

THE
GENERAL LAWS
OF VERMONT
1917

*Miss
Law 134*

INCLUDING THE PUBLIC ACTS OF 1917

WITH

THE DECLARATION OF INDEPENDENCE
THE ARTICLES OF CONFEDERATION

AND THE

CONSTITUTIONS OF THE UNITED STATES
AND THE STATE OF VERMONT



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ADOPTION OF THE CONSTITUTION.

The convention which declared Vermont a free and independent state recommended, at its last session, at Windsor, June 4, 1777, to the freeholders and inhabitants of each town in the state that they should, on the 23d of June, choose delegates to attend a general convention at the meeting-house in Windsor, July 2, 1777, to choose delegates to Congress, a committee of safety, and to form a constitution for the state. This general convention met at Windsor, July 2, "did compose and agree unanimously on a constitution," and adjourned July 8. The first election under this constitution was to be held in December, 1777, when representatives were to be chosen to a general assembly to meet at Bennington in January, 1778. The president of the convention was Captain Joseph Bowker.

November 25, 1777, the council of safety requested Captain Bowker to "call together the old convention," to meet at Windsor, December 24; adding that "the business of the convention will be to adjourn the meeting of the general assembly." The convention reassembled December 24; and postponed the day of election until the first Tuesday of March, 1778, and the inauguration of the state government until the second Thursday, which was the 12th day of March, 1778. The council of safety, February 6, 1778, announced that the constitution was printed and would be distributed.

The groundwork of the constitution of 1777 was the Pennsylvania constitution of 1776, which had been recommended to the inhabitants of Vermont, as a model, by Doctor Thomas Young. The Pennsylvania convention, of which Benjamin Franklin was president, met July 15, 1776, and adjourned September 28, 1776; and Bancroft says it was a "convention composed of new men, and guided mainly by a schoolmaster, the honest but inexperienced James Cannon," and "formed a constitution under the complex influence of abstract truths and an angry quarrel with the supporters of the old charter of the colony. It extended the elective franchise to every resident taxpayer; while, with the approbation of Franklin, it concentrated legislative power in a single assembly."

Radical as were the changes in the government of Pennsylvania made by that convention, much of the early form of law in that colony was kept. So that parts of the Vermont constitution find their origin in the charter of privileges granted by William Penn in 1701; in the "frame of government" granted by Penn in 1696; in the two earlier frames of government granted by him in 1682 and 1683; and even in the charter for Pennsylvania granted March 4, 1681, by King Charles the Second to William Penn. The time has been when these old forms would have aided in the interpretation of our constitution; perhaps now their only use is to gratify the curious.

The Vermont constitution of 1777 had in its declaration of rights nineteen articles and in its frame of government forty-four sections; the Pennsylvania constitution had in its declaration sixteen articles and in its frame forty-seven sections. Fourteen articles in the Ver-

mont declaration of rights, and twenty-seven sections in the Vermont frame of government, are in substance, and in some cases in wording, identical with the same number of articles and sections in the Pennsylvania constitution.

The fourteen Vermont articles thus taken without noticeable change from the Pennsylvania declaration, are the following; the corresponding numbers of the Pennsylvania articles being given in the line beneath the Vermont numbers:

Vt. Const. of 1777, Dec. of Rights,
Arts., 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18.

Pa. Const. of 1776, Dec. of Rights,
Arts., 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16.

And the twenty-seven sections of the Vermont frame of government, in like manner taken from the Pennsylvania frame, are the following; the numbering of the Pennsylvania sections adopted being given beneath the Vermont numbers:

Vt. Const. of 1777, Frame of Govt.,
Secs., 1, 2, 3, 4, 5, 8, 10, 11, 12, 14, 18.

Pa. Const. of 1776, Frame of Govt.,
Secs., 1, 2, 3, 4, 5, 9, 11, 12, 13, 15, 20.

Vt. Const. of 1777, Frame of Govt.,
Secs., 19, 20, 21, 22, 24, 25, 26, 29, 32.

Pa. Const. of 1776, Frame of Govt.,
Secs., 21, 22, 24, 25, 27, 28, 29, 32, 35.

Vt. Const. of 1777, Frame of Govt.,
Secs., 33, 34, 35, 37, 38, 40, 43.

Pa. Const. of 1776, Frame of Govt.,
Secs., 36, 37, 39, 41, 42, 44, 46.

But the Vermont constitution of 1777 was not a mere copy of the Pennsylvania model. The changes made were many and important. In the preamble no change of substance was made except that there was inserted a recital of charges against New York, which recital followed very closely the "Complaints" set forth June 4, 1777, by the convention that declared Vermont independent.

In the Vermont declaration of rights articles 2, 12, and 19 were added, as was the second part of article 1, wherein slavery was prohibited. Article 3, which was article 2 in the Pennsylvania declaration, was changed by adding the Sabbath observance clause and limiting security for full civil rights to those who professed the Protestant religion.

In the Vermont frame of government sections 28 and 42 were added; and sections 8, 23 and 38 of the Pennsylvania frame were dropped. Section 6 changed the right of suffrage from a tax-paying to a manhood basis, and added the freeman's oath. Section 7 changed the qualifications of representatives. Section 9 (which was 10 in the Pennsylvania frame) changed the religious test by adding to the declaration to be subscribed by each representative the words, "and own and profess Protestant religion." Section 13 was slightly changed from 14 of the Pennsylvania frame. Section 15 left off the requirement in regard to the seal of the laws which section 16 of the Pennsylvania frame provided for. Section 16 (answering to sections 17 and 18 of the Pennsylvania frame) entirely changed the system of representation,

making it a town system in place of the districts provided for in Pennsylvania according to the number of taxable inhabitants. Section 17 (19 of the Pennsylvania frame) changed the method of electing the council from a choice by counties to an election by general ticket by the whole state; gave the choice of governor and lieutenant-governor (called in Pennsylvania the president and vice-president) to the freemen at large in the first instance, instead of requiring them to be chosen of the council by joint ballot of the council and house of representatives; and gave the choice of treasurer to the freemen instead of the house of representatives. Section 23 did not follow section 26 of the Pennsylvania frame very closely. Section 27 was very unlike sections 30 and 31 of the Pennsylvania frame, the place of which sections it took. Sections 30 and 31 were considerably changed from the Pennsylvania sections 33 and 34; and the form of the oath in section 36 was somewhat changed from that in section 40 of the Pennsylvania frame. In sections 39 and 41 slight changes were made from Pennsylvania sections 43 and 45. And section 44 (47 of the Pennsylvania frame) fixed thirteen as the number of members to form the council of censors and gave their election to the freemen by general ticket, whereas Pennsylvania provided that each city and county might elect two members of the council of censors.

It has been deemed best to give here the constitution adopted in 1777; without however reprinting such sections as have the same wording as in the constitution of 1793, or those where the wording is so slightly changed that space may be saved by a reference to the corresponding section of that of 1793, noting the change. Reference is also made to the constitution of 1786 and to chapter II, as revised in 1913.

THE CONSTITUTION OF 1777.

Preamble.

WHEREAS all Government ought to be instituted and supported, for the Security and Protection of the Community as such, and to enable the Individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of Existence has bestowed upon man; and whenever those great ends of Government are not obtained, the People have a right, by common consent, to change it, and take such measures, as to them may appear necessary, to promote their Safety and Happiness.

And Whereas the Inhabitants of this State have (in consideration of Protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that Protection, but commenced, and still continues to carry on, with unabated Vengeance, a most cruel and unjust War against them; employing therein, not only the Troops of Great Britain, but foreign Mercenaries, Savages and Slaves, for the avowed purpose of reducing them to a total and abject Submission to the despotic domination of the British Parliament, with many other Acts of Tyranny, (more fully set forth in the Declaration of Congress) whereby all Allegiance and

Faalty to the said King and his Successors, are dissolved and at an End; and all power and authority derived from him, ceased in the American Colonies.

And Whereas the Territory which now comprehends the State of Vermont, did antecedently of right belong to the Government of New Hampshire; and the former Governor thereof, vizt. his Excellency Benning Wentworth Esqr. granted many Charters of Lands and Corporations, within this State, to the present Inhabitants and others. And Whereas the late Lieutenant-Governor Colden, of New York, with others, did, in violation of the tenth Command, covet those very lands; and by a false representation made to the Court of Great Britain, (in the year 1764, that for the convenience of trade, and administration of Justice, the Inhabitants were desirous of being annexed to that Government) obtained Jurisdiction of those very identical lands ex-parte, which ever was, and is disagreeable to the Inhabitants. And Whereas the Legislature of New York, ever have and still continue to disown the Good People of this State, in their landed property, which will appear in the Complaints hereafter inserted, and in the 36th section of their present Constitution, in which is established the Grants of Land made by that Government.

They have refused to make re-grants of our lands to the original Proprietors and Occupants, unless at the exorbitant rate of 2300 Dollars fees for each township; and did enhance the Quit-rent three fold, and demanded an immediate delivery of the title derived before from New Hampshire.

The Judges of their supreme Court have made a solemn declaration, that the Charters, Conveyances, &c. of the Lands included in the before described Premises, were utterly null and void, on which said Title was founded. In consequence of which declaration, Writs of Possession have been by them issued, and the Sheriff of the County of Albany sent at the head of six or seven hundred men, to enforce the Execution thereof.

They have passed an Act, annexing a Penalty thereto, of thirty Pounds fine, and six Months Imprisonment, on any person who should refuse assisting the Sheriff, after being requested, for the Purpose of executing Writs of Possession.

The Governors, Dunmore, Tryon, and Colden, have made re-grants of several tracts of land included in the Premises, to certain favorite Land-Jobbers in the Government of New York, in direct violation of his Britannic Majesty's express Prohibition, in the year 1767.

They have issued Proclamations wherein they have offered large Sums of money for the purpose of apprehending those very persons who have dared boldly, and publicly to appear in defence of their just rights.

They did pass twelve Acts of Outlawry on the 9th day of March, A. D. 1774 empowering the respective Judges of their supreme Court, to award Execution of Death against those Inhabitants in said District, that they should judge to be Offenders, without Trial.

