing and establishing of the said plantacion we did further [give], grannte and confirme by our said lettres patent unto the said Treasurer and Companie and their successors for ever, all those landes, contries and territories scituate, lyeing and being in that part of America called Virginia, from the point of land called Cape [or] Pointe Comfort all along the seacoste to the northward twoe hundred miles, and from the said point of Cape Comfort all along the seacoste to the sowthward twoe hundred miles, and all the space and circuit of land lying from the sea coste of the precinct aforesaid up or into the land throughout from sea to sea, west and northwest, and allso all the islandes lying within one hundred miles along the coast of both the seas of the precinct aforesaid, with diverse other grannts, liberties, franchises, preheminences, privileges, profiitts, benefitts, and commodities, grannted in and by our said lettres patent to the said Tresorer and Companie, and their successors, for ever:

Now for asmuchas we are given to undestande that in these seas adjoining to the said coast of Virginia and without the compasse of those twoe hundred miles by us soe grannted unto the said Treasurer and Companie as aforesaid, and yet not farr distant from the said Colony in Virginia, there are or may be divers islandes lying desolate and uninhabited, some of which are already made

knowne and discovered by the industry, travell, and expences of the said Company, and others allsoe are supposed to be and remaine as yet unknowen and undiscovered, all and every of which itt maie importe the said Colony both in safety and pollecy of trade to populate and plant, in regard where of, aswell for the preventing of perill as for the better comodity and prosperity of the said Colony, they have bin humble suitors unto us that we wold be pleased to grannt unto them an inlargement of our said former lettres patent, aswell for a more ample extent of their limitts and territories into the seas adjoining to and uppon the coast of Virginia as allsoe for some other matters and articles concerning the better government of the said Company and Collony, in which point our said former lettres patents doe not extende soe farre as time and experience hath found to be needfull and convenient:

We, therefore, tendring the good and happy successe of the said plantacion both in respect of the generall weale of humane society as in respect of the good of our owne estate and kingedomes, and being willing to give furtherannt untoall good meanes that may advanncce the benefitt of the said Company and which maie secure the safety of our loving subjects, planted in our said Colony under the favour and proteccion of God Almighty and of our royall power and authority, have therefore of our especiall grace, certein knowledge and mere mocion, given, grannted and confirmed, and for us, our heires and successors we doe by theis presents, give, grannt and confirme unto the said Treasurer and Company of Adventurers and Planters of the said City of London for the First Colony in Virginia, and to their heires and successors for ever, all and singuler the said iselandes [whatsoever] scituat and being in anie part of the said ocean bordering upon the coast of our said First Colony in Virginia and being within three hundred leagues of anie the partes hertofore grannted to the said Treasurer and Company in our said former lettres patents as aforesaid, and being within or betweene the one and fortie and thirty degrees of Northerly latitude, together with all and singuler [soils] landes, groundes, havens, ports, rivers, waters, fishinges, mines and mineralls, aswell royal mines of gold and silver as other mines and mineralls, perles, precious stones, quarries, and all and singuler other commodities, jurisdiccions, royalties, priviledges, franchises and preheminences, both within the said tract of lande uppon the maine and allso within the said iselandes

and seas adjoining, whatsoever, and thereunto or thereabouts both by sea and land being or situated; and which, by our letters patents, we may or can grant and in as ample manner and sort as we or any our noble progenitors have heretofore granted to any person or persons or to any Company, body politique or corporate or to any adventurer or adventurers, undertaker or undertakers of any discoveries, plantations or traffique, of, in, or into any foreign parts whatsoever, and in as large and ample manner as if the same were herein particularly named, mentioned and expressed: provided always that the said islands or any the premises herein mentioned and by this presents intended and meant to be granted be not already actually possessed or inhabited by any other Christian prince or estate, nor be within the bounds, limits or territories of the Northern Colonie, heretofore by us granted to be planted by divers of our loving subjects in the north partes of Virginia. To have and to hold, possess and enjoy all and singular the said islands in the said ocean seas so lying and bordering upon the coast or coasts of the territories of the said First Colonie in Virginia as aforesaid, with all and singular the said soiles, lands and grounds and all and singular other the premises heretofore by this presents granted, or mentioned to be granted, to them, the said Treasurer and Company of Adventurers and Planters of the Cittie of London for the First Colonie in Virginia, and to their heirs, successors and assigns for ever, to the sole and proper use and behoofe of them, the said Treasurer and Company and their heirs, successors and assigns for ever; to be holden of us, our heirs and successors as of our manor of Eastgreenwich, in free and common socage and not in capite, yielding and paying therefore, to us, our heirs and successors, the fift part of the oare of all gold and silver which shall be there gotten, had or obtained for all manner of services, whatsoever.

