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Vermont State Archives

NOTE: Language deleted from the 1777 Constitution is in brackets; new constitutional language is underlined. Amendments to the 1786 Constitution were proposed by the 1785 Council of Censors and adopted, with some changes, at the 1786 Constitutional Convention.

THE CONSTITUTION OF 1786

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of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein, not only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 dominion of the British parliament, with many other acts of tyranny (more fully set forth in the declaration of Congress), whereby all allegiance and fealty 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, viz. his excellency Benning Wentworth, Esq.,

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 continued 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 quitrent, 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 regrants 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 discountenanced by the authority of Great Britain.

The free Convention of the State of New-York, at Harlem, 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 be hereafter 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 extreme part, is upwards of four hundred and

fifty miles from the seat of that government, which 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 constitutents, 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**

I. That all men are born equally free and independent, and

have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave, or apprentice, after he arrives to the age of twenty-one years; nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

II. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

III. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understandings, as, in their opinion, shall be 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 sentiments, or peculiar mode of religious worship; and that no authority can, or ought to be vested in, or assumed by, any power [whatsoever] whatever, that shall in any case interfere with, or in any manner controul, the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of [people] christians ought to observe the Sabbath or [the] 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.

IV. Every person within this commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character: he ought to obtain right and justice freely, and without being obliged to purchase it--completely

and without any denial, promptly and without delay; conformably to the laws.

V. That the people of this State, by their legal representatives, have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

VI. That all power being originally inherent in, and consequently derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

VII. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter [or abolish] government, in such manner as shall be, by that community, judged most conducive to the public weal.

VIII. 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] by their legal Representatives, to enact laws for reducing their public officers to a private station, and [to] for supplying the vacancies in a constitutional manner, by [certain and] regular elections, at such periods as they may think proper.

IX. That all elections ought to be free and without corruption; and that all freemen, having a sufficient evident common interest with, and attachment to, the community, have a right to elect officers, [or] and be elected into office.

X. 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 [the] 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] or that of the Representative Body of the Freemen; 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. And previous to any law being made to raise a tax, the purpose for which it is to be raised, ought to appear evident to the Legislature to be of more service to community than the money would be, if not collected.

XI. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel,--to demand the cause and nature of his accusation,--to be confronted with the witnesses,-- to call for evidence in his favor, and a speedy public trial by an impartial jury of the country, without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself: --nor can [any man] he be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

XII. That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants, without oaths or affirmations first made, affording sufficient foundation for them, and whereby by any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

XIII. 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 losing his, her, or their debt.

XIV. That [in controversies affecting property, and in suits

between man and man,] when any issue in fact, proper for the cognizance of a jury, is joined in a court of law, the parties have a right to a trial by jury; which ought to be held sacred.

XV. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government:--and therefore the freedom of the press ought not to be restrained.

XVI. The freedom of deliberation, speech and debate, in the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XVII. The power of suspending laws, or the execution of laws, ought never to be exercised by the legislature, or by authority derived from it, to be exercised in such particular cases only as the Legislature shall expressly provide for.

XVIII. That the people have a right to bear arms for the defence of the themselves and the State; and as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XIX. That no person in this commonwealth can, in any case, be subjected to law-martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

XX. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free: The people ought therefore to pay particular attention to these points, in the choice of officers and representatives; and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

XXI. 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.

XXII. That the people have a right, to assemble together to consult for their common good--to instruct their representatives--and to apply to the Legislature for redress of grievances, by address, petition, or remonstrance.

XXIII. That no person shall be liable to be transported out of this State, for trial for any offence committed within [this State] the same.

CHAPTER II PLAN OR FRAME OF GOVERNMENT

SECTION I.

The Commonwealth or State of Vermont, shall be governed hereafter, by a governor [, Deputy Governor,] (or lieutenant-governor,) council, and an assembly of the Representatives of the freemen of the same, in manner and form following.

SECTION II.

The supreme legislative power shall be vested in a house of representatives of the freemen or commonwealth or state of Vermont.

SECTION III.

The supreme executive power shall be vested in a governor (or, in his absence, a lieutenant-governor) and Council.

SECTION IV.

