

## VIII. FOUNDATIONS OF LAW, LESSON 7: ENUMERATED RIGHTS OF THE 50 STATE CONSTITUTIONS

### Alabama

#### **Ex Post Facto Laws; Impairment of Obligations of Contracts; Irrevocable or Exclusive Grants of Special Privileges or Immunities**

That no ex post facto law, nor any law, impairing the obligations of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the legislature; and every grant or franchise, privilege, or immunity shall forever remain subject to revocation, alteration, or amendment. **Alabama Const. art. 1, § 22.**

#### **Immigration, Emigration, and Exile**

That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled. **Alabama Const. art. 1, § 30.**

#### **Objective of Government**

That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression. **Alabama Const. art. 1, § 35.**

#### **Construction of Declaration of Rights**

That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate. **Alabama Const. art. 1, § 36.**

### Alaska

#### **Inherent Rights**

This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State. **Alaska Const. art. I, § 1.**

### Arizona

#### **Irrevocable Grants of Privileges, Franchises or Immunities**

No law granting irrevocably any privilege, franchise, or immunity shall be enacted. **Arizona Const. art. 2, § 9.**

## Arkansas

Allodial refers to a form of land ownership in which the owner has outright and complete ownership of the land, free from any superior landlord or sovereign authority. In an allodial system, the landowner has full and absolute rights to the property, including the right to transfer, sell, or bequeath it without any obligation to a feudal lord or the government.

This concept stands in contrast to feudal land tenure systems where landownership often involved a relationship of homage or allegiance to a higher authority. In an allodial system, the property is held without any obligations of feudal service or rent.

While the idea of allodial ownership has historical roots, many modern systems have evolved away from strict allodial ownership. In contemporary legal systems, land ownership often involves certain obligations to the government, such as property taxes or adherence to zoning regulations. However, the concept of allodial ownership continues to influence discussions on property rights and land tenure.

### Tenure of Lands

All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited. **Arkansas Const. art. 2, § 28.**

## Delaware

1. **No Hereditary Distinction:** People shouldn't receive special treatment or privileges just because of their family background. In other words, you can't get certain rights or jobs just because your family has always had them.
2. **Limited Terms for Offices:** If you're appointed to a job, you can't keep it indefinitely. Your term in the position is tied to your good behavior. If you're doing a good job, you can stay, but if your behavior isn't good, you may be removed.
3. **No Acceptance of Titles from Foreign Entities:** If you're working for the state (government), you can't take on any fancy titles or positions from kings, princes, or other countries. This is to make sure that the loyalty of people working for the state is solely to the state and not divided with other foreign powers.

### **Hereditary Distinctions; Holding Office during Good Behavior; Offices and Titles from Foreign States:**

No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this State shall accept of any office or title of any kind whatever from any king, prince, or foreign State.

**Delaware Const. art. 1, § 19.**

## Georgia

### **Benefit of Counsel; Accusation; List of Witnesses; Compulsory Process**

Every person charged with an offense against the laws of this state shall have the privilege and benefit of counsel; shall be furnished with a copy of the accusation or indictment and, on demand, with a list of the witnesses on whose testimony such charge is founded; shall have compulsory process to obtain the testimony of that person's own witnesses; and shall be confronted with the witnesses testifying against such person. **Georgia Const. art. I, § XIV.**

## Illinois

### **Right to Remedy and Justice**

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly. **Illinois Const. art. I, § 12.**

### **Fundamental Principles**

A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty. These blessings cannot endure unless the people recognize their corresponding individual obligations and responsibilities. **Illinois Const. art. I, § 23.**

## Indiana

### **Inherent Rights**

WE DECLARE, That all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an infeasible right to alter and reform their government. **Indiana Const. art. I, § 1.**

### **Freedom of Thought and Speech**

No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever: but for the abuse of that right, every person shall be responsible. **Indiana Const. art. I, § 9.**

## Maine

### **Right to Food**

All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food. **Maine Const. art. I, § 25.**

## Maryland

### Article 41

That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered. **Maryland Const. art. I, § 41.**

### Article 43

That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the People. The Legislature may provide that land actively devoted to farm or agricultural use shall be assessed on the basis of such use and shall not be assessed as if sub-divided. **Maryland Const. art. I, § 43.**

### Article 44

That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism. **Maryland Const. art. I, § 44.**

## Massachusetts

### Article I

All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness. **Massachusetts Const. part the first, art. I.**

### Article III

[As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

## COMMON LAW ACADEMY LESSON

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Any every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law. **Massachusetts Const. part the first, art. III.**

### Article IV

The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America in Congress assembled. **Massachusetts Const. part the first, art. IV.**

### Article V

All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them. **Massachusetts Const. part the first, art. V.**

### Article VI

No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural. **Massachusetts Const. part the first, art. VI.**

### Article VII

Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it. **Massachusetts Const. part the first, art. VII.**

### Article VIII

In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments. **Massachusetts Const. part the first, art. VIII.**

### Article XVIII

A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of

them, in the formation and execution of the laws necessary for the good administration of the commonwealth. **Massachusetts Const. part the first, art. XVIII.**