And further our will and pleasure is, and we do by this presents grant and confirme for the good and welfare of the said plantation, and that posterity may hereafter knowe whoe have adventured and not bin sparing of their purses in such a noble and generous action for the generall good of their cuntry, and at the request and with the consent of the Company afore said, that our trusty and welbelovd subjects.

George, Lord Archbishop of Canterbury  
Gilbert, Earle of Shrewsbury  
Mary, Countesse of Shrewes  
Elizabeth, Countesse of Derby  
Margarett, Countesse of Comberland  
Henry, Earle of Huntingdon  
Edward, Earle of Bedford  
Lucy, Countesse of Bedford  
Marie, Countesse of Pembroke  
Richard, Earle of Clanrickard  
Lady Elizabeth Graie  
William, Lord Viscount Crambome  
William, Lord Bishop of Duresme  
Henry, Lord Bishop of Worcester  
John, Lord Bishop of Oxonford  
William, Lord Pagett  
Dudley, Lord North  
Francis, Lord Norries  
William, Lord Knollis  
John, Lord Harrington  
Robert, Lord Spencer  
Edward, Lord Denny  
William, Lord Cavendish  
James, Lord Hay  
Elleanor, Lady Cave [Carre]  
Maistres Elizabeth Scott, widow  
Edward Sackvill, Esquier  
Sir Henry Nevill, of Aburgavenny, Knight  
Sir Robert Riche, Knight  
Sir John Harrington, Knight  
Sir Raphe Wimwood, Knight  
Sir John Graie, Knight  
Sir Henry Riche, Knight  
Sir Henry Wotton, Knight  
Peregrine Berly, Esquier [Berty]  
Sir Edward Phelipps, Knight, Maister of the Rolls  
Sir Moile Finche, Knight  
Sir Thomas Mansell, Knight  
Sir John St. John, Knight  
Sir Richard Spencer, Knight  
Sir Francis Barrington, Knight  
Sir George Carie of Devonshire, Knight  
Sir William Twisden, Knight  
Sir John Leveson, Knight  
Sir Thomas Walsingham, Knight  
Sir Edward Care, Knight  
Sir Arthure Manwaringe, Knight

Sir Thomas Jermyn, Knight  
Sir Valentine Knightley, Knight  
Sir John Dodderidge, Knight  
Sir John Hungerford, Knight  
Sir John Stradling, Knight  
Sir John Bouchidd, Knight [Bourchier]  
Sir John Bennett, Knight  
Sir Samuel Leonard, Knight  
Sir Franncis Goodwin, Knight  
Sir Wareham St. Legier, Knight  
Sir James Scudamore, Knight  
Sir Thomas Mildmaie, Knight  
Sir Percivall Harte, Knight  
Sir Percivall Willoughby, Knight  
Sir Franncis Leigh, Knight  
Sir Henry Goodere, Knight  
Sir John Cutt, Knight  
Sir James Parrett, Knight  
Sir William Craven, Knight  
Sir John Sammes, Knight  
Sir Carey Raleigh, Knight  
Sir William Maynard, Knight  
Sir Edmund Bowyer, Knight  
Sir William Cornewallis, Knight  
Sir Thomas Beomont, Knight  
Sir Thomas Cunningsby, Knight  
Sir Henry Beddingfeild, Knight  
Sir David Murray, Knight  
Sir William Poole, Knight  
Sir William Throgmorton, Knight  
Sir Thomas Grantham, Knight  
Sir Thomas Stewkley, Knight  
Sir Edward Heron, Knight  
Sir Ralph Shelten, Knight  
Sir Lewes Thesam, Knight  
Sir Walter Aston, Knight  
Sir Thomas Denton, Knight  
Sir Ewstace Hart, Knight  
Sir John Ogle, Knight  
Sir Thomas Dale, Knight  
Sir William Boulstrod, Knight  
Sir William Fleetwood, Knight  
Sir John Acland, Knight  
Sir John Hanham, Knight  
Sir Roberte Meller, Knight [Millor]  
Sir Thomas Wilford, Knight  
Sir William Lower, Knight