Courts of justice shall be [established] maintained in every county in this State, and also in new counties when formed; which courts shall be open for the trial of all causes proper for their cognizance, and justice shall be therein impartially administered, without corruption, or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the State, and the several judges of the county courts in their respective counties, by virtue of their offices, (except in the trial of such causes as may be appealed to the county court.)

SECTION V.

A future Legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth. Provided they do not constitute themselves the judges of said court.

SECTION VI.

The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

SECTION VII.

In order that the Freemen of this State might enjoy the benefit of election as equally as may be, each town within this state, that consists or may consist of eighty taxable inhabitants, within one septenary or seven years next after the establishing this constitution, may hold elections therein, and choose each two representatives; and each other inhabited town in this State may, in like manner, choose each one representative, to represent them in the general assembly, during the said septenary or seven years; and after that, each inhabited town may, in like

manner, hold such election, and choose each one representative forever thereafter.

SECTION VIII.

The house of representatives of the freeman of this state, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the freemen of every town in this State, respectively, on the first Tuesday of September annually, forever. [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.]

SECTION IX.

The [members of the House of] representatives, [shall be] so chosen [on the first Tuesday of September, forever (except in this present year) and], (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax, for which two thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be styled, the general assembly of the state of Vermont: they shall have power to choose 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] members, but not [a second time for the same cause] for causes known to their constituents antecedent to their election: they may administer oaths or affirmations, in matters depending before them [on examination of witnesses]--redress grievances--impeach State criminals--grant charters of incorporation--constitute towns, boroughs, cities, and counties: 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 of the supreme and several county and probate courts, sheriffs, and justices of the peace; and also, with

the Council, may elect major-generals and brigadier-generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the Legislature of a free and sovereign 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.]

SECTION X.

The supreme executive council of this State, shall consist of a governor, lieutenant-governor, and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of election for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written, to the constable, who shall seal them up, and write on them, *votes for the governor*, and deliver them to the representatives chosen to attend the general assembly; and at the opening of the general assembly, there shall be a committee appointed out of the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count, the votes for the governor, and declare the person who has the major part of the votes, to be governor, for the year ensuing. And if there be no choice made, then the council and general assembly, by their joint ballot, shall make choice of a governor. The lieutenant governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve councillors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as councillors.

[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.]

SECTION XI.

The governor, and in his absence the lieutenant-[or Deputy] governor, with the council, [seven of whom] (a major part of whom, including the Governor or Lieutenant-Governor, shall be a quorum to transact business) shall have power to commissionate all officers,--and also to appoint officers, except [those who are appointed by the General Assembly agreeable to this frame of government, and the laws that may be made hereafter;] where provision is, or shall be, otherwise made by law, or this Frame of Government;--and shall supply every vacancy in any office, occasioned by death [, resignation, removal or disqualification] or otherwise, until the office can be filled in the [time and] manner directed by law or this constitution. They are to correspond with other States,--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 judges of the supreme court; and shall have power to grant pardons, and remit fines, in all cases whatsoever, except in treason and murder, in which they shall have power to grant reprieves, but not to pardon until after the end of the next session of assembly; and except in cases of impeachment, in which [but] there shall be no remission or mitigation of punishment [on impeachment except], but 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 the general assembly. And they may draw upon the treasurer for such sums as may be appropriated by the house of representatives. 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 captain-general and 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: and the lieutenant-governor shall, by virtue of his office, be lieutenant-general of all the forces of the State. The governor, or lieutenant-governor, and the council, shall meet at the time and place with the general assembly: the lieutenant-governor shall, during the presence of the commander in chief, vote and act as one of the council; and the governor, and in his absence the lieutenant-governor, shall, by virtue of their offices, preside in council, and have a casting, but no other vote. Every member of the council shall be a justice of the peace for the whole State, by virtue of his office. 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.

SECTION XII.

