

In essence there are two matters to be considered. First, is No. 43 of the Acts of 1935 a temporary measure? Secondly, will an amendment to that act, as proposed by H. 128 affect the legality of any bonds now outstanding and issued under the authority of No. 43 of the Acts of 1935?

My answer to both of these queries is in the negative. A careful perusal of the 1935 Act does not disclose any limitations as to the length of time during which the authority there granted should extend. Therefore, within the provisions of No. 43 above referred to, any action taken thereunder is valid and binding as an obligation upon the State.

There is a constitutional question raised by the second inquiry. There is no doubt but what the legislature has authority to amend No. 43 of the Acts of 1935, but such amendment can be effective only as to any future act and may not be retroactive so as to impair any bonds which may have been issued under the authority of that act. This is a general principle of constitutional limitation and is concisely set forth in 12 Am. Jur., pages 30 and 31. It is there stated:

"Sec. 399. Generally. Not only private contracts are protected from impairment by state laws, but also contracts made by a state with individuals and corporations and also with other states. The legislature of a state may make contracts on many subjects which will bind it and will bind succeeding legislatures for the time the contract has to run. The commonest form of obligations of a state consists of bonds issued by it. The provisions of the laws existing at the time of their issue and regulating their payment are generally considered as forming part of the contract of the state in reference to its bonds. \* \* \* \* \*"

The case of *McCullough v. Virginia*, 172 U. S. 102, 43 L. ed. 382, 19 S. Ct. 134, is an opinion from the highest tribunal of the land that a contract entered into by a state, which was valid at the time of its consummation, cannot be impaired by subsequent acts of the legislature.

In conclusion I would say, and in conformity with the foregoing, that H. 128 does not involve any constitutional questions about which we need to be concerned.

ALBAN J. PARKER, *Attorney General*.

February 26, 1943

#### **Elections—Qualifications of Voters—Constitutional Law**

Your Excellency, Governor William H. Wills, Montpelier:

Reference is made to your recent communication which reads as follows:

"There is a very definite movement, as you know, throughout the country based on the belief that boys 18 are old enough to

vote if they're old enough to fight. I am very much in sympathy with this movement as I believe in it thoroughly. Is there any way something could be done in this present legislature about it? Is there any way under our constitution we could change the Vermont voter age from 21 to 18?"

I appreciate your point of view which brought about the above inquiry. I, too, have the utmost sympathy for the desirability of making such change.

In my judgment, however, it is not possible for the Legislature to grant any relief toward making it possible for youth between the years of eighteen and twenty-one to vote in any Vermont election. The reason for this conclusion can be very simply stated by making reference to Section 34 of Chapter II of the Constitution of Vermont. (See page 45 of the Public Laws.) Specifically this section applies to qualifications of freemen, and in the words thereof:

"Every person of the full age of twenty-one years, who is a natural born citizen of this or some one of the United States or who has been naturalized agreeably to the Acts of Congress, having resided in this state for the space of one whole year next before the election of representatives, and who is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this state:  
\* \* \*"

The right to vote is one of the qualifications and privileges of a freeman of the State. By reason of this constitutional limitation, the Legislature cannot permit persons under the age of twenty-one the right of suffrage.

ALBAN J. PARKER, *Attorney General.*

February 26, 1943

**War—Governor's Emergency Powers—Evacuation Committee**

Hon. Mortimer R. Proctor, Lieutenant Governor, Montpelier:

You ask for an advisory opinion as to the grant of power under the so-called Governor's Emergency War Powers bill, which has been commonly referred to as H. 76. Specifically you desire to know if this bill grants authority:

(a) To prepare and administer the State's plan for evacuation and reception, including authority to delegate to selected State agencies responsibility for planning and execution of particular aspects of the plan;