Sir Thomas Lerdes, Knight [Leedes]  
Sir Franncis Barneham, Knight  
Sir Walter Chate, Knight  
Sir Thomas Tracy, Knight  
Sir Marmaduke Darrell, Knight  
Sir William Harrys, Knight  
Sir Thomas Gerrand, Knight  
Sir Peter Freetchvile, Knight  
Sir Richard Trevor, Knight  
Sir Amias Bamfeild  
Sir William Smith of Essex, Knight  
Sir Thomas Hewett, Knight  
Sir Richard Smith, Knight  
Sir John Heyward, Knight  
Sir Christopher Harris, Knight  
Sir John Pettus, Knight  
Sir William Strode, Knight  
Sir Thomas Harfleet, Knight  
Sir Walter Vaughan, Knight  
Sir William Herrick, Knight  
Sir Samuel Saltonstall, Knight  
Sir Richard Cooper, Knight  
Sir Henry Fane, Knight  
Sir Franncis Egiok, Knight  
Sir Robert Edolph, Knight  
Sir Arthure Harries, Knight  
Sir George Huntley, Knight  
Sir George Chute, Knight  
Sir Robert Leigh, Knight  
Sir Richard Lovelace, Knight  
Sir William Lovelace, Knight  
Sir Robert Yaxley, Knight  
Sir Franncis Wortley, Knight  
Sir Franncis Heiborne, Knight  
Sir Guy Palme, Knight  
Sir Richard Bingley, Knight  
Sir Ambrose Turvill, Knight  
Sir Nicholas Stoddard, Knight  
Sir William Gree, Knight  
Sir Walter Coverte, Knight  
Sir Thomas Eversfeild, Knight  
Sir Nicholas Parker, Knight  
Sir Edward Culpeper, Knight  
Sir William Ayliffe, Knight, and  
Sir John Keile, Knight  
Doctor George Mountaine, Dean of Westminster  
Lawrence Bohan, Docktor in Phisick

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Anthony Hinton, Doctor in Phisick  
John Pawlett  
Arthure Ingram  
Anthony Irby  
John Weld  
John Walter  
John Harris  
Anthony Dyott  
William Ravenscrofte  
Thomas Warre  
William Hackwill  
Lawrence Hide  
Nicholas Hide  
Thomas Stevens  
Francis Tate  
Thomas Coventry  
John Hare  
Robert Askwith  
George Sann dys  
Francis Jones  
Thomas Wentworth  
Henry Cromewell  
John Arundell  
John Culpeper  
John Hoskins  
Walter Fitz Williams  
Walter Kirkham  
William Roscarrock  
Richard Carmerdon  
Edward Carne  
Thomas Merry  
Nicholas Lichfeild  
John Middleton  
John Smithe, and  
Thomas Smith, the sonnes of Sir Thomas Smith  
Peter Franke  
George Gerrand  
Gregory Sprynte  
John Drake  
Roger Puleston  
Oliver Nicholas  
Richard Nunnington [Monyngton]  
John Vaughan  
John Evelin  
Lamorock Stradling  
John Riddall  
John Kettleby