They have and still continue an unjust claim to those Lands, which greatly retards Emigration into, and the Settlement of, this State.

They have hired foreign troops, Emigrants from Scotland, at two different times, and armed them to drive us out of Possession.

They have sent the Savages on our Frontiers, to distress us.

They have proceeded to erect the Counties of Cumberland and Gloucester, and establish Courts of Justice there, after they were discontinued by the Authority of Great Britain.

The free Convention of the State of New York, at Harlaem, in the year 1776, unanimously voted "that all quit rents formerly due to the King of Great Britain, are now due and owing to this Convention, or such future Government as shall hereafter be established in this State."

In the several Stages of the aforesaid Oppressions, we have petitioned his Britannic Majesty in the most humble manner for redress, and have at very great expense, received several reports in our favor; and, in other instances, wherein we have petitioned the late legislative Authority of New York, those Petitions have been treated with neglect.

And Whereas the local Situation of this State from New York, at the extream part, is upward of four hundred and fifty miles from the Seat of that Government, renders it extreme difficult to continue under the Jurisdiction of said State.

Therefore it is absolutely necessary for the welfare and safety of the inhabitants of this State, that it should be henceforth a free and independent State, and that a just, permanent and proper form of Government, should exist in it, derived from, and founded on the Authority of, the people only, agreeable to the Direction of the honorable American Congress.

We the Representatives of the Freemen of Vermont, in General Convention met, for the express purpose of forming such a Government; confessing the Goodness of the great Governor of the universe (who alone knows to what degree of earthly happiness Mankind may attain by perfecting the Arts of Government) in permitting the People of this State, by common Consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future Society; And being fully convinced that it is our indispensable duty, to establish such original Principles of Government as will best promote the General Happiness of the People of this State, and their Posterity, and provide for future Improvements, without Partiality for, or Prejudice against, any particular Class Sect, or Denomination of Men whatever; Do, by virtue of Authority vested in us, by our Constituents, ordain, declare and establish the following declaration of Rights, and Frame of Government, to be the CONSTITUTION of this COMMONWEALTH, and to remain in force therein forever, unaltered, except in such Articles, as shall, hereafter on Experience be found to require improvement, and which shall, by the same Authority of the People, fairly delegated, as this frame of Government directs, be amended or improved, for the more effectual obtaining and securing the great End and design of all Government, herein before mentioned.

CHAPTER I.

A Declaration of the Rights of the Inhabitants of the State of Vermont.

ARTICLE 1. [Same as Art. 1, 1786, and Art. 1, 1793.]

ART. 2. [Same as Art. 2, 1786. Same as Art. 2, 1793, except that the latter changes "particular man's" to "person's."]

ART. 3. [See Art. 3, 1786, and Art. 3, 1793.] That all men have a natural and unalienable Right to worship ALMIGHTY GOD according to the Dictates of their own Consciences and Understanding, regulated by the word of God; and that no man ought, or of right can be compelled to attend any religious Worship, or erect, or support, any place of Worship, or maintain any Minister contrary to the Dictates of his Conscience; nor can any man who professes the protestant Religion, be justly deprived or abridged of any civil right, as a Citizen, on account of his religious sentiment, or peculiar mode of religious Worship; and that no Authority can, or ought to be vested in, or assumed by any power whatsoever, that shall in any case interfere with, or in any manner control the Rights of Conscience, in the free exercise of religious worship; nevertheless, every Sect. or Denomination of People ought to observe the Sabbath, or Lord's day, and keep up and support some sort of religious Worship, which to them shall seem most agreeable to the revealed Will of God.

ART. 4. [Same as Art. 5, 1786. Same as Art. 5, 1793, except that the latter changes "exclusive and inherent" to "inherent and exclusive."]

ART. 5. [Same as Art. 6, 1786, and Art. 6, 1793; except that they insert "in a legal way."]

ART. 6. [Same as Art. 7, 1786, and Art. 7, 1793; except that they change "reform, alter or abolish" to "reform or alter."]

ART. 7. [The wording of this article was changed in Art. 8, 1786; and the article was dropped in 1793.] That those who are employed in the legislative and executive Business of the State may be restrained from Oppression, the People have a right, at such periods as they may think proper, to reduce their public Officers to a Private Station, and supply the Vacancies by certain regular Elections.

ART. 8. [See Art. 9, 1786, and Art. 8, 1793.] That all Elections ought to be free; and that all freemen, having a sufficient evident common Interest with, and Attachment to the Community, have a right to elect Officers, or be elected into Office.

ART. 9. [See Art. 10, 1786, and Art. 9, 1793.] That every member of Society hath a right to be protected in the Enjoyment of Life, Liberty and Property, and therefore is bound to contribute his Proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's Property can be justly taken from him, or applied to public Uses, without his own Consent, or that of his legal Representatives: Nor can any man, who is conscientiously scrupulous of bearing Arms, be justly compelled thereto, if he will pay such Equivalent: Nor are the People bound by any

Law, but such as they have in like manner assented to, for their common Good.

ART. 10. [Same as Art. 11, 1786. Same as Art. 10, 1793, except that the latter changes "man" to "person" twice.]

ART. 11. [Same as Art. 12, 1786. Same as Art. 11, 1793, except that the latter changes "oaths or affirmations first made, affording a sufficient foundation" to "oath or affirmation first made, affording sufficient foundation."]

ART. 12. [Same as Art. 13, 1786. The article was dropped in 1793.] That no Warrant or Writ to attach the Person or Estate of any freeholder within this State, shall be issued in civil Actions, without the person or persons who may request such warrant or Attachment, first make Oath, or affirm before the Authority who may be requested to issue the same, that he or they are in danger of loosing his, her, or their Debts.

ART. 13. [See Art. 14, 1786, and Art. 12, 1793.] That in Controversies respecting Property, and in Suits between man and man, the parties have a right to a trial by Jury, which ought to be held sacred.

ART. 14. [Same as Art. 15, 1786, and Art. 13, 1793; except that they insert "concerning the transactions of government, and."]

ART. 15. [Same as Art. 18, 1786. Same as Art. 16, 1793, except that the latter changes "in the time" to "in time."]

ART. 16. [Same as Art. 20, 1786, and Art. 18, 1793; except that they insert "in a legal way," and that Art. 18, 1793, changes "in the making" to "in making."]

ART. 17. [Same as Art. 21, 1786. See Art. 19, 1793.] That all people have a natural and inherent right to emigrate from one State to another that will receive them; or to form a new State in vacant Countries, or in such Countries as they can purchase, whenever they think that thereby they can promote their own Happiness.

ART. 18. [Same as Art. 22, 1786, and Art. 20, 1793.]

ART. 19. [Same as Art. 23, 1786, and Art. 21, 1793; except that they change at the end of the article "this State" to "the same."]

CHAPTER II.

Plan or Frame of Government.

SECTION 1. [Same as Sec. 1, 1786, and Sec. 1, 1793; except that they change "Deputy-Governor," to "(or Lieutenant Governor)." See Sec. 1, 1913.]

SEC. 2. [Same as Sec. 2, 1786. Same as Sec. 2, 1793, except that the latter changes "or Commonwealth" to "of the Commonwealth." See Sec. 2, 1913.]

SEC. 3. [Same as Sec. 3, 1786, and Sec. 3, 1793; except that they insert "or, in his absence, a Lieutenant Governor." See Sec. 3, 1913.]

SEC. 4. [See Sec. 4, 1786, Sec. 4, 1793, and Sec. 4, 1913.] Courts of Justice shall be established in every County in this State.

SEC. 5. [See Sec. 19, 1786, Sec. 22, 1793, and Sec. 55, 1913.] The freemen of this Commonwealth, and their Sons, shall be trained and armed for its defence, under such Regulations,

Restrictions and Exceptions as the General Assembly shall by Law direct; preserving always to the People the right of chusing their Colonels of Militia, and all Commissioned Officers under that rank, in such manner, and as often as by the said Laws shall be directed.

SEC. 6. [See Sec. 18, 1786, Sec. 21, 1793, and Sec. 34, 1913.] Every man of the full Age of twenty-one years, 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 Behaviour, and will take the following Oath (or Affirmation) shall be entitled to all the Privileges of a freeman of this State.

I solemnly swear by the everliving God, (or affirm, in the presence of Almighty God,) that whenever I am called to give my vote or Suffrage, touching any matter that concerns the State of Vermont, I will do it so as in my Conscience I shall judge will most conduce to the best Good of the same, as established by the Constitution, without fear or favor of any man.

SEC. 7. [See Secs. 8 and 36, 1786; Secs. 8 and 39, 1793; and Secs. 36 and 62, 1913.] The House of Representatives of the Freemen of this State, shall consist of Persons most noted for Wisdom and Virtue, to be chosen by the Freemen of every town in this State respectively. And no foreigner shall be chosen, unless he has resided in the town for which he shall be elected, one year immediately before said Election.

SEC. 8. [See Secs. 8 and 9, 1786; Secs. 8 and 9, 1793; and Secs. 6, 14 and 36, 1913.] The members of the House of Representatives, shall be chosen annually by Ballot, by the freemen of this State, on the first Tuesday of September forever, (except this present year) and shall meet on the second Thursday of the succeeding October, and shall be stiled The General Assembly of the Representatives of the freemen of *Vermont*; and shall have Power to chuse their Speaker, Secretary of the State, their Clerk, and other necessary Officers of the House—Sit on their own Adjournments—prepare Bills, and enact them into Laws—Judge of the Elections and Qualifications of their own members:—They may expel a member, but not a second time for the same Cause:—They may administer Oaths (or Affirmations) on Examination of Witnesses—redress Grievances—impeach State Criminals—grant Charters of Incorporation—constitute towns, Boroughs, Cities and Counties, and shall have all other Powers necessary for the Legislature of a free State: But they shall have no power to add to, alter, abolish or infringe any part of this Constitution. And for this present year the members of the General Assembly shall be chosen on the first Tuesday of March next, and shall meet at the Meeting-House in Windsor, on the second Thursday of March next.

