

Historical Note: Tennessee Constitution of 1796

Drafted hastily by convention in the winter of 1796, Tennessee's first Constitution was sent to the seat of national government in Philadelphia for ratification in spring of that same year. The positions on individual rights and suffrage distinguish this Constitution from others of its time. All free adult men, regardless of race, who owned a freehold, were allowed to vote. Since land speculators were prominent among the framers of the constitution, it provided for "equal and uniform" taxation of land and slaves. Most authority was vested in the state legislature, while the actual powers of the governor were quite limited.

The Declaration of Rights, the constitution's most lengthy provision, reaffirmed ideas of political and individual rights espoused in the federal Bill of Rights. The Declaration asserted that since government was created "for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive to the good and happiness of mankind." (Article IX, Section 2nd). Included in the Declaration of Rights are the freedoms of religion, press, assembly and speech. Rights of the accused are particularly well-defined. Section 6th provides that only "judgment of his peers" or the "law of the land" could strip a citizen of life, liberty, or property. The accused were protected from double jeopardy (Section 10th) and excessive bail (Section 16th). Section 29th of the Declaration, specifying the inherent right to free and unhampered navigation of the Mississippi River, was of paramount concern to landlocked Tennessee settlers. The Declaration of Rights has remained a constant element in all subsequent Tennessee constitutions.