Warren Townsend  
Lionell Cranfeild  
Edward Salter  
William Litton  
Humfrey May  
George Thorpe  
Henry Sandys, and  
Edwin Sandys, the sonnes of Sir Edwin Sandys  
Thomas Conway  
Captaine Owen Gwinn  
Captaine Giles Hawkridge  
Edward Dyer  
Richard Connock  
Benjamin Brand  
Richard Leigh, and  
Thomas Pelham, Esquiers  
Thomas Digges, and  
John Digges, Esquiers, the sonnes of  
Sir Dudley Diggs,  
Francis Bradley  
Richard Buckminster [Buck]  
Francis Burley  
John Procter  
Thomas Frake, thelder, and  
Henry Freake, thelder, Ministers of God's word  
The mayor and citizens of Chichester  
The mayor and jurates of Dover  
The bailiffs, burgesses and comonalty of Ipswich  
The mayor and comonalty of Lyme Regis  
The mayor and comonalty of Sandwich  
The wardens, assistants and companie of the  
Trinity House  
Thomas Martin  
Francis Smaleman  
Augustine Steward  
Richard Tomlins  
Humfrey Jobson  
John Legate  
Robert Backley [Barkley]  
John Crowe  
Edward Backley [Barkley]  
William Flett [Fleet]  
Henry Wolstenholme  
Edmund Alleyn  
George Tucker  
Francis Glanville  
Thomas Gouge

John Evelin  
William Hall  
John Smithe  
George Samms  
John Robinson  
William Tucker  
John Wolstenholme, and  
    Henry Wolstenholme, sonnes of  
John Wolstenholme, Esquier  
William Hodges  
Jonathan Mattall [Nuttall]  
Phinees Pett  
Captaine John Kinge  
Captaine William Beck  
Giles Alington  
Francis Heiton, and  
Samuell Holliland, gentleman  
Richard Chamberlaine  
George Chamberlaine  
Hewett Staper  
Humfrey Handford  
Raph Freeman  
George Twinhoe [Swinhoe]  
Richard Pigott  
Elias Roberts  
Roger Harris  
Devereux Wogan  
Edward Baber  
William Greenewell  
Thomas Stilles  
Nicholas Hooker  
Robert Garsett  
Thomas Cordell  
William Bright  
John Reynold  
Peter Bartley  
John Willett  
Humfry Smithe  
Roger Dye  
Nicholas Leate  
Thomas Wale  
Lewes Tate  
Humfrey Merrett  
Roberte Peake  
Powell Isaackson  
Sebastian Viccars  
Jarvis Mundes

Richard Wamer  
Gresham Hogan Warner  
Daniell Deruley  
Andrew Troughton  
William Barrett  
Thomas Hodges  
John Downes  
Richard Harper  
Thomas Foxall  
William Haselden  
James Harrison  
William Burrell  
John Hodsall  
Richard Fisborne  
John Miller  
Edward Cooke  
Richard Hall, marchaunt  
Richard Hall, ankersmith  
John Delbridge  
Richard Francklin  
Edmund Scott  
John Britten  
Robert Strat  
Edmund Pond  
Edward James  
Robert Bell  
Richard Herne  
William Ferrers  
William Millett  
Anthony Abdy  
Roberte Gore  
Benjamin Decrow  
Henry Tunbedey [Timberly]  
Humfrey Basse  
Abraham Speckart  
Richard Moorer  
William Compton  
Richard Poulsoune [Pontsonne]  
William Wolaston  
John Desmont, clothier [Beomont]  
Alexander Childe  
William Fald, fishmonger  
Francis Baldwin  
John Jones, marchant  
Thomas Plomer  
Edward Plomer, marchants  
John Stoickden

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Robert Tindall  
Peter Erundell  
Ruben Bourne  
Thomas Hampton, and  
Francis Carter, citizens of London,

whoe since our said last lettres patent are become adventurers and have joined themselves with the former adventurers and planters of the said Companie and societie, shall from henceforth be reputed, deemed and taken to be and shalbe brethren and free members of the Companie and shall and maie, respectively, and according to the proportion and value of their severall adventures, have, hold and enjoie all suche interest, right, title, priviledges, prehemincences, liberties, franchises, immunities, profitts and commodities whatsoever in as lardge, ample and beneficiall manner to all intents, cononstruccions and purposes as anie other adventures nominated and expressed in anie our former lettres patent, or anie of them have or maie have by force and vertue of theis presents, or anie our former lettres patent whatsoever.