## **Article XIX**

The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer. **Massachusetts Const. part the first, art. XIX.**

## **Article XXIII**

No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature. **Massachusetts Const. part the first, art. XXIII.**

## **Article XXX**

In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men. **Massachusetts Const. part the first, art. XXX.**

## **New Hampshire**

### **Accountability of Magistrates and Officers; Public's Right to Know**

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted. The public also has a right to an orderly, lawful, and accountable government. Therefore, any individual taxpayer eligible to vote in the State shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision. In such a case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond his or her status as a taxpayer. However, this right shall not apply when the challenged governmental action is the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding. **New Hampshire Const. part the first, art. 8.**

### **Elections and Elective Franchises**

All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefore, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by

reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non-payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office. **New Hampshire Const. part the first, art. 11.**

## **Martial Law Limited**

No person can, in any case, be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature. **New Hampshire Const. part the first, art. 34.**

## **New York**

### **Security Against Unreasonable Searches, Seizures and Interceptions**

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.

The right of the people to be secure against unreasonable interception of telephone and telegraph communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof. **New York Const. art. 1, § 12.**

### **Labor Not a Commodity; Hours and Wages in Public Work; Right to Organize and Bargain Collectively**

Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.

No laborer, worker or mechanic, in the employ of a contractor or sub-contractor engaged in the performance of any public work, shall be permitted to work more than eight hours in any day or more than five days in any week, except in cases of extraordinary emergency; nor shall he or she be paid less than the rate of wages prevailing in the same trade or occupation in the locality within the state where such public work is to be situated, erected or used. Employees shall have the right to organize and to bargain collectively through representatives of their own choosing. **New York Const. art. 1, § 17.**

### **Environmental rights**

Each person shall have a right to clean air and water, and a healthful environment. **New York Const. art. 1, § 19.**

## North Carolina

"Law of the land" is a term that has historical significance and is often associated with legal principles related to due process and constitutional rights. Black's Law Dictionary, a widely used legal dictionary, defines "law of the land" as follows:

"Due process of law. Law in its regular course of administration through courts of justice."

The concept emphasizes that individuals are entitled to a fair and impartial legal process, and it is often linked to the idea that no person should be deprived of life, liberty, or property without the opportunity for a fair hearing and legal proceedings. The phrase is commonly found in constitutional and legal texts, particularly in the context of protections against arbitrary government actions.

### **Law of the Land; Equal Protection of the Laws**

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin. **North Carolina Const. art. 1, § 19.**

Habeas corpus is a legal term that translates to "you shall have the body" in Latin. It refers to a fundamental legal principle that protects an individual's right to personal liberty and safeguards against arbitrary detention or imprisonment.

The writ of habeas corpus is a legal order that requires a person who is detained or imprisoned to be brought before a court or judge. This allows the court to determine whether the detention is lawful or whether the individual's rights to liberty are being violated. The purpose of habeas corpus is to prevent unlawful or arbitrary detention, protecting individuals from being held without proper legal justification. Habeas corpus is considered a crucial element of the rule of law and is often viewed as a safeguard against government overreach or abuse of power. It is a fundamental right in many legal systems around the world and is enshrined in various constitutional and legal provisions. The use of habeas corpus helps ensure that individuals are not unlawfully deprived of their freedom and allows for a fair and transparent judicial review of their detention.

### **Inquiry into Restraints on Liberty**

Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended. **North Carolina Const. art. 1, § 21.**

## Texas

**Provisions of Bill of Rights Excepted from Powers of Government; to Forever Remain Inviolable** To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolable, and all laws contrary thereto, or to the following provisions, shall be void. **Texas Const. art. 1, § 29.**



## Utah

### **Provisions mandatory and prohibitory.**

The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise. **Utah Const. art. 1, § 26.**

## Vermont

### **Remedy at law secured to all**

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property or character; every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws. **Vermont Const. art. 1, § 4.**

### **Internal police**

That the people of this state by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same. **Vermont Const. art. 1, § 5.**

## Virginia

### **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. **Virginia Const. art. 1, § 3.**

### **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 advantages 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. **Virginia Const. art. 1, § 16.**

## Washington

### **OATHS - MODE OF ADMINISTERING.**

The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

**Washington Const. art. 1, § 6.**

## Wyoming

### **No Absolute, Arbitrary Power**

Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority. **Wyoming Const. art. 1, § 7.**

### **Right of health care access**

(a) Each competent adult shall have the right to make his or her own health care decisions. The parent, guardian or legal representative of any other natural person shall have the right to make health care decisions for that person.

(b) Any person may pay, and a health care provider may accept, direct payment for health care without imposition of penalties or fines for doing so.

(c) The legislature may determine reasonable and necessary restrictions on the rights granted under this section to protect the health and general welfare of the people or to accomplish the other purposes set forth in the Wyoming Constitution.

(d) The state of Wyoming shall act to preserve these rights from undue governmental infringement.

**Wyoming Const. art. 1, § 38.**

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*Real Law, Real Simple*