SEC. 9. [See Secs. 9 and 12, 1786; Secs. 9 and 12, 1793; and Secs. 14 and 16, 1913.] A Quorum of the House of Representatives shall consist of two thirds of the whole number of Members elected; and having met, and chosen their Speaker, shall each of them before they proceed to Business take and subscribe as well the oath of Fidelity and Allegiance, herein after

directed, as the following Oath or Affirmation viz.

I do solemnly swear by the ever-living God, (or I do solemnly affirm in the presence of Almighty God) that as a member of this Assembly, I will not propose or assent to any Bill, vote or Resolution, which shall appear to me injurious to the People; nor do or consent to any Act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the Constitution of this State; but will in all things conduct myself as a faithful, honest Representative and Guardian of the People, according to the best of my Judgment and Abilities.

And each member before he takes his Seat, shall make and subscribe the following Declaration, vizt.

I do believe in one God, the Creator and Governor of the Universe, the rewarder of the Good, and Punisher of the wicked. And I do acknowledge the Scriptures of the old and new Testament, to be given by divine Inspiration, and own and profess the protestant Religion.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

SEC. 10. [See Secs. 9 and 27, 1786. That part of the constitution of 1786 which contained the substance of this section, was of course dropped in 1793.] Delegates to represent this State in Congress, shall be chosen by Ballot, by the future General Assembly, at their first Meeting, and annually forever afterward, as long as such Representation shall be necessary. Any delegate may be superseded at any time, by the General Assembly appointing another in his stead. No man shall sit in Congress longer than two years successively, nor be capable of re-election for three years afterwards; and no Person who holds any office in the Gift of the Congress, shall thereafter be elected to represent this State in Congress.

SEC. 11. [This section was dropped in 1786.] If any town or towns shall neglect or refuse to elect and send Representatives to the General Assembly, two thirds of the members of the towns, that do elect and send Representatives, (provided they be a majority of the inhabited towns of the whole State) when met, shall have all the Powers of the General Assembly, as fully and amply as if the whole were present.

SEC. 12. [See Sec. 13, 1786, Sec. 13, 1793, and Sec. 8, 1913.] The Doors of the House in which the Representatives of the freemen of this State shall sit in General Assembly, shall be and remain open for the Admission of all Persons who behave decently, except only when the Welfare of this State may require the Doors to be shut.

SEC. 13. [See Sec. 14, 1786, Sec. 14, 1793, and Sec. 14, 1913.] The Votes and Proceedings of the General Assembly shall be printed weekly during their sitting, with the Yeas and Nays on any question, vote or Resolution, where one-third of the members require it, (except when the votes are taken by Ballot) and when the Yeas and Nays are so taken, every member shall have a right to insert the reasons of his Votes upon the Minutes, if he desire it.

SEC. 14. [See Sec. 16, 1786, and Sec. 16, 1793, *Superseded*. See Sec. 11, 1913.] To the end

that Laws, before they are enacted, may be more maturely considered, and the incon-venience of hasty Determination as much as possible prevented, all Bills of public nature, shall be first laid before the Governor and Council, for their perusal and proposals of Amendment, and shall be printed for the Consideration of the People, before they are read in General Assembly for the last time of debate and amendment, except temporary Acts, which, after being laid before the Governor and Council, may (in case of sudden necessity) be passed into Laws; and no other shall be passed into Laws, until the next Session of Assembly. And for the more perfect Satisfaction of the public, the reasons and motives for making such laws, shall be fully and clearly expressed and set forth in their Preambles.

SEC. 15. [See Sec. 15, 1786, Sec. 15, 1793, and Sec. 10, 1913.] The Style of the Laws of this State shall be, Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same.

SEC. 16. [Same as Sec. 7, 1786, Sec. 7, 1793, and Sec. 13, 1913.]

SEC. 17. [See Secs. 10 and 11, 1786, Secs. 10 and 11, 1793, and Secs. 20 and 39, 1913.] The section is the same as Sec. 10, 1786, and Sec. 10, 1793; with the following paragraph in addition.

The Council that shall act in the recess of this Convention, shall supply the Place of a Council for the next General Assembly, until the new Council be declared chosen. The Council shall meet annually at the same time and place with the General Assembly, and every member of the Council shall be a Justice of the Peace for the whole State by virtue of his Office.

SEC. 18. [See Sec. 11, 1786, Sec. 11, 1793, and Sec. 20, 1913.] The Governor, and in his Absence the Lieutenant or Deputy Governor, with the Council, seven of whom shall be a Quorum, shall have Power to appoint and Commissionate all Officers (except those who are appointed by the General Assembly) agreeable to this frame of Government, and the Laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by Death, Resignation, Removal, or Disqualification until the office can be filled in the time and manner directed by Law or this Constitution. They are to correspond with other States, and transact Business with Officers of Government civil and military; and to prepare such business as may appear to them necessary to lay before the General Assembly. They shall sit as Judges to hear and determine on Impeachments, taking to their assistance, for advice only, the Justices of the Supreme Court; and shall have Power to grant Pardons, and remit fines, in all Cases whatsoever, except cases of Impeachment—and in cases of Treason and Murder, shall have Power to grant Reprieves, but not to pardon, until the end of the next Sessions of Assembly; but there shall be no remission or mitigation of Punishment on Impeachments, except by Act of Legislation. They are also to take care that the Laws be faithfully executed.—They are to expedite the execution of such measures as may be resolved upon by General Assembly; and

they may draw upon the Treasurer for such sums as may be appropriated by the House;— they may also lay Embargoes, or prohibit the Exportation of any Commodity, for any time not exceeding thirty days, in the recess of the House only:—They may grant such Licenses as shall be directed by Law; and shall have Power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be Commander in Chief of the Forces of the State, but shall not command in Person, except advised thereto by the Council, and then only as long as they shall approve thereof. The Governor and Council shall have a Secretary, and keep fair Books of their Proceedings, wherein, any Councillor may enter his Dissent, with his reasons to support it.

SEC. 19. [Same as Sec. 20, 1786. Same as Sec. 23, 1793, except that the latter, at the end of the section changes "Council" to "Governor." See Sec. 22, 1913.]

SEC. 20. [Same as Sec. 21, 1786, except that the latter added "and may award costs." Same as Sec. 24, 1793, except that the latter has in addition "and may award costs; and no trial or impeachment shall be a bar to a prosecution at law." See Sec. 54, 1913.]

SEC. 21. [This section was dropped in 1786.] The supreme Court, and the several Courts of Common Pleas of this State, shall, besides the Powers usually exercised by such Courts, have the Powers of a Court of Chancery, so far as relates to perpetuating Testimony—obtaining Evidence from places not within this State, and the Care of Persons and Estates of those who are *non compotes Mentis*, and such other powers as may be found necessary by future General Assemblies, not inconsistent with this Constitution.

SEC. 22. [See Sec. 28, 1786, Sec. 31, 1793, and Sec. 30, 1913.] Trials shall be by Jury; and it is recommended to the Legislature of this State, to provide by Law against every Corruption or Partiality in the Choice, and return, or appointment of Juries.

SEC. 23. [See Secs. 4 and 22, 1786, Secs. 4 and 25, 1793, and Secs. 4, 28 and 57, 1913.] All courts shall be open, and Justice shall be impartially administered, without Corruption, or unnecessary Delay; all their Officers shall be paid an adequate but moderate Compensation for their Services:—And if any Officer shall take greater or other Fees than the Laws allow him, either directly or indirectly it shall ever after disqualify him from holding any office in this State.

SEC. 24. [See Sec. 29, 1786, Sec. 32, 1793, and Sec. 31, 1913.] All Prosecutions shall commence in the Name, and by the Authority of the Freemen of the State of Vermont; and all Indictments shall conclude with these Words, "against the Peace and Dignity of the same."—The stile of all Processes hereafter in this State, shall be, The State of Vermont.

SEC. 25. [See Sec. 30, 1786, Sec. 33, 1793, and Sec. 32, 1913.] The Person of a Debtor, where there is not a strong Presumption of fraud, shall not be continued in Prison, after delivering up, bona fide, all his Estate, real and personal, for the Use of his Creditors, in such manner as shall be hereafter regulated by Law.

—All Prisoners shall be bailable by sufficient securities, unless for capital offences, when the Proof is evident, or presumption great.

SEC. 26. [See Secs. 29 and 30, 1786; Secs. 32 and 33, 1793; and Secs. 31 and 32, 1913.] Excessive Bail shall not be exacted for bailable offences: And all fines shall be moderate.

SEC. 27. [See Sec. 9, 1786, Sec. 9, 1793, and Secs. 43-47, 1913.] That the General Assembly, when legally formed, shall appoint times and Places for County Elections; and at times and Places, the freemen in each County respectively, shall have the Liberty of choosing the Judges of inferior Court of Common Pleas, Sheriff, Justices of the Peace, and Judges of Probates, commissioned by the Governor in Council during good Behaviour, removable by the General Assembly, upon Proof of Mal-administration.

SEC. 28. [This section was dropped in 1786.] That no Person shall be capable of holding any civil office in this State, except he has acquired, and maintains a good moral Character.

SEC. 29. [See Sec. 31, 1786, Sec. 34, 1793, and Sec. 51, 1913.] All Elections, whether by the People, or in General Assembly, shall be by Ballot, free and voluntary: And any Elector, who shall receive any Gift or reward for his Vote, in meat, drink, monies or otherwise, shall forfeit his Right to elect at that time, and suffer such other Penalty as future Laws shall direct. And any person who shall, directly or indirectly, give, promise or bestow any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing Year.

SEC. 30. [This section was dropped in 1786.] All Fines, License Money, fees and forfeitures, shall be paid according to the Direction hereafter to be made by the General Assembly.

SEC. 31. [Same as Sec. 32, 1786, Sec. 35, 1793, and Sec. 58, 1913; except that they add "and, for want thereof, in the county Clerk's office of the same County."]

SEC. 32. [This section was dropped in 1786.] The Printing Presses shall be free to every person who undertakes to examine the Proceedings of the Legislature, or any part of Government.