And we are further pleased and we doe by theis presents grannt and confirm that

Phillipp, Earle of Montgomery  
William, Lord Paget  
Sir John Harrington, Knight  
Sir William Cavendish, Knight  
Sir John Sammes, Knight  
Sir Samuell Sandys, Knight  
Sir Thomas Freke, Knight  
Sir William St. John, Knight  
Sir Richard Grobham, Knight  
Sir Thomas Dale, Knight  
Sir Cavalliero Maycott, Knight  
Richard Martin, Esquier  
John Bingley, Esquier  
Thomas Watson, Esquier, and  
Arthure Ingram, Esquier,

whome the said Treasurer and Companie have, since the said [last] lettres patent, nominated and sett downe as worthy and discrete persons fitt to serve us as Counsellors, to be of our Counsell for the said plantacion, shalbe reputed, deemed and taken as persons of our said Councell for the said First Colonie in such manner and sort to all intents and purposes as those whoe have bin formerly

ellected and nominated as our Counsellors for that Colonie and whose names have bin or are incerted and expressed in our said former lettres patent.

And we doe hereby ordaine and grannt by theis presents that the said Treasurer and Companie of Adventurers and Planters, aforesaid, shall and maie, once everie weeke or oftener at their pleasure, hold and keepe a court and assembly for the better ordening [ordering] and government of the said plantacion and such thinges as shall concerne the same; and that anie five persons of the said Counsell for the said First Collonie in Virginia, for the time being, of which Companie the Treasurer or his deputie allwaies to be one, and the number of fiteene others at the least of the generality of the said Companie assembled together in such court or assembly in such manner as is and hath bin heretofore used and accustomed, shalbe said, taken, held and reputed to be and shalbe a full and sufficient court of the said Companie for the handling, ordning and dispatching of all such casuall and particuler occurrences and accidentall matters of lesse consequence and waight, as shall from time to time happen, touching and concerning the said plantacion.

And that, nevertheles, for the handling, ordning and disposing of matters and affaires of great waight and importance and such as shall or maie in anie sort concerne the weale publike and generall good of the said Companie and plantacion as namely, the manner of government from time to time to be used, the ordning and disposing of the said possessions and the setling and establishing of a trade there, or such like, there shalbe held and kept everie yeare uppon the last Wednesdaie save one of Hillary, Easter, Trinity and Michaelmas termes, for ever, one great, generall and solemne assembly, which fower severall assemblies shalbe stiled and called The Fower Great and Generall Courts of the Counsell and Companie of Adventurers for Virginia; in all and every of which said great and generall Courts soe assembled our will and pleasure is and we doe, for us, our heires and successors forever, give and grannt to the said Treasurer and Companie and their successors for ever by theis presents, that they, the said Treasurer and Companie or the greater number of them soe assembled, shall and maie have full power and authoritie from time to time and att all times hereafter to ellect and choose discreet persons to be of our [said] Counsell for the said First Colonie in Virginia and

to nominate and appoint such officers as theie shall thinke fitt and requisite for the government, managing, ording and dispatching of the affaires of the said Companie; and shall likewise have full power and authority to ordaine and make such lawes and ordinances for the good and wellfare of the said plantacion as to them from time to time shalbe thought requisite and meete: soe allwaies as the same be not contrary to the lawes and statutes of this our realme of England; and shall in like manner have power and authority to expulse, disfranchise and putt out of and from their said Companie and societie for ever all and everie such person and persons as having either promised or subscribed their names to become adventurers to the said plantacion of the said First Colonie in Virginia, or having bin nominated for adventurers in theis or anie our lettres patent or having bin otherwise admitted and nominated to be of the said Companie, have nevertheles either not putt in anie adventure [at] all for and towards the said plantacion or els have refused and neglected, or shall refuse and neglect, to bringe in his or their adventure by word or writing promised within sixe monthes after the same shalbe soe payable and due.

And wheras the failing and nonpayment of such monies as have bin promised in adventure for the advancement of the said plantacion hath bin often by experience found to be danngerous and prejudiciall to the same and much to have hindred the progresse and proceeding of the said plantacion; and for that itt seemeth to us a thing reasonable that such persons as by their handwriting have engaged themselves for the payment of their adventures, and afterwards neglecting their faith and promise, shold be compellable to make good and kepe the same; therefore our will and pleasure is that in anie suite or suites comenced or to be comenced in anie of our courts att Westminster, or elsewhere, by the said Treasurer and Companie or otherwise against anie such persons, that our judges for the time being both in our Court of Channcrie and at the common lawe doe favour and further the said suits soe farre forth as law and equitie will in anie wise suffer and permitt.

