

## History of the 7th Amendment - Before the Revolution

The tradition of **trial by jury** began in England around the 12th century. Originally, juries were a group of twelve local men who were brought in to tell what they knew of the facts of a case. They were essentially the witnesses. Often juries were brought together to accuse political opponents of the king of various crimes in order to do away with their opposition. Eventually the tradition changed into a system whereby these twelve men would listen to evidence presented by both sides in the case and declare a verdict about whether or not the accused party was guilty.

During the years leading up to the **Revolutionary War**, American colonial juries became one of the leading places for American colonists to express their dissent against the British government. Starting in the 1600s, England had passed a series of laws which collectively became known as the **Navigation Acts**. These laws were designed primarily to strengthen England's trading position against her enemies, particularly the Netherlands.

The **Navigation Acts** required that goods produced in England or her colonies be shipped only on British ships and, in many cases, only to other British colonies or to England itself. The Acts restricted the colonies from trading with other nations, even if other nations provided cheaper products. This led the colonists to engage in smuggling to buy cheaper goods and to find markets where they could sell their own goods at a higher price.

As the smuggling increased, the Crown began to prosecute more and more colonists for violating the trade restrictions. As these cases went to trial, the juries often acquitted their fellow colonists of any wrongdoing, even though they had blatantly violated the law. This outraged the King, who set up new courts that didn't allow juries. Of course, the colonists were outraged that their right to be tried by a jury was denied. This grievance was specifically mentioned in the Declaration of Independence. You can view the [grievance section of the Declaration of Independence here](#).

## History of the 7th Amendment - After the Revolution



**Constitutional Convention -  
Philadelphia - 1789**

After the **Revolutionary War** was over, the former colonies set up their first government under a document called the [Articles of Confederation](#), which provided a loose coalition between the individual states. After a few years though, they realized that the Articles were not strong enough to keep the nation strong and safe over time. Each state sent delegates to the **Constitutional Convention in Philadelphia** in 1789 to make alterations to their form of government. The result of their meeting was a newly proposed **Constitution** that was then presented to each state for acceptance.

Each state put together its own **Constitutional Ratification Conventions** to discuss the newly proposed **Constitution**, make suggestions on how to make it better and to vote on whether or not to accept it. Many suggestions were made by the members of the **Ratifying Conventions**, but consistently, many members were concerned that the new **Constitution** did not seem to preserve the **right to a jury trial** in civil cases, though it did specifically mention the right in criminal cases.

The issue of whether or not to include a guarantee to the **right to a jury trial** in civil cases was discussed during the **Constitutional Convention in Philadelphia**, but the idea was abandoned. First of all, **Federalists**, the party who was *for* the new **Constitution**, argued that the **Constitution** allowed the **Congress** to make laws regarding civil cases, including the **right to trial by jury**, if it wanted to, though it didn't require **Congress** to do so. **Anti-Federalists**, those who were *against* or skeptical of the new **Constitution**, were alarmed by this idea. They wanted the **right to trial by jury** written in stone, so to speak, as a guaranteed right under the new **Constitution**. In fact, this issue became one of the strongest objections for those who were against ratifying the new **Constitution** - including **George Mason** and **Elbridge Gerry**, who listed this grievance along with other reasons they were opposed to the **Constitution**. Indeed, six states sent a list of proposed amendments to the **Constitution** back to **Philadelphia** and five of these included a demand for the **right to trial by jury**.

In the end, the **Constitution** was ratified by all 13 states with one condition. The **First Congress** was to enact a **Bill of Rights**, a list of amendments to the **Constitution** that would address many of the concerns that caused **Anti-Federalists** to oppose the new document. **James Madison** presented to **Congress** a list of [twenty suggested amendments](#) on June 8, 1789. The ideas that later became the **7th Amendment** were included from the start in **Madison's** proposals. **Congress** debated the amendments and eventually chose twelve of them to be added on to the end of the **Constitution** as a **Bill of Rights**. The states ratified ten of them, which we know today as the **Bill of Rights**. The **right to trial by jury** in criminal cases was guaranteed in the [6th Amendment](#), in civil cases in the **7th Amendment** and the right to be tried by a grand jury if one was accused of an infamous crime (a felony) was guaranteed in the [5th Amendment](#).

"The 7th Amendment." *Revolutionary War, Declaration of Independence, US Constitution, Bill of Rights*. Web. 21 Dec. 2010. <<http://www.revolutionary-war-and-beyond.com/7th-amendment.html>>.