SEC. 33. [See Sec. 22, 1786, Sec. 25, 1793, and Sec. 57, 1913.] As every freeman, to preserve his Independence (if without a sufficient Estate) ought to have some Profession, Calling, Trade or farm, whereby he may honestly subsist, there can be no Necessity for, nor use in establishing offices of Profit, the usual Effects of which are Dependence and Servility unbefitting freemen, in the Possessors or Expectants; Faction, Contention, Corruption and Disorder among the People.—But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable Compensation; and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the Profits ought to be lessened by the Legislature.

SEC. 34. [See Sec. 33, 1786, Sec. 36, 1793, and Sec. 59, 1913.] The future Legislature of this State, shall regulate Entails in such manner as to prevent Perpetuities.

SEC. 35. [See Sec. 34, 1786, Sec. 37, 1793, and Sec. 60, 1913.] To deter more effectually from the Commission of Crimes, by continued visible Punishment of long Duration, and to make

sanguinary Punishments less necessary, Houses ought to be provided for punishing by hard Labour, those who shall be convicted of Crimes not Capital; wherein the Criminal shall be employed for the benefit of the public, or for reparation of Injuries done to private Persons; and all Persons, at proper times, shall be admitted to see the Prisoners at their Labour.

SEC. 36. [See Sec. 26, 1786, Sec. 29, 1793, and Sec. 52, 1913.] Every Officer, whether judicial, executive or military, in Authority under this State, shall take the following Oath or Affirmation of Allegiance, and general Oath of Office, before he enter on the Execution of his Office.

The Oath or Affirmation of Allegiance.

"I do solemnly swear by the ever-living God, (or affirm, in Presence of Almighty God) that I will be true and faithful to the State of Vermont; and that I will not, directly or indirectly, do any Act or thing prejudicial or injurious to the Constitution or Government thereof, as established by Convention."

The Oath or Affirmation of Office.

"I do solemnly swear by the ever-living God, (or affirm, in the Presence of Almighty God) that I will faithfully execute the Office of for the of and will do equal Right and Justice to all men, to the best of my Judgment and Abilities, according to Law."

SEC. 37. [See Art. 10, 1786, and Art. 9, 1793, of the Declaration of Rights.] No public tax, custom, or Contribution, shall be imposed upon, or paid by the people of this State, except by a Law for that purpose; and before any Law be made for raising it, the purpose for which any tax is to be raised ought to appear clear to the Legislature, to be of more Service to the Community, than the money would be, if not collected; which being well observed, taxes can never be Burthens.

SEC. 38. [See Sec. 36, 1786, Sec. 39, 1793, and Sec. 62, 1913.] Every Foreigner of good Character, who comes to settle in this State, having first taken an Oath or Affirmation of Allegiance to the same, may purchase, or by other just means acquire, hold and transfer Land, or other real Estate; and after one year's residence, shall be deemed a free Denizen thereof, and intitled to all the rights of a natural born Subject of this State, except that he shall not be capable of being elected a Representative, until after two Years' Residence.

SEC. 39. [Substantially the same as Sec. 37, 1786, Sec. 40, 1793, and Sec. 63, 1913. Except that they change "to hunt and fowl, in seasonable times" to "in seasonable times, to hunt and fowl."]

SEC. 40. [See Sec. 38, 1786, Sec. 41, 1793, and Sec. 64, 1913.] A School or Schools shall be established in each town by the Legislature, for the convenient Instruction of Youth, with such Salaries to the masters, paid by each town, making proper Use of School-lands in each town, thereby to enable them to instruct Youth at low Prices:—One Grammar School in each County, and one University in this State, ought to be established by Direction of the General Assembly.

SEC. 41. [See Sec. 38, 1786, Sec. 41, 1793, and Sec. 64, 1913.] Laws for the Encouragement of

Virtue, and Prevention of Vice and Immorality, shall be made, and kept constantly in force; and Provision shall be made for their due Execution: And all religious Societies, or bodies of men, that have, or may be hereafter united and incorporated, for the Advancement of Religion and Learning, or for other pious and charitable Purposes, shall be encouraged and protected in the Enjoyment of the Privileges, Immunities and Estates, which they in justice ought to enjoy, under such Regulations as the General Assembly of this State shall direct.

SEC. 42. [See Secs. 9 and 19, 1786; Secs. 9 and 22, 1793, and Secs. 43 and 55, 1913.] All Field and Staff Officers, and Commissioned Officers of the Army, and all General Officers of the Militia, shall be chosen by the General Assembly.

SEC. 43. [See Sec. 39, 1786, Sec. 42, 1793, and Sec. 67, 1913.] The Declaration of Rights is hereby declared to be a part of the Constitution of this State, and ought never to be violated, on any Pretence whatsoever.

SEC. 44. [Same as Sec. 40, 1786, and Sec. 43, 1793; except that Sec. 40, 1786, inserts after "whether the Constitution has been preserved inviolate in every part" the words "during the last septenary, (including the year of their service)", and changes "appear to them to have been enacted" to "shall appear to them to have been passed,"; and Sec. 43, 1793, changes "eighty-five" to "ninety-nine." *Abrogated. Art. Amend. 25, Sec. 1.*]

FIRST AMENDMENTS TO THE CONSTITUTION.

The first council of censors made, in 1785, many proposals of amendment, the most important of which failed of adoption by the convention of the following year. This council, in proposing amendments, redrafted the constitution, incorporating the proposed changes with the original text. They followed constitutional requirements, by promulgating the entire constitution "as revised" by them and "recommended for the consideration of the people", and the entire constitution of 1777. This council also published, over the date of February 14, 1786, what they entitled their "proceedings"; which was really an address to the freemen, and a state paper of notable merit. The convention called by the first council of censors met at Manchester, June 29, 1786; and on the 4th of July, 1786, its president and secretary certified the constitution of 1786.

THE CONSTITUTION OF 1786.

[The preamble was the same as in 1777, except that the words "title derived before from New Hampshire" were changed to "title derived from New Hampshire". The preamble was expunged by the convention of 1793.]

Chapter I.

[Same title as 1777, and 1793.]

ARTICLE 1. [Same as Art. 1, 1777, and Art. 1, 1793.]

ART. 2. [Same as Art. 2, 1777. See Art. 2, 1793.]

ART. 3. [Same as Art. 3, 1793, except that the latter changes "whatsoever" to "whatever". See Art. 3, 1777.]

ART. 4. [New article. Same as Art. 4, 1793, except that the latter changes "Commonwealth" to "State".]

ART. 5. [Same as Art. 4, 1777. See Art. 5, 1793.]

ART. 6. [Same as Art. 6, 1793. See Art. 5, 1777.]

ART. 7. [Same as Art. 7, 1793. See Art. 6, 1777.]

ART. 8. [See Art. 7, 1777. This article was dropped in 1793.] That those who are employed in the legislative and executive business of the State may be restrained from Oppression the people have a right, by their legal representatives, to enact Laws for reducing their public Officers to a private Station, and for supplying their vacancies, in a constitutional manner, by regular Elections, at such periods as they may think proper.

ART. 9. [Same as Art. 8, 1793, except that the latter adds "agreeably to the regulations made in this constitution". See Art. 8, 1777.]

ART. 10. [Same as Art. 9, 1793, except that the latter changes "no part of a man's property" to "no part of any person's property". See Art. 9, 1777.]

ART. 11. [Same as Art. 10, 1777. See Art. 10, 1793.]

ART. 12. [Same as Art. 11, 1777. See Art. 11, 1793.]

ART. 13. [Same as Art. 12, 1777. This article was dropped in 1793.]

ART. 14. [Same as Art. 12, 1793, except that the latter changes "an" to "any", and "right to a trial" to "right to trial". See Art. 13, 1777.]

ART. 15. [Same as Art. 13, 1793. See Art. 14, 1777.]

ART. 16. [New article. Same as Art. 14, 1793.]

ART. 17. [New article. See Art. 15, 1793.] The power of suspending Laws, or the execution of Laws, ought never to be exercised, but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

ART. 18. [Same as Art. 15, 1777. See Art. 16, 1793.]

ART. 19. [New article. Same as Art. 17, 1793, except that the latter changes "Commonwealth" to "state".]

ART. 20. [Same as Art. 18, 1793, except that the latter changes "in the making" to "in making". See Art. 16, 1777.]

ART. 21. [Same as Art. 17, 1777. See Art. 19, 1793.]

ART. 22. [Same as Art. 18, 1777, and Art. 20, 1793.]

ART. 23. [Same as Art. 21, 1793. See Art. 19, 1777.]

Chapter II.

[Same title as 1777, and 1793.]

SECTION 1. [Same as Sec. 1, 1793. See Sec. 1, 1777, and Sec. 1, 1913.]

SEC. 2. [Same as Sec. 2, 1777. See Sec. 2, 1793, and Sec. 2, 1913.]

SEC. 3. [Same as Sec. 3, 1793. See Sec. 3, 1777, and Sec. 3, 1913.]

SEC. 4. [Same as Sec. 4, 1793. See Secs. 4 and 23, 1777, and Secs. 4 and 28, 1913.]

SEC. 5. [New section. Same as Sec. 5, 1793. See Sec. 29, 1913.]

SEC. 6. [New section. Same as Sec. 6, 1793, and Sec. 5, 1913.]

SEC. 7. [Same as Sec. 7, 1793, and Sec. 16, 1777. See Sec. 13, 1913.]

SEC. 8. [Same as Sec. 8, 1793. See Secs. 7 and 8, 1777, and Sec. 36, 1913.]

SEC. 9. [Same as Sec. 9, 1793, except that the latter changes "administer oaths or affirmations", to "administer oaths and affirmations", and changes "they may annually, in the first session after their election, and at other times when vacancies happen, choose Delegates to Congress; And shall also, in conjunction with the council, annually, (or oftener if need be) elect Judges" to "they may annually on their first session after their election, in conjunction with the Council (or oftener if need be) elect Judges". See Secs. 8, 9, 10, 27 and 42, 1777, and Secs. 6, 14 and 43, 1913.]

SEC. 10. [Same as Sec. 10, 1793. See Sec. 17, 1777, and Sec. 39, 1913.]

SEC. 11. [Same as Sec. 11, 1793, except that the latter adds "and the Governor may appoint a Secretary for himself and his Council". See Secs. 17 and 18, 1777, and Sec. 20, 1913.]