And we doe, for us, our heires and successors, further give and grannt to the said Tresorer and Companie, and their successors for ever, that theie, the said Tresorer and Companie or the greater part of them for the time being,

so in a full and generall court assembled as aforesaid shall and maie, from time to time and att all times hereafter, for ever, ellect, choose and permitt into their Companie and societie anie person or persons, as well straungers and aliens borne in anie part beyond the seas wheresoever, being in amity with us, as our naturall liedge subjects borne in anie our realmes and dominions; and that all such persons soe elected, chosen and admitted to be of the said Companie as aforesaid shall thereupon be taken, reputed and held and shalbe free members of the said Companie and shall have, hold and enjoie all and singuler freedoms, liberties, franchises, priviledges, immunities, benefitts, profitts and commodities, whatsoever, to the said Companie in anie sort belonging or apperteining as fully, freely [and] amplie as anie other adventurer or adventurers now being, or which hereafter att anie time shalbe, of the said Companie, hath, have, shall, maie, might or ought to have or enjoy the same to all intents and purposes whatsoever.

And we doe further of our speciall grace, certaine knowledge and mere mocion, for us, our heires and successors, give and grantt to the said Tresorer and Companie and their successors, for ever by theis present, that itt shalbe lawfull and free for them and their assignes att all and everie time and times hereafter, out of anie our realmes and dominions whatsoever, to take, lead, carry and transport in and into the said voyage and for and towards the said plantacion of our said First Collonie in Virginia, all such and soe manie of our loving subjects or anie other straungers that will become our loving subjects and live under our allegiance as shall willingly accompanie them in the said voyage and plantacion; with shipping, armour, weapons, ordinannce, munition, powder, shott, victualls, and all manner of merchandizes and wares, and all manner of clothing, implement, furniture, beasts, cattell, horses, mares, and all other thinges necessarie for the said plantacion and for their use and defence, and for trade with the people there and in passing and retourning to and froe, without paying or yealding anie subsedie, custome or imposition, either inward or outward, or anie other dutie to us, our heires or successors, for the same, for the space of seven yeares from the date of theis present.

And we doe further, for us, our heires and successors, give and grannt to the said Treasurer and Companie and their successors for ever, by theis present, that the said Treasurer of the said Companie, or his deputie for the time being or anie twoe others of our said Counsell for the said First Colonie in Virginia for the time being, shall and maie attall times hereafter and from time to time, have full power and authoritie to minister and give the oath and oathes of supremacie and allegiannce, or either of them, to all and every person and persons which shall, at anie time and times hereafter, goe or passe to the said Colonie in Virginia:

And further, that itt shalbe likewise lawfull for the said Tresorer, or his deputy for the time, or anie twoe others of our said Counsell for the said First Colonie in Virginia, for the time being, from time to time and att all times hereafter, to minister such a formall oathe as by their discrecion shalbe reasonably devised, aswell unto anie person or persons employed or to be employed in, for, or touching the said plantacion for their honest, faithfull and just dischargde of their service in all such matters as shalbe committed unto them for the good and benefitt of the said Company, Colonie and plantacion; as alsoe unto such other person or persons as the said Treasurer or his deputie, with twoe others of the said Counsell, shall thinke meete for the examinacion or clearing of the truth in anie cause whatsoever concerninge the said plantacion or anie business from thence proceeding or there unto proceeding or thereunto belonging.

