

Congress of the United States.

In the House of Representatives. Monday, August 24, 1789.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses deeming it necessary, that the following articles be proposed to the several states, as amendments to the constitution of the United States; all, or any of which articles, when ratified by three fourths of the said legislatures, to be valid, to all intents and purposes, as part of the constitution.

Articles in addition to, and amendment of the Constitution of the United States of America, proposed by Congress and ratified by the legislatures of the several States, pursuant to the 5th article of the original constitution.

Article I. After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representative *[sic]* *[the usual "nor less than one representative" is omitted either by mistake or for brevity's sake]* for every fifty thousand persons.

[First Amendment in the second draft: not ratified.]

Art. 2. No law varying the compensation to the members of Congress shall take effect, until an election of representatives shall have intervened.

[Second Amendment in the second draft: modified version ratified May 7, 1992 as the Twenty-Seventh Amendment.]

Art. 3. Congress shall make no law establishing religion, or prohibiting the free exercise thereof, nor shall the rights of conscience be infringed.

[Part of Third Amendment in the second draft: modified version ratified as part of the First Amendment]

Art. 4. The freedom of speech, and of the press, and the right of the people peaceably to assemble and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed.

[Part of Third Amendment in the second draft: modified version ratified as part of the First Amendment]

Art. 5. A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed, but no one religiously scrupulous of bearing arms, shall be compelled to render military service in person.

[Modified version is Fourth Amendment in the second draft: modified version ratified as the Second Amendment]

Art. 6. 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 prescribed by law.

[Fifth Amendment in the second draft: modified version ratified as the Third Amendment]

Art. 7. 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 *[partly trimmed: upon probable cause supported by oath or affirmation, and par-]* ticularly describing the place to be searched, and the persons or things to be seized.

[Sixth Amendment in the second draft: modified version ratified as the Fourth Amendment]

Art. 8. No person shall be subject, except in a case of impeachment, to more than one trial or one punishment for the same offence, nor shall be compelled in any criminal case, to be a witness against himself, 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.

[Part of Seventh Amendment in the second draft: modified version ratified as part of the Fifth Amendment]

Art. 9. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, 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 favour, and to have the assistance of counsel for his defence.

[Modified version is Eighth Amendment in the second draft: modified version ratified as part of the Sixth Amendment]

Art. 10. The trial of all crimes (except in cases of impeachment, and in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger) shall be by an impartial jury of the vicinage, with the requisite of unanimity for conviction; the right of challenge and other accustomed requisites; and no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment by a grand jury; but if a crime be committed in a place in the possession of an enemy, or in which an insurrection may prevail, the indictment and trial may by law be authorized in some other place within the same state.

[Modified version part of Seventh and Eighth Amendments in the second draft: modified version ratified as parts of the Fifth and Sixth Amendment]

Art. 11. No appeal to the Supreme Court of the United States shall be allowed, where the value in controversy shall not amount to one thousand dollars; nor shall any fact triable by a jury according to the course of common law, be otherwise re-examinable, than according to the rules of common law.

[Modified version is Ninth Amendment in the second draft; modified version ratified as part of the Seventh Amendment.]

Art. 12. In suits at common law, the right of trial by jury shall be preserved.

[Modified version part of Ninth Amendment in the second draft; ratified as the Seventh Amendment]

Art. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[Tenth Amendment in the second draft: ratified as the Eighth Amendment]

Art. 14. No state shall infringe the right of trial by jury in criminal cases, nor the rights of conscience, nor the freedom of speech, or of the press.

[Dropped in the second draft. Modified version passed by Congress on June 13, 1866; ratified July 9, 1868 as part of the fourteenth Amendment]

Art. 15. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

[Eleventh Amendment in the second draft: ratified as the Ninth Amendment]

Art. 16. The powers delegated by the constitution to the government of the United States, shall be exercised as therein appropriated, so that the legislative shall never exercise the powers vested in the executive or judicial; nor the executive the powers vested in the legislative or judicial; nor the judicial the powers vested in the legislative or executive.

[Dropped in the second draft.]

Art. 17. The powers not delegated by the constitution, nor prohibited by it to the states, are reserved to the states respectively.

[Modified version is Twelfth Amendment in second draft: ratified as the Tenth Amendment]

Ordered, that the Clerk of this house do carry to the senate a fair and engrossed copy of the said proposed articles of amendment, and desire their concurrence.

*Extract from the Journals,
John Beckley, Clerk.*

<https://www.sethkaller.com/item/182-First-Draft-of-the-Bill-of-Rights:-17-Amendments-Approved-by-the-House>