[A quorum of the house of representatives shall consist of two thirds of the whole number of members elected; and] 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 [of fealty and] or affirmation of allegiance herein after directed, (except where they shall produce certificates of their having theretofore taken and subscribed the same) as the following oath or affirmation, viz:

[I] You _____ do solemnly swear [by the ever living God (or I do solemnly affirm in the presence of Almighty God)] (or affirm) that, as a member of this assembly, [I] you will not propose, or assent, to any bill, vote or resolution, which shall appear to [me] 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 [in] by the constitution of this state; but will, in all things, conduct [myself] yourself as a faithful, honest representative and guardian of the people, according to the best of [my] your judgment and abilities. (In case of an oath,) So help [me] 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, viz:

[I] you do believe in one God, the creator and governor of the universe, the rewarder of the good, and punisher of the wicked. And [I] 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.

SECTION XIII.

The doors of the House in which the [representative of the freemen of the State] General Assembly of this commonwealth, shall sit, shall be [and remain] open for the admission of all persons who behave decently, except only when the welfare of the State may require [the doors] them to be shut.

SECTION XIV.

The votes and proceedings of the General Assembly shall be printed (when one third of the members think it necessary) as soon as conveniently may be, after the end of each session, with the yeas and nays on any question, when required by any member; (except (when) where the votes [are] shall be taken by ballot,) in which case every member shall have a right to insert the reasons of his vote upon the minutes.

SECTION XV.

The stile of the laws of this State, in future to be passed, shall be,--[Be it enacted, and] *It is hereby enacted by* [the Representatives of the Freemen of the State of Vermont in]

by the General Assembly of the State of Vermont.

SECTION XVI.

To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills [of public nature] which originate in the Assembly, shall be [first] laid before the governor and council, for their [perusal] revision, and concurrence or 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 the case of sudden necessity) be passed into laws; and no other shall be passed into laws, until the next session of Assembly.] who shall return the same to the Assembly, with their proposals of amendment (if any) in writing; and if the same are not agreed to by the assembly, it shall be in the power of the governor and council to suspend the passing of such bills until the next session of the Legislature. Provided, that if the governor and council shall neglect or refuse to return any such bill to the Assembly, with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law. [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.]

SECTION XVII.

No person ought, in any case, or in any time, to be declared guilty of treason or felony by the Legislature.

SECTION XVIII.

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 behavior, and will take the following oath (or affirmation), shall be entitled to all the privileges of a freeman of this State.

"[I] You solemnly swear, (or affirm) [by the ever living God (or affirm in the presence of Almighty God)] that whenever [I am called to] you give [my] your vote or suffrage, touching any matter that concerns the State of Vermont, [I] you will do it so as in [my] your conscience [I] you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man."

SECTION XIX.

The [freemen] 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. [reserving always to the people, the right of choosing 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] 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.

SECTION XX.

All commissions shall be in the name of the freemen of the State of Vermont, sealed with the State seal, signed by the governor, or in his absence, the lieutenant-governor, and attested by the secretary, which seal shall be kept by the council.

SECTION XXI.

Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation, or removal for mal-administration. All impeach-ments shall be before the governor, or lieutenant-governor, and council, who shall hear and determine the same, and may award costs.

[SECTION XXII.]

[Excessive bail shall not be exacted forailable offences; and all fines shall be moderate.]

SECTION XXII.

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 effect of which are dependance and servility, unbecoming Freemen, in the possessors or expectants, and 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 to 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.

SECTION XXIII.

No person, in this State, shall be capable of holding or exercising more than one of the following offices, at the same time, viz.: 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.

SECTION XXIV.

The treasurer of the state shall, before the governor and council, give sufficient security to the secretary of the state, in behalf of the general assembly; and each high sheriff, before the first judge of the county court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums as shall be directed by the Legislature.

SECTION XXV.

The Treasurer's accounts shall be annually audited, and a fair state thereof laid before the General Assembly, at their session in October.

SECTION XXVI.

Every officer, whether judicial, executive or military, in authority under this state, before he enter upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State, (unless he shall produce evidence that he has before taken the same) and also the following [general] oath or affirmation of office [before he enter on the execution of his office], (except such as shall be exempted by the Legislature) viz: --

The oath or affirmation of allegiance.

"[I] You _____ do solemnly swear [by the ever living God (or affirm in the presence of Almighty God) (or affirm) that [I] you will be true and faithful to the State of Vermont; and that [