And, furthermore, whereas we have ben certiefed that diverse lewde and ill disposed persons, both sailors, souldiers, artificers, husbandmen, laborers, and others, having received wages, apparrell or other entertainment from the said Company or having contracted and agreed with the said Companie to goe, to serve, or to be employed in the said plantacion of the said First Colonie in Virginia, have afterwards either withdrawn, hid or concealed themselves, or have refused to goe thither after they have bin soe entertained and agreed withall; and that divers and sundry persons allso which have bin sent and employed in the said plantacion of the said First Colonie in Virginia at and upon the chardge of the said Companie, and having there misbehaved themselves by mutinies, sedition, and other notorious misdemeanors, or having bin employed or sent abroad by the governor of Virginia

or his deputie with some ship or pinnace for provisions for the said Colonie, or for some discoverie or other buisines and affaires concerning the same, have from thence most trecherouslie either come back againe and returned into our realme of England by stelth or without licence of our Governor of our said Colonie in Virginia for the time being, or have bin sent hither as misdoers and offenders; and that manie allsoe of those persons after their retourne from thence, having bin questioned by our said Counsell here for such their misbehaviors and offences, by their insolent and contemptuous carriage in the presence of our said Counsaile, have shewed little respect and reverence, either to the place or authoritie in which we have placed and appointed them; and others, for the colouring of their lewdnes and misdemeanors committed in Virginia, have endeavored them by most vile and slanndrous reports made and divulged, aswell of the cuntrie of Virginia as alsoe of the government and estate of the said plantacion and Colonie, as much as in them laie, to bring the said voyage and plantacion into disgrace and contempt; by meanes where of not only the adventures and planters alreadie ingaged in the said plantacion have bin exceedingly abused and hindred, and a greate number of other our loving and welldisposed subjects otherwise well affected and inclyning to joine and adventure insoe noble, Christian and worthie an action have bin discouraged from the same, but allsoe the utter overthrow and ruine of the said enterprise hath bin greatlie indangered which cannott miscarrie without some dishonor to us and our kingdome;

Now, for asmuch as it appeareth unto us that theis insolences, misdemeanors and abuses, not to be tollerated in anie civill government, have for the most part growne and proceeded inregard of our Counsaile have not anie direct power and authoritie by anie expresse wordes in our former lettres patent to correct and chastise such offenders, we therefore, for the more speedy reformation of soe greate and enormous abuses and misdemeanors heretofore practised and committed, and for the preventing of the like hereafter, doe by theis present for us, our heires and successors, give and grannt to the said Treasurer and Companie, and their successors for ever, that itt shall and maie be lawfull for our said Councell for the said First Colonie in Virginia or anie twoe of them, whereof the said Tresorer or his deputie for the time being to be allwaies one by warrant under their handes to

send for, or cause to be apprehended, all and every such person and persons who shalbe noted or accused or found, att anie time or times here after, to offend or misbehave themselves in anie the offences before mencioned and expressed; and uppon the examinacion of anie such offender or offenders and just prooffe made by oath taken before the Counsaile of anie such notorious misdemeanors by them committed as aforesaid; and allsoe uppon anie insolent, contemptuous or unreverent carriage and misbehavior to or against our said Counsell shewed or used by anie such person or persons soe called, convented and appearing before them as aforesaid; that in all such cases theie, our said Counsell or anie twoe of them for the time being, shall and maie have full power and authoritie either here tO binde them over with good suerties for their good behaviour and further therein to proceed to all intents and purposes, as itt is used in other like cases within our realme of England; or ells att their discrecion to remannd and send back the said offenders or anie of them unto the said Colonie in Virginia, there to be proceeded against and punished as the Governor, deputie and Counsell there for the time being shall thinke meete; or otherwise, according to such lawes and ordinannces as are or shalbe in use there for the well ordring and good government of the said Colonie.

And, for the more effectuall advanncing of the said plantacion, we doe further, for us, our heires and successors, of our especiall grace and favour, by vertue of our prorogative royall and by the assent and consent of the Lordes and others of our Privie Counsaile, give and grannte unto the said Tresorer and Companie full power and authoritie, free leave, libertie and licence to sett forth, erreect and publishe one or more lotterie or lotteries to have continuance and to [endure] and be held for the space of one whole yeare next after the opening of the same, and after the end and expiration of the said terme the said lotterie or lotteries to continue and be further kept, during our will and pleasure onely and not otherwise. And yet, nevertheles, we are contented and pleased, for the good and wellfare of the said plantacion, that the said Tresorer and Companie shall, for the dispatch and finishing of the said lotterie or lotteries, have six months warninge after the said yeare ended before our will and pleasure shall, for and on that behalfe, be construed, deemed and adjudged to be in anie wise altered and determined.

