

Resource Sheet #5

Selected Excerpts from the Maryland Constitution (Teachers Copy)

A Declaration of Rights, and the Constitution and Form of Government agreed to by the Delegates of Maryland, in Free and Full Convention Assembled.

A DECLARATION OF RIGHTS, &C.

THE parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the Colonies in all cases whatsoever, and, in pursuance of Rich claim, endeavored, by force of arms, to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent States, and to assume government under the authority of the people; Therefore we, the Delegates of Maryland, in free and full Convention assembled, taking into our most serious consideration the best means of establishing a good Constitution in this State, for the sure foundation and more permanent security thereof, declare,

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

(Ask the students who they think “the whole” refers to. Does it include slaves?)

V. That the right in the people to participate in the Legislature is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man, having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

(Discuss property qualifications to vote, and point out that while slaves could not vote, as they were property, owning them did qualify someone as a property holder who could vote. Explain that this law has changed.)

VIII. That freedom of speech and debates, or proceedings in the Legislature, ought not to be impeached in any other court or judicature.

(Again ask the students whether they think that this applied to slaves as well.)

XVII. That every freeman, for any injury done him in his person or property, ought to have remedy, by the course of the law of the land, and ought to have justice and right freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

AND

XXI. That no freeman ought to be taken, or imprisoned, or disowned of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

(Emphasize use of the word ‘freemen.’ This did not apply to slaves, who had no right to a trial and could not sue their masters in court. They could be arrested and held without trial and their masters had every right to deny them their freedom under the law.)

XXV. That a well-regulated militia is the proper and natural defence of a free government.

(Ask the students who they think the government needed to be defended from. Make sure they understand that one of the biggest fears was of slave insurrections, and that militias were expected to deter them or put them down if they arose.)