

Constitution of Massachusetts 1780

[The 1780 Constitution of the Commonwealth of Massachusetts, drafted by John Adams, is the world's oldest functioning written constitution. It served as a model for the United States Constitution, which was written in 1787 and became effective in 1789. <https://www.mass.gov/guides/john-adams-the-massachusetts-constitution>]

PART THE FIRST: A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Art. XV. In all **controversies** concerning property, and in all **suits** between two or more persons, **except in cases in which it has heretofore been otherways used and practised**, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in **causes** arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

PART THE SECOND: The Frame of Government

CHAPTER I.--THE LEGISLATIVE POWER

Section I.--The General Court

Article I. The department of legislation shall be formed by two branches, a senate and house of representatives; each of which shall have a negative on the other. The legislative body shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and shall be styled the General Court of Massachusetts.

Art. III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of **all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes, and things whatsoever**, arising or happening within the commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon; to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

CHAPTER III. Judiciary Power.

Art. II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court upon important questions of law, and upon solemn occasions.

Art. V. All **causes** of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.