And our further will and pleasure is that the said lottery or lottaries shall and maie be opened and held within our cittie of London or in anie other cittie or citties, or ellswhiare within this our realme of England, with such prises, articles, condiciones and limitacions as to them, the said Tresorer and Companie, in their discreascions shall seeme convenient.

And that itt shall and may be lawfull to and for the said Tresorer and Companie to ellect and choose receivers, auditors, surveyors, comissioners, or anie other officers whatsoever, att their will and pleasure for the better marshalling and guiding and governing of the said lottarie or lottaries; and that itt shalbe likewise lawfull to and for the said Tresorer and anie twoe of the said Counsell to minister unto all and everie such persons soe ellected and chosen for officers as aforesaid one or more oathes for their good behaviour, just and true dealing in and about the lottarie or lottaries to the intent and purpose that none of our loving subjects, putting in their monies or otherwise adventuring in the said generall lotterie or lotteries, maie be in anie wise defrauded and deceived of their said monies or evill and indirectlie dealt withall in their said adventures.

And we further grannt in manner and forme aforesaid, that itt shall and maie be lawfull to and for the said Treasurer and Companie, under the seale of our Counsell for the plantacion, to publishe or to cause and procure to be published by proclamacion or otherwise, the said proclamacion to be made in their name by vertue of these present, the said lottarie or lotteries in all citties, townes, boroughs, throughfares and other places within our said realme of England; and we will and commande all mayors, justices of peace, sheriffs, bayliffs, constables and other our officers and loving subjects whatsoever, that in noe wise theie hinder or delaiie the progresse and proceeding of the said lottarie or lottaries but be therein and, touching the premisses, aiding and assisting by all honest, good and lawfull meanes and endeavours.

And further our will and pleasure is that in all questions and dobts that shall arise uppon anie difficultie of construccion or interpretacion of anie thing contained in theis or anie other our former lettres patent the same shalbe taken and interpreted in most ample and beneficiall

manner for the said Tresorer and Companie and their successors and everie member there of.

And lastly we doe by this present retifie and confirme unto the said Tresorer and Companie, and their successors for ever, all and all manner of priviledges, franchises, liberties, immunities, preheminences, profitts and commodities whatsoever grannted unto them in anie our [former] lettres patent and not in theis present revoked, altered, channged or abridged. Although expresse mencion [of the true yearly value or certainty of the premises, or any of them, or of any other gift or grant, by us or any of our progenitors or predecessors, to the aforesaid Tresurer and Company heretofore made, in these Presents is not made; or any statute, act, ordinance, provisions, proclamation, or restraint, to the contrary thereof heretofore made, ordained, or provided, or any other matter, cause, or thing, whatsoever, to the contrary, in any wise, notwithstanding.]

In witnes whereof [we have caused these our letters to be made patents.] Wittnes our selfe att Westminster, the twelveth daie of March [1612] [in the ninth year of our reign of England, France, and Ireland, and of Scotland the five and fortieth.]

Per breve de privato sigillo, etc.

British Public Record Office, Chancery Patent Rolls (c. 66), 1709; William Stith, *The History of the First Discovery and Settlement of Virginia* (Williamsburg, Printed by William Parks, 1747; New York, 1865), Appendix, pp. 23-32 (1-32 in 1865 edition); William Waller Hening, comp., *The Statutes at Large; Being a Collection of All the Laws of Virginia, From the First Session of the Legislature, in the Year 1619* (13 vols., Richmond, 1809-23), I, 98-110. Hening obtained the full charter texts from Stith.

Scanned from *The Three Charters of the Virginia Company of London, with Seven Related Documents: 1606-1621*, edited and with an introduction by Samuel M. Bemiss (Williamsburg, Va., 350th Anniversary Celebration Corporation, 1957). This small volume contains the most complete and accurate texts of all the Virginia charters. The text of the charters is in the public domain and not protected by copyright. Included in this publication is the text of the documents and none of Mr. Bemiss's

editorial notes. (Mr. Bemiss did point out some personal names that appear in Stith but not in the British Public Record Office copy.) Be aware that the scanned text is verbatim, with no correction of spelling errors or translation of archaic words into modern English.