SEC. 12. [See Sec. 9, 1777, Sec. 12, 1793, and Sec. 16, 1913.] The Representatives, having met, and chosen their Speaker and Clerk, shall each of them, before they proceed to Business, take and subscribe, as well the Oath or Affirmation of Allegiance hereinafter directed, (except where they shall produce Certificates of their having theretofore taken and subscribed the same) as the following Oath or Affirmation, vizt.

You do solemnly swear, (*or affirm*) that as a Member of this Assembly, you will not propose, or assent, to any Bill, vote or resolution, which shall appear to you injurious to the People; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State; but will, in all things, conduct yourself as a faithful, honest representative and Guardian of the People, according to the best of your judgment and abilities. (In case of an Oath) *So help you God.* (And in case of an Affirmation) *Under the pains and penalties of Perjury.*

And each member, before he takes his Seat, shall make and subscribe the following Declaration, vizt.

"You do believe in one God, the Creator and Governor of the Universe, the rewarder of the Good, and punisher of the wicked. And you do acknowledge the Scriptures of the old and new Testament to be given by divine Inspiration, and own and profess the protestant Religion". And no further or other religious Test shall ever hereafter be required of any civil Officer or Magistrate in this State.

SEC. 13. [Same as Sec. 13, 1793, and Sec. 8, 1913. See Sec. 12, 1777.]

SEC. 14. [Same as Sec. 14, 1793, except that the latter changes "conveniently may be" to "convenient". See Sec. 13, 1777, and Sec. 9, 1913.]

SEC. 15. [Same as Sec. 15, 1793. See Sec. 15, 1777, and Sec. 10, 1913.]

SEC. 16. [Same as Sec. 16, 1793. See Sec. 14, 1777. *Superseded.* See Sec. 11, 1913.]

SEC. 17. [New section. Same as Sec. 20, 1793. See Sec. 56, 1913.]

SEC. 18. [Same as Sec. 21, 1793. See Sec. 6, 1777, and Sec. 34, 1913.]

SEC. 19. [See Secs. 5 and 42, 1777, Sec. 22, 1793, and Sec. 55, 1913.] The Inhabitants of this Commonwealth shall be trained and armed for its defence, under such regulations, restrictions and exceptions, as the General Assembly shall by law direct. The several Companies of militia shall, as often as vacancies happen, elect their Captains and other inferior officers; and the Captains and Subalterns shall nominate and recommend the Field officers of their respective Regiments, who shall appoint their Staff officers.

SEC. 20. [Same as Sec. 19, 1777. See Sec. 23, 1793, and Sec. 22, 1913.]

SEC. 21. [Same as Sec. 24, 1793, except that the latter adds "and no trial or impeachment shall be a bar to a prosecution at law." See Sec. 20, 1777, and Sec. 54, 1913.]

SEC. 22. [See Secs. 23 and 33, 1777, Sec. 25, 1793, and Sec. 57, 1913.] As every freeman, to preserve his independence, (if without a sufficient Estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of Profit, the usual effects of which are dependence and servility, unbecoming freemen, in the Possessors or expectants; faction, contention, corruption and disorder, among the People. But if any man is called into public Service, to the prejudice of his private Affairs, he has a right to a reasonable Compensation; and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the Profits ought to be lessened by the Legislature. And if any Officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any Office in this State.

SEC. 23. [New section. See Sec. 26, 1793, and Sec. 50, 1913.]

No person in this State, shall be capable of holding or exercising more than one of the following Offices at the same time, vizt.: Governor, Lieutenant-Governor, Judge of the Supreme Court, Treasurer of the State, Member of the Council, Member of the General Assembly, Surveyor General or Sheriff.

SEC. 24. [New section. Same as Sec. 27, 1793. See Sec. 25, 1913.]

SEC. 25. [New section. Same as Sec. 28, 1793. See Sec. 26, 1913.]

SEC. 26. [Same as Sec. 29, 1793, except that the latter inserts "military officers, and". See Sec. 36, 1777, and Sec. 52, 1913.]

SEC. 27. [See Sec. 10, 1777. This article was dropped in 1793.] Any Delegate to Congress may be superseded at any time, by the General Assembly appointing another in his stead. No man shall be capable of being a Delegate to represent this State in Congress for more than three years in any term of six years:—and no person who holds any office in the gift of Con-

gress shall, during the time of his holding such office, be elected to represent this State in Congress.

SEC. 28. [Same as Sec. 31, 1793. See Sec. 22, 1777, and Sec. 30, 1913.]

SEC. 29. [Same as Sec. 32, 1793, and Sec. 31, 1913, except that the latter changes "proportionate" to "proportioned." See Secs. 24 and 26, 1777.]

SEC. 30. [Substantially the same as Sec. 33, 1793, and Sec. 32, 1913. See Secs. 25 and 26, 1777.]

SEC. 31. [See Sec. 29, 1777, Sec. 34, 1793, and Sec. 51, 1913.] All Elections, whether by the people, or in General Assembly shall be by Ballot, free and voluntary: And any Elector, who shall receive any Gift or reward for his Vote, in meat, drink, monies or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the laws shall direct: And any person who shall, directly or indirectly, give, promise or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further Punishment as a future Legislature shall direct.

SEC. 32. [Same as Sec. 35, 1793, and Sec. 58, 1913. See Sec. 31, 1777.]

SEC. 33. [Same as Sec. 36, 1793, and Sec. 59, 1913. See Sec. 34, 1777.]

SEC. 34. [Same as Sec. 37, 1793, and Sec. 60, 1913. See Sec. 35, 1777.]

SEC. 35. [New section. Same as Sec. 38, 1793. See Sec. 61, 1913.]

SEC. 36. [Same as Sec. 39, 1793. See Sec. 38, 1777, and Sec. 32, 1913.]

SEC. 37. [Substantially the same as Sec. 40, 1793, and Sec. 63, 1913. See Sec. 39, 1777.]

SEC. 38. [Substantially the same as Sec. 41, 1793, and Sec. 64, 1913. See Secs. 40 and 41, 1777.]

SEC. 39. [Same as Sec. 42, 1793, and Sec. 67, 1913. See Sec. 43, 1777.]

SEC. 40. [Same as Sec. 43, 1793, except that the latter changes "eighty-five" to "ninety-nine," and "appear to them to have been enacted" to "shall appear to them to have been passed." See Sec. 44, 1777. *Abrogated.* Art. amend. 25, Sec. 1.]

THE CONVENTION OF 1793.

This convention, called by the council of censors of 1792, met at Windsor, July 3, 1793, and July 9, 1793, its president and secretary certified the constitution of 1793. This certified constitution, now in the secretary of state's office has, prefixed, a title-page with the following words: "The Constitution of Vermont. As Adopted by the Convention, holden at Windsor, July fourth, one thousand seven hundred and ninety three." This convention has been criticised for not certifying its amendments alone, and for the use of the word "adopted" on the title-page of the certified constitution. But the council of censors of 1792, following the precedent of 1785, promulgated the entire constitution as it was proposed to be, and also the entire constitution of 1786. The convention of 1793 refused to adopt the most important amendments proposed by the council, but did adopt many proposed amendments. Among

the amendments rejected, was one establishing a Senate; one for the election by the Senate and House of an "advisory council" of four, to meet with the Governor during the legislative session and advise him respecting his duties; and one providing in terms that "the judiciary department shall consist of one supreme court, a court of chancery, and a county court in each county, courts of probate in each district, and justices of the peace."

It does not appear that either the convention of 1786 or that of 1793 adopted any amendments that were not proposed, although in a very few instances slight verbal changes may have been made, the authority for which may not have appeared in the amendments as proposed. Most of even the more unimportant verbal changes will be found to have been proposed. And it does not appear, considering the way in which the proposed amendments were, by the councils proposing them, incorporated in the original text of the constitution, how the conventions of 1786 and 1793 could have certified separately the amendments adopted as has been done by later conventions.

The convention of 1793, on the day it met, expunged the preamble. In extracts from the journal of this convention, furnished by Lewis R. Morris, its secretary, and printed in *Spooner's Vermont Journal* of July 22, 1793, appears the following: "Ordered, That the Preamble to the present Constitution be expunged."

The full authority of the convention to take this action lies in the fact that the council of censors in promulgating the proposed changes set forth the constitution as proposed with the preamble omitted, and the constitution of 1786 with the preamble retained; thus plainly promulgating the preamble as something to be abolished.

THE LATER PROPOSALS OF AMENDMENT.

(a) Proposed by Council of Censors.

1799

The third council of censors chosen in 1799 reported as follows:

"The council after due deliberation on the expediency of revising and amending the constitution, have ultimately concluded not to recommend any alterations; and although every member of this board has manifested an opinion that alterations ought to be made, for the greater security of our inestimable rights, yet the present convulsed state of political opinion, renders the present an unsuitable period for entering on such an important business."

1806

The fourth council, chosen in 1806, proposed no amendments, but called the attention of the legislature to certain statutes deemed contrary to Article 3 of the Bill of Rights, respecting religious freedom.

1813

The fifth council, chosen in 1813, proposed twenty-eight amendments, among which were:

(1-9) The abolition of the council, and the creation of a senate of twenty-four members.

(14) The nomination by the Governor with the advice and consent of the senate, of "all Judges in the Courts of Law and Chancery", and of probate judges, sheriffs, high bailiffs and justices of the peace.

(20) Fixing the tenure of the judges of the supreme court during good behavior, but making them removable "by a resolution of the Senate and House of Representatives, assigning reasons for such removal; and concurred in by a majority of two-thirds of each house."

(21) Authorizing the establishment of circuit courts of common pleas, in lieu of the county courts, with a chief judge for each circuit.

(27) Substantially the present provision (sec. 33) relating to the writ of *habeas corpus*. The convention called by this council met July 7, 1814. The first proposal—establishing a senate as a co-ordinate branch of the legislature—was rejected by a vote of 5 yeas, to 195 nays. The 27th proposal was rejected by a vote of 51 yeas, to 156 nays. The remaining proposals were rejected without debate.

