

# Third Amendment History

Americans' experience with the quartering of troops in their homes began shortly after the French and Indian War ended in 1763. The British Parliament decided it was necessary to keep a permanent supply of troops in the colonies in order to protect them from further uprisings of the French and Indians. This rankled the colonists in two ways. First of all, Parliament wanted them to pay the expenses of housing these troops in America. This violated the precedents of English law that required that all taxation must be with the consent of the people. The colonists reasoned that they had not given their consent to pay for these troops and that, therefore, the requirement that they pay for them was against the law.



**British Troops**

Secondly, English law forbade the presence of a standing army, without consent of the people, in preference to a citizen army. Standing armies were viewed as threats to freedom. So, the colonists rightly viewed the presence of a standing army without their consent in their midst as a threat to their freedom. Both of these rights, freedom from taxation without consent and freedom from standing armies without consent, were guaranteed in English law since the English Bill of Rights of 1689. [You can read the English Bill of Rights of 1689 here.](#)

## Third Amendment history - The First Quartering Act

The first Quartering Act was enacted on May 15, 1765. It required that British soldiers be housed in American barracks and public inns first, but if there was not enough room in these, that other buildings belonging to the citizenry such as stables, alehouses, barns and uninhabited buildings should be used. The Quartering Act required that the citizens who owned the properties must pay for the food for these troops and also stated that the citizens would not receive any compensation for the use of their property. [You can read the Quartering Act of 1765 here.](#)

The colonies generally refused to cooperate with the Quartering Act. The resistance was strongest in New York. Violence broke out in August, 1766 between British troops and the colonists over New York's refusal to pay for the quartering of British troops. Parliament suspended the governor and the provincial assembly over this issue. Eventually, the Quartering Act expired in 1770 and was not renewed. It never was successful in its intent to cover the expenses of keeping British troops permanently in America.

## Third Amendment history - The Second Quartering Act

On June 2, 1774, an additional Quartering Act was passed by Parliament that was part of a series of acts called the Intolerable Acts by the colonists. This act gave colonial Royal governors the right to house troops in private property (though not in occupied homes) if enough public property was not available. The colonists rejected the use of their private property without their consent, but, of all the Intolerable Acts, this one generated the least dissent. This Quartering Act expired on March 24, 1776. [You can read the Quartering Act of 1774 here.](#)

The quartering of troops on private property is one of the grievances of the colonists specifically mentioned in the [Declaration of Independence](#). The section that mentions it reads like this:

**"He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:**

**For quartering large bodies of armed troops among us."**

## **Creation of the Third Amendment**

As a result of this experience with having their private property used by the government without their permission, early Americans wanted a guarantee that they would be protected from this abuse in the future.

Many people were skeptical that the new Constitution adequately protected their rights and they demanded that a Bill of Rights be added to it. Consequently, James Madison proposed a list of amendments to be considered by the First Congress. The Ten Amendments that were agreed upon, including the 34d Amendment, finally became law on December 15, 1791 and are known as the Bill of Rights. You can read more about the [History of the Bill of Rights here](#).

"The 3rd Amendment." *Revolutionary War, Declaration of Independence, US Constitution, Bill of Rights*. Web. 21 Dec. 2010. <<http://www.revolutionary-war-and-beyond.com/third-amendment.html>>.