

A Note on Jefferson's Sources in Drafting the Declaration: Mason's Draft of the Virginia Declaration of Rights (June, 1776) and the English Bill of Rights (1689)

I. George Mason's Draft of the Virginia Declaration of Rights (June, 1776)

[One document that Jefferson had before him when he sat down to draft the Declaration of Independence was George Mason's draft of the Virginia Declaration of Rights, the first three paragraphs of which are set forth below. You can see how Jefferson drew upon Mason's draft in composing the preamble section of the Declaration of Independence]:

“A Declaration of Rights made by the Representatives of the good people of Virginia, assembled in full and free Convention; which Rights do pertain to them and their posterity, as the Basis and Foundation of Government.

“1. That all men are created equally free & independent, & have certain inherent natural Rights, of which they cannot, by any Compact, deprive or divest their posterity; among which are the Enjoyment of Life & Liberty, with the Means of acquiring & possessing property, & pursuing & obtaining Happiness & Safety.

“2. That all power is by God & Nature vested in, & consequently derived from the people; that Magistrates are their Trustees & Servants; and at all Times amenable to them.

“3. That Government is or ought to be, instituted for the common Benefit, protection & Security of the people, Nation, or Community. Of all the various Modes & Forms of Government that is best, which is capable of producing the greatest Degree of Happiness & Safety, & is most effectually secured against the Danger of Mal-Administration; and that whenever any Government shall be found inadequate or contrary to these purposes, a Majority of the Community hath an indubitable, unalienable, & indefeasible Right, to reform, alter, or abolish it, in such Manner as shall be judged most conducive to the public Weal. . . .”

II. The English Bill of Rights (1689)

[Another document that served as a primary source of inspiration for Jefferson was the English Bill of Rights of 1689 (see excerpts below), a document with which all the American colonists were familiar. Although the English Bill of Rights was an act of Parliament rather than as we understand that term a constitutional document, it represented to the colonists an important “constitutional” assertion of the fundamental rights and liberties of Englishmen. Notice how Jefferson drew upon this document – both on the basic structure and on some of the particular charges – in drafting the central indictment section of the Declaration of Independence.]

”An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown (1689)

“ . . . Whereas the late King James the Second, by the assistance of divers evil counsellors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom;

- By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament; By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power;**
- By issuing and causing to be executed a commission under the great seal for erecting a court called the Court of Commissioners for Ecclesiastical Causes;**
- By levying money for and to the use of the Crown by pretence of prerogative for other time and in other manner than the same was granted by Parliament;**
- By raising and keeping a standing army within this kingdom in time of peace without consent of Parliament, and quartering soldiers contrary to law;**
- By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;**
- By violating the freedom of election of members to serve in Parliament;**
- By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses;**
- And whereas of late years partial corrupt and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason which were not freeholders;**
- And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects;**
- And excessive fines have been imposed;**
- And illegal and cruel punishments inflicted . . .”**