1820

The sixth council, chosen in 1820, proposed five amendments, the more important of which were:

(2) Apportioning the representatives according to population.

(5) Fixing the term of the Judges of the Supreme Court at seven years.

All the proposed amendments were rejected, —the second by a vote of 14 yeas, to 202 nays, and the fifth by a vote of 19 yeas, to 193 nays.

1827

The seventh council, chosen in 1827, proposed three articles of amendment:

(1) Establishing a senate as a co-ordinate branch of the General Assembly, with a membership of twenty-eight.

(2) Relating to the governor's approval or veto of bills, and their enactment over his veto.

(3) Relating to naturalization.

The convention called by this council met June 26, 1828. The first and second proposals were rejected, yeas 47, to 182 nays. A resolution recommending the adoption of the third was passed yeas 134, nays 92, and it was formally adopted by the convention, June 27, 1828.

This became article I of the amendments, and its provisions are embodied in *section 34* of chapter II, as revised.

1834

The eighth council, chosen in 1834, proposed twenty articles of amendment, of which twelve were ratified January 14, 1836, by a convention called by the council.

The proposals so ratified were the 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 18th and 20th, which became *articles 2 to 13*, both inclusive, of the amendments.

Article 2, constituting the house of representatives the "Most numerous branch of the Legislature" was adopted, 161 to 49.

Articles 3 to 7, both inclusive, relate to the establishment and powers of the senate, and the vote of the convention on their adoption was, yeas 116, nays 113. A motion to reconsider this vote was lost, yeas 110, nays 119.

Articles 8, 9 and 10, (relating to the governor's powers, to the power of the general assembly in the election of governor, etc., and to its powers in the election of certain officers, respectively), were adopted 161 to 49. Article II relating to veto power, was adopted, 131 to 82.

Article 12, (the *habeas corpus* provision) and Article 13 (declaratory of the effect of the preceding articles) appear to have been adopted without opposition.

The rejected proposals, and the votes thereon, are as follows:—

- (1) Election of sheriffs and high bailiffs by the freemen; 91 to 132.
- (2) Election of state's attorneys by the freemen; 107 to 114.
- (3) Election of judges of probate by the freemen; 104 to 116.
- (4) To effectuate the preceding proposals; dismissed, vote not given.
- (5) Election of justices of the peace by the freemen; 104 to 118.
- (6) Division of State into Senatorial districts; 8 to 210.
- (7) To effectuate the preceding proposal; 8 to 210.
- (8) Providing for referendum on constitutional amendments; 27 to 193.

1841

The ninth council, chosen in 1841, proposed ten articles of amendment, and a convention to consider them met January 4, 1843. All of said proposals were rejected; the vote upon each being as follows:

- (1) Fixing the state election on the second Tuesday of October, annually, and the annual sessions of the legislature on the first Thursday of January; 11 to 212.
- (2) Providing that the state and county officers should hold their offices until others should be elected and qualified in their stead; 48 to 173.
- (3) Providing a term of three years for senators and arranging the tenure so that one third should be chosen every year, and that in case of vacancies the governor might make temporary appointments until the next election; 12 to 212.
- (4) Appointment of senators; 31 to 191.
- (5) Election of sheriffs and high bailiffs by the freemen; 101 to 123.
- (6) Effectuating the preceding proposal; 101 to 123.
- (7) Election of justices of the peace by the freemen, by plurality vote, and apportionment of justices; 105 to 117.
- (8) Making the term of the judges of the supreme court seven years and providing for their removal by impeachment, or by joint resolution passed by not less than two-thirds of each House; 2 to 219.
- (9) Relating to votes for governor, lieutenant-governor and treasurer; 95 to 131.
- (10) Referendum on constitutional amendments; 39 to 186.

Various unsuccessful attempts to reconsider these votes were made.

1848

The tenth council, chosen in 1848, proposed fifteen articles of amendment, and a convention met to consider them January 2, 1850.

Proposals 3, 4, 5, 6, 7, 9, 10, 11, 12 and 14 were adopted, and comprise *articles of amendment* 14 to 23, both inclusive. The vote on each of said articles of amendment was as follows:

- (14) Election of assistant judges of the county court by the freemen; 176 to 57.
- (15) Election of sheriffs and high bailiffs by the freemen; 188 to 44.
- (16) Election of state's attorneys by the freemen; 184 to 47.
- (17) Election of judges of probate court by the freemen; 176 to 53.
- (18) Election of justices of the peace by the freemen, and their apportionment; 159 to 68.
- (19) Time of election of officers named in preceding articles, and commencement of term; 196 to 24.
- (20) Provisions for election of said officers; 191 to 24.
- (21) Term of office of governor, lieutenant governor and treasurer; vacancies; 162 to 28.
- (22) Bonds of treasurer, sheriff and high bailiffs; 189 to 11.
- (23) Senators; number, qualifications and apportionment; 177 to 28.

The following proposals were rejected:

- (1) Apportionment of representatives according to population; 9 to 218.
- (2) Balloting for town representative not to commence after twelve o'clock of the night of the first Tuesday in September; 109 to 123.
- (8) Registers of probate to be elected by the freemen; 78 to 138.
- (13) Referendum on constitutional amendments; 42 to 158.
- (15) Limitation of number of justices of the peace; rejected, vote not given.

The adoption of the 14th to the 23rd articles of amendment, inclusive, was certified by the president and secretary of the convention January 12, 1850.

1855

The eleventh council, elected in 1855, proposed nineteen articles of amendment.

By the first four, biennial sessions and elections were provided for.

By proposals 5 and 6, the membership of the house of representatives was limited to 150, and the legislature was given power to create representative districts.

By proposal 7, each county was given two senators to be elected for a term of four years, and a classification was made whereby one senator from each county should go out of office every two years.

By proposal 8, the judges of the supreme court were classified so that the term of a third of the whole number should expire biennially and the terms of those thereafter elected should be six years.

By proposal 9, all elections by the general assembly were to be made *viva voce*.

Proposals 19 and 11, related to the votes for governor, lieutenant governor and treasurer.

Proposals 12, 13 and 14 provided for the election of the secretary of state, auditor of accounts and bank commissioner, respectively, at the time and in the manner provided in the election of Governor.

Proposal 15 required the election of registers of probate by the people.

Proposal 16 provided that the yeas and nays should not be taken in the house of representatives unless demanded by at least ten members.

Proposal 17 gave the county court power to refer such civil suits as in the opinion of such court were proper to be referred.

Proposal 18 related to amending the constitution, and gave each county two delegates to the convention and such further number as its population might warrant.

The convention to consider these proposals met January 7, 1857, and by a series of resolutions, expressing disapprobation of the proceedings of the council, each of the proposals was rejected. The vote on the resolution that it was inexpedient to adopt the amendments was yeas 73 and nays 14.

1862

The twelfth council, chosen in 1862, made no proposals of amendment and no convention was held.

1869

The thirteenth council, chosen in 1869, proposed six articles of amendment; and the convention to consider them met June 8, 1870.

Proposal 1, providing that no corporations, except for municipal purposes, should be created, nor their powers increased or diminished by special laws, was rejected; yeas 62, nays 167.

Proposal 2, relating to biennial sessions and elections, was adopted; yeas 119, nays 114. This became *article 24* of the amendments.

Proposal 3, providing for filling vacancies in the office of senator or town representative, was rejected; yeas 47, nays 188.

Proposal 4, providing for the appointment of the judges of the supreme court by the governor, and classifying them so that a third of the judges should go out of office every two years, and making the subsequent term six years, was rejected; yeas 2, nays 231.

Proposal 5, entitling women to vote "with no other restriction than the law shall impose on men", was rejected; yeas 1, nays 233.

Proposal 6, relating to constitutional amendments, and abolishing the council of censors, was adopted; yeas 123, nays 85. This became *article 25* of the amendments.

The council of censors had proposed an article for adoption in case proposal 2 should be adopted and proposal 4 rejected, to wit:

"The judges of the supreme court shall be elected biennially, and their term of office shall be two years"; This proposal was adopted but no vote is given. It became *article 26* of the amendments.

(b) Proposed by General Assembly.

By force of the adoption of the 25th article of amendment, (the substantial provisions of

which are contained in section 68 of Chapter II as revised), the council of censors was abolished, and the present method of amending the constitution by legislative initiative and proposal, with subsequent referendum, was adopted.

1880

Twenty-three proposals of amendment were introduced in the Senate of 1880, of which only the 19th and 20th became a part of the Constitution. Taking them up in the order introduced, the following is the history of each proposal:

(1) Changing the time of holding freemen's meeting to the first Tuesday next after the first Monday in November, (commencing in 1886), and the time of sessions of the general assembly to the first Wednesday in January, (commencing in 1887). The senate, on November 16, 1880 proposed this amendment—yeas 20, nays 0.

On December 22, 1880, this proposal was reported to the house adversely, and was rejected—yeas 11, nays 133.

(2) Fixing the number of representatives at one hundred fifty, apportioned among the counties according to population. Refused recommendation, December 8, 1880. Vote reconsidered, December 9,—yeas 22, nays 7. Proposal made on the same day,— yeas 20, nays 9. Reported to the house adversely, December 22, 1880, and rejected—yeas 14, nays 140.

(3) Forbidding legislation enabling towns to aid railroads. Proposal made December 14, 1880—yeas 26, nays 0. Reported to the house favorably, December 23, 1880, and concurred in—yeas 163, nays 2. Concurred in by the house, November 21, 1882—yeas 144, nays 3. Rejected by the senate, November 25, 1882—yeas 12, nays 16.

(4) Changing the time of elections, and sessions of the general assembly, from biennially to annually. Reported to the senate favorably, December 16, 1880, but adoption by the requisite two-thirds was denied, December 22, 1880.

(5) Making members of the legislature ineligible to be elected by the legislature to any executive or judiciary office. Reported to the senate adversely, December 22, 1880, and adoption by the requisite two-thirds denied.

(6) Empowering the governor to order an election to fill a vacancy in the senate or house. Proposal made December 8, 1880—yeas 22, nays 0. Concurred in by the house, December 22, 1880—yeas 132, nays 25. Reported to the house adversely, November 21, 1882, and rejected—yeas 38, nays 131. Reported to the senate adversely, November 25, 1882, and rejected—yeas 6, nays 22.

(7) "The Legislature may prohibit the sale of intoxicating liquors, but shall pass no laws licensing the traffic in intoxicating drinks."

(Referred to committee November 6, 1880, but not reported. See No. 23, *post*, an apparent substitute.)

(8) Repealing such amendments as require the election of assistant judges of the county court. Reported adversely, December 22, 1880, and adoption by the requisite two-thirds denied.

(9) Relating to trials by jury in proper cases, where the value in controversy does not exceed one hundred dollars, and the title of real

estate is not concerned. Reported adversely, December 22, 1880, and adoption by requisite two-thirds denied.

(10) Empowering the governor, the senate, or the house to require the opinions of the judges of the supreme court. Proposal made, December 14, 1880—yeas 25, nays 0. Reported to the house favorably December 22, 1880, but concurrence refused—yeas 117, nays 35, (a majority of the whole house not voting for its adoption in concurrence).

(11) Enabling constitutional amendments to be proposed at each biennial session, commencing in 1884. Reported adversely, December 8, 1880, and adoption by the requisite two-thirds denied.

(12) Limiting municipal indebtedness. Amended, on recommendation of committee, December 22, 1880, but denied adoption by the requisite two-thirds—yeas 13, nays 11.

(13) Relating to returning and canvassing votes for state officers, in substitution for sec. 10, of Chap. 2. Amended on recommendation of committee, December 16, 1880, and proposal made—yeas 25, nays 0. Reported to the house favorably, December 23, but adoption by majority of the whole house denied.

(14) Empowering the governor to veto certain items in appropriation bills. Reported favorably, December 22, 1880, but adoption by the requisite two-thirds denied.

(15) Empowering the legislature to establish one supreme court for the state, and to regulate the terms and places of session. Reported favorably December 22, 1880, but rejected—yeas 10, nays 17.

(16) Empowering the legislature to abolish or prescribe the duties of the grand jury. Reported adversely, December 22, 1880, and adoption by the requisite two-thirds denied.

(17) Relating to the powers of the governor respecting reprieves, commutations, and pardons, and creating an advisory board. Reported without expression of opinion, December 22, and proposal made—yeas 21, nays 1. Reported to the house favorably, December 23, 1880, and concurred in—yeas 132, nays 13. Reported to the house adversely, November 21, 1882, and rejected—yeas 0, nays 164. Reported to the senate favorably, November 25, 1882, and concurred in—yeas 25, nays 0.

(18) Making special charters "subject to the right of future Legislatures to alter, amend or repeal, as the public good may require". Reported without expression of opinion, and proposal made December 22, 1880—yeas 26, nays 0. (No action appears to have been taken by the house, aside from reference to committee. Substantially the same provision is contained in the statutes, G. L. 4974.)

(19) Requiring an additional oath of members of general assembly, concerning Federal offices of profit or trust, and defining such offices. Reported favorably, with amendment, December 21, 1880, and proposal made—yeas 27, nays 0. Concurred in by the house, December 23, 1880—yeas 123, nays 0. Concurred in by the house November 21, 1882—yeas 125, nays 2. Concurred in by the senate, November 25, 1882—yeas 19, nays 9. Submitted to the people March 6, 1883, and adopted by the following vote: Yes 11,135, no 556. Proclamation of

adoption made by the governor and secretary of state, April 10, 1883. This became *article 27* of the amendments.

(20) Providing for the election of the secretary of state and auditor of accounts upon the same ticket with the governor, lieutenant-governor and treasurer. Reported favorably, and proposal made December 21, 1880—yeas 21, nays 1. Concurred in by the house, December 23, 1880, yeas 132, nays 13. Concurred in by the house November 21, 1882,—yeas 159, nays 27. Concurred in by the senate, November 25, 1882—yeas 16, nays 12. Submitted to the people, March 6, 1883, and adopted by the following vote: yes 11,059, no 557. Proclamation of adoption made by the governor and secretary of state, April 10, 1883. This became *article 27* of the amendments.

(21) Relating to future proposals of amendment to the constitution, submitted December 20, 1880. The senate journal does not show what the proposal was, but it was rejected.

(22) Enabling the general assembly to propose constitutional amendments every fourth year, commencing with 1884. Proposal made December 21, 1880—yeas 22, nays 1. Reported adversely to the house, December 23, 1880, and rejected—vote not given.

(23) Prohibiting the manufacture and sale of intoxicating liquors. Proposal made December 22, 1880—yeas 21, nays 1. Reported favorably to the house, December 22, 1880, and concurred in,—yeas 134, nays 28. Rejected by the house, November 21, 1882— yeas 117, nays 78— less than a majority of the whole house voting for its adoption in concurrence. Concurred in by the senate, November 25, 1882—yeas 23, nays 5.

1890

At the session of 1890 nine proposals of amendment were submitted to the senate, all of which failed of adoption. The history of each is as follows:

(1) Changing the date of election of state and county officers to the Tuesday next after the first Monday of November, and changing the date of the biennial sessions to the first Wednesday of January. Rejected by the senate, November 21, 1890—yeas 10, nays 17.

(2) Providing that the courts of justice shall consist of a supreme court, county courts and courts of chancery and such inferior courts as the legislature has established or may from time to time establish; that the supreme court shall consist of a chief judge and three associate judges to be appointed by the governor by and with the advice of the senate; that the county court and court of chancery in each county shall consist of a single judge and that the number of such judges shall be six, to be appointed by the governor, by and with the advice and consent of the senate; that the judges of the supreme court shall be appointed for the term of eight years and the tenure so regulated that one judge shall go out of office every two years; and that the term of the county judges shall be six years, and their tenure so arranged that two shall go out of office every two years. Rejected by the senate, November 21, 1890— yeas 7, nays 20.

(3) Forbidding the manufacture and sale of intoxicating liquors. Refused adoption by the necessary two-thirds vote, November 24, 1890—yeas and nays not taken.

(4) Enabling the senate to propose constitutional amendments at any session. Rejected by the senate, November 22, 1890—yeas 1, nays 23.

(5) Apportioning senators according to population. Adoption refused by the necessary two-thirds vote, November 24, 1890—yeas and nays not taken.

(6) Establishing judicial circuits for the supreme court, of not more than four counties each. Proposal made November 21, 1890—yeas 20, nays 5. Concurrence refused by the house, November 25, 1890—yeas 29, nays 83.

(7) Making the term of office of senators and representatives four years, and arranging their tenure so that a half shall go out of office every two years. Rejected by the senate, November 25, 1890—less than two-thirds voting in the affirmative—yeas and nays not taken.

(8) Apportioning representatives to districts consisting of at least five hundred inhabitants each. Rejected by the senate, November 22, 1890—yeas 16, nays 12—less than two-thirds voting for its adoption.

(9) Making members of the legislature ineligible to election by the legislature to any executive or judicial office. Proposal made November 25, 1890—yeas and nays not taken. The adoption of this amendment was reported to the House November 25, 1890, but no action seems to have been taken thereon. The general assembly had then already elected two of its own members as judges of the supreme court.

1900

At the session of 1900, four proposals of amendment were submitted to the senate, but none of them became a part of the constitution. The history of each proposal is as follows:

(1) Changing the date of election of state and county officers to the Tuesday next after the first Monday in November, commencing with 1906; and changing the session of the general assembly to the first Wednesday after the first Tuesday in January, commencing in 1907. Rejected November 26, 1900—yeas 6, nays 22.

(2) Enabling the senate to propose constitutional amendments at any session. Rejected November 26, 1900—yeas 13, nays 16.

(3) Apportioning senators according to population. Rejected by senate November 26, 1900—yeas 5, nays 25.

(4) Providing for filling vacancies in the senate and house of representatives. Proposal made by a two-thirds vote, November 26—yeas and nays not taken. Reported adversely to the house, November 27, but concurred in—yeas 146, nays 24. No action seems to have been taken upon this proposal of amendment by the general assembly of 1902.

1910

At the season of 1910, fifteen proposals of amendment were submitted to the senate, of which eight ultimately became a part of the constitution. The history of each proposal is as follows:

(1) Enabling the senate to propose constitutional amendments at any session. Rejected by the senate December 7, 1910—yeas 16, nays 10—less than two-thirds of the members voting affirmatively.

(2) Relating to approving, signing or vetoing of bills. Proposal made, December 7, 1910—yeas 25, nays 0. Concurred in by the house, January 11, 1911—yeas 160, nays 51. Concurred in by the senate December 17, 1912—yeas 22, nays 7. Concurred in by house, January 22, 1913—yeas 174, nays 20. Submitted to the people as *Proposal One*, and adopted March 4, 1913—yes 17,047, no 8078. Adoption proclaimed by the governor, April 8, 1913. This is *section 11* of chapter II, as revised.

(3) Relating to biennial session and elections, and term of office of governor, lieutenant-governor, treasurer, secretary of state, auditor of accounts and county officers.

Proposal made December 7, 1910—yeas 25, nays 2. Concurred in by the house, January 11, 1911—yeas 179, nays 0. Concurred in by the senate, December 17, 1912—yeas 22, nays 7. Concurred in by the house, January 23, 1913—yeas 146, nays 34. Submitted to the people as *Proposal Two*, and adopted March 4, 1913—yes 16,849, no 7,868. Adoption proclaimed by the governor, April 8, 1913. The provisions of this amendment are thus distributed in chapter II, as revised:

Sec. 1	Ch. II, sec. 7.
Sec. 2	Ch. II, sec. 35.
Sec. 4	Ch. II, sec. 38.
Sec. 5	Ch. II, sec. 48.
Sec. 6	Ch. II, sec. 69.

(4) Relating to the printing of the journals, and the calling for the yeas and nays.

Proposal made December 7, 1910—yeas 25, nays 0. Concurred in by the house, January 11, 1911—yeas 171, nays 0. Concurred in by the senate, December 10, 1912—yeas 27, nays 0. Concurred in by the house, January 28, 1913—yeas 196, nays 1. Submitted to the people as *Proposal Three*, and adopted March 4, 1913, yes 15,258, no 7,447. Adoption proclaimed by the governor April 8, 1913. This is *section 9* of chapter II, as revised.

(5) Relating to the powers of the legislature and the governor, respecting commutation, remission or mitigation of sentences.

Proposal made December 7, 1910—yeas 25, nays 0. Concurred in by the house, January 11, 1911—yeas 176, nays 0. Concurred in by the senate, January 30, 1913—yeas 24, nays 0. Concurred in by the house, January 28, 1913—yeas 196, nays 0. Submitted to the people as *Proposal Four*, and adopted March 4, 1913—yes 13,953, no 9,244. Adoption proclaimed by the governor April 8, 1913. This is *section 56* of chapter II, as revised.

(6) Relating to the ineligibility of senators or representatives to any office of profit, the election of which is vested in the general assembly, or to such office which shall have been created or the emoluments of which shall have been increased during their terms.

Proposal made December 7, 1910—yeas 24, nays 0. Concurred in by the house, January 11, 1911—yeas 153, nays 0. Concurrence refused by the senate, December 10, 1912—yeas 6, nays

20. Concurred in by the house, January 28, 1913—yeas 170, nays 16.

(7) Relating to the grant, extension, change or amendment of charters.

Proposal made December 7, 1910—yeas 25, nays 0. Concurred in by the house January 11, 1911—yeas 151, nays 0. Concurred in by the senate, January 21, 1913—yeas 19, nays 3. Concurred in by the house, January 28, 1913—yeas 171, nays 0. Submitted to the people as *Proposal Five*, and adopted March 4, 1913—yes 14,589, no 7,542. Adoption proclaimed by the governor April 8, 1913. This is *section 65* of chapter II, as revised.

(8) Relating to the change of the words "judge" or "judges" to "justice" or "justices", where the same are used in the constitution or amendments to designate a judge or the justices of the supreme court.

Proposal made December 7, 1910—yeas 25, nays 0. Concurred in by the house, January 11, 1911—yeas 160, nays 0. Concurred in by the senate, December 10, 1912—yeas 24, nays 2. Concurred in by the house, January 28, 1913—yeas 131, nays 36. Submitted to the people as *Proposal Six*, and adopted March 4, 1913—yes 14,803, no 7,263. Adoption proclaimed by the governor, April 8, 1913. This proposal is embodied in the sections relating to the members of the supreme court. (See Disposition Table, page 77.)

(9) Relating to the power of the general assembly to pass laws compelling compensation for injuries.

Proposal made December 7, 1910—yeas 23, nays 0. Concurred in by the house, January 11, 1911—yeas 125, nays 0. Concurred in by the senate, January 30, 1913—yeas 21, nays 3. Concurred in by the house, February 4, 1913—yeas 143, nays 13. Submitted to the people as *Proposal Seven*, and adopted March 4, 1913—yes 15,935, no 7,860. Adoption proclaimed by the governor April 8, 1913. This is *section 66* of chapter II, as revised.

(10) Relating to the revision of chapter II of the constitution.

Proposal made December 7, 1910—yeas 25, nays 0. Concurred in by the house, January 11, 1911—yeas 125, nays 0. Concurred in by the Senate, December 10, 1912—yeas 26, nays 0. Concurred in by the house, January 29, 1913—yeas 186, nays 1. Submitted to the people as *Proposal Eight*, and adopted March 4, 1913—yes 14,985, no 6,936. This is *section 70* of chapter II, as revised.

(11) Relating to taking private property for the public benefit—changing the word "uses" and "use", in article 1 of chapter I, to "benefits" and "benefit", respectively. This was submitted to the senate December 8, 1910, and ordered to lie and be printed. Reported as a part of *Proposal Thirteen*, January 17, 1911. See (13).

(12) Relating to the election of judges of the supreme court.

(Decennial elections, term ten years.) Submitted December 13, 1910. Reported adversely and rejected January 27, 1911—yeas 0, nays 13.

(13) Relating to taking private property for the public benefit—embodying proposal eleven, and amending article 9 of chapter I by adding the words "or benefits" after the words "public uses". Reported favorably by the com-

mittee, January 17, 1911. Rejected January 18, 1913—yeas 11, nays 16.

(14) Enabling the senate to propose constitutional amendments at every sixth session, commencing in 1916.

Reported favorably by the committee January 17, 1911. Rejected January 18, 1913—yeas 15, nays 13—less than two-thirds of the senate voting affirmatively.

(15) "The right of any person to vote shall not be abridged by reason of sex." Submitted and referred January 19, 1911. Reported adversely, and rejected, January 27, 1911—yeas 0, nays 14.

Summary.

From the foregoing review, it appears that since the adoption of the constitution of 1793 one hundred fifty-seven proposals of amendment have been considered, of which only thirty-six have become a part of the organic law.

The following table indicates the disposition of the amendments considered.

(a) *By Council of Censors.*

Year	Number considered	Adopted
1813	28	0
1820	5	0
1827	3	1
1834	20	12
1841	10	0
1848	15	10
1855	19	0
1869	6	3
	106	26

(b) *By General Assembly.*

Year	Number considered	Adopted
1880	23	2
1890	9	0
1900	4	0
1910	15	8
	51	10

GOVERNOR'S PROCLAMATION,

APRIL 8, 1913,

STATE OF VERMONT.

By the Governor.

A PROCLAMATION.

WHEREAS, The following Articles of Amendment of the Constitution have been submitted to a direct vote of the freemen of the State for their ratification and adoption, as provided by the Constitution and by an act of the General Assembly of 1912, entitled "An act relating to the proposed Articles of Amendment to the Constitution", approved February 10, 1913, to wit:

FIRST ARTICLE OF AMENDMENT.

ARTICLE 11.

Every bill which shall have passed the senate and house of representatives, shall, before it be-

comes a law, be presented to the governor; if he approve, he shall sign it; if not, he shall return it, with his objections in writing, to the house, in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, two-thirds of the members present of the house shall pass the bill, it shall, together with the objections, be sent to the other house, by which it shall, likewise, be reconsidered, and, if approved by two-thirds of the members present of that house, it shall become a law.

But, in all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor, as aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner, as if he had signed it; unless the two houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case, it shall not become a law.

SECOND ARTICLE OF AMENDMENT.

ARTICLE 24, SECTIONS 1, 2, 4, 5 AND 6.

SECTION 1. The General Assembly shall meet biennially on the first Wednesday next after the first Monday of January, beginning in A. D. 1915.

SEC. 2. The governor, lieutenant-governor, treasurer, secretary of state, auditor of accounts, senators, town representatives, assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace, shall be elected biennially, on the first Tuesday next after the first Monday of November, beginning in A. D. 1914.

SEC. 4. The term of office of senators and town representatives shall be two years, commencing on the first Wednesday next after the first Monday of January following their election.

SEC. 5. The term of office of the assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace, shall be two years, and shall commence on the first day of February next after their election.

SEC. 6. The persons who shall be severally elected in 1912 to the offices mentioned in this article shall hold such offices until the term of their successors elected the first Tuesday next after the first Monday of November, A. D. 1914, shall begin as herein provided.

THIRD ARTICLE OF AMENDMENT.

CHAPTER 2, SECTION 14.

The votes and proceedings of the General Assembly shall be printed (when one third of the members of either house think it necessary), as soon as convenient after the end of the session, with the yeas and nays of the house of representatives on any question when required by five members and of the senate when required by one senator, (except where the votes shall be taken by ballot), in which

case every member of either house shall have a right to insert the reasons of his vote upon the minutes.

FOURTH ARTICLE OF AMENDMENT.

CHAPTER 2, SECTION 20.

SEC. 20. No person ought in any case, or in any time, to be declared guilty of treason or felony, by the legislature, nor to have his sentence upon conviction for felony commuted, remitted or mitigated by the legislature.

And that Section 11 of Chapter 2 be amended by omitting the words "and murder" where they occur therein.

FIFTH ARTICLE OF AMENDMENT.

ARTICLE 30.

No charter of incorporation shall be granted, extended; changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are to be and remain under the patronage or control of the State; but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this article may be altered from time to time or repealed.

SIXTH ARTICLE OF AMENDMENT.

ARTICLE 31.

That wherever the words "judge" or "judges" are used in the Constitution of Vermont or amendments thereof, to designate a judge or judges of the supreme court, the words "justice" or "justices" shall be substituted therefor, as the case may require.

SEVENTH ARTICLE OF AMENDMENT.

ARTICLE 32.

The General Assembly may pass laws compelling compensation for injuries received by employees in the course of their employment resulting in death or bodily hurt, for the benefit of such employees, their widows or next of kin. It may designate the class or classes of employers and employees to which such laws shall apply.

EIGHTH ARTICLE OF AMENDMENT.

ARTICLE 33.

That the judges of the supreme court be and are hereby authorized and directed to revise Chapter 2 of the Constitution by incorporating into said Chapter all amendments of the Constitution that are now or may be then in force and excluding therefrom all sections, clauses and words not in force and rearranging and renumbering the sections, thereof under appropriate titles as in their judgment may be most logical and convenient; and said revised Chapter 2 as certified to the secretary of state by said judges or a majority thereof shall be a part of the Constitution of this state in substitution for existing Chapter 2 and all amendments thereof.

AND, WHEREAS, It appears that each of said Articles of Amendment has been approved by a majority of the freemen voting thereon, according to the votes returned and certified, as required by said act, this day opened and examined in the manner provided therein;

Now, therefore, as directed by section seven of said act, I do hereby make proclamation that said Articles of Amendment of the Constitution "have been duly ratified and adopted by the people of this state and have become a part of the Constitution thereof", and "all magistrates and officers, and all citizens of the state" are hereby required to "take notice thereof and to govern themselves accordingly".



In witness whereof I have hereunto subscribed my name and caused the Seal of the State to be affixed, in Executive Chamber, at Montpelier, the second Tuesday, the eighth day of April, A. D. 1913.

By the Governor,

GUY W. BAILEY,
Secretary of State.

ALLEN M. FLETCHER,
Governor.

DISPOSITION TABLE.

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