

**Bill of Rights
As Declared by
Brigadier General Stephen W. Kearny**

SEPTEMBER 22, 1846

That the great and essential principles of liberty and free government may be recognized and established it is hereby declared:

First. That all political power is vested in and belongs to the people.

Second. That the people have the right peaceably to assemble for their common good, and to apply to those in power for redress of grievances by petition or remonstrance.

Third. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience; that no person can ever be hurt, molested or restrained in his religious professions if he do not disturb others in their religious worship; and that all Christian churches shall be protected and none oppressed, and that no person on account of his religious opinions shall be rendered ineligible to any office of honor, trust or profit.

Fourth. That courts of justice shall be open to every person, just remedy given for every injury to person or property, and that right and justice shall be administered without sale, denial or delay, and that no private property shall be taken for public use without just compensation.

Fifth. That the right of trial by jury shall remain inviolate.

Sixth. That in all criminal cases the accused has the right to be heard by himself and counsel, to demand the nature and cause of the accusations, to have compulsory process for witnesses in his favor, to meet the witnesses against him face to face and to have a speedy trial by a jury of his county.

Seventh. That accused cannot be compelled to give evidence against himself or be deprived of life, liberty or property, but by a verdict of a jury and the laws of the land.

Eighth. That no person after having once been acquitted by a jury can be tried a second time for the same offense.

Ninth. That all persons shall be bailed by sufficient sureties, except in capital offenses where proof of guilt is evident, and the privileges of a writ of habeas corpus cannot be suspended except the public safety shall require it in the case of rebellion or invasion.

Tenth. That excessive bail shall not be required, excessive fines imposed, nor cruel and unusual punishment inflicted.

Eleventh. That the people shall be secure in their persons, papers, houses and effects from unreasonable searches and seizures, and that no writ shall issue for a search or seizure without a probable cause of guilt is made out under oath.

Twelfth. That free communication of thoughts and opinions is one of the inviolable rights of freemen, and that every person may freely speak, write or print on any subject, being responsible for every abuse of that liberty.

Thirteenth. That no vicar, priest, preacher of the gospel nor teacher of any religious denomination shall ever be compelled to bear arms or to serve on juries, work on roads or perform military duty.

Done at the government house, in the city of Santa Fe, in the territory of New Mexico, by Brigadier General Stephen W. Kearny, by virtue of the authority conferred upon him by the government of the United States, this twenty-second day of September, A.D. 1846.

S. W. KEARNY,
Brig. Gen. U.S.A.

ANNOTATIONS

Cross references. - For constitutional provision similar to first principle, see N.M. Const., art. II, § 2.

For constitutional provision similar to third principle, see N.M. Const., art. II, § 11.

For constitutional provision similar to last portion of fourth principle, see N.M. Const., art. II, § 20.

For constitutional provision similar to fifth principle, see N.M. Const., art. II, § 12.

For constitutional provision similar to sixth principle, see N.M. Const., art. II, § 14.

For constitutional provision similar to seventh and eight principles, see N.M. Const., art. II, § 15.

For constitutional provisions similar to ninth principle, see N.M. Const., art. II, §§ 7, 13.

For constitutional provision similar to tenth principle, see N.M. Const., art. II, § 13.

For constitutional provision similar to eleventh principle, see N.M. Const., art. II, § 10.

For constitutional provision similar to twelfth principle, see N.M. Const., art. II, § 17.

Law reviews. — For article, "The Constitutionality of Pretrial Detention Without Bail in New Mexico," see 12 N.M.L. Rev. 685 (1982).

For comment, "The Constitution is Constitutional - A Reply to the Constitutionality of Pretrial Detention Without Bail in New Mexico," see 13 N.M.L. Rev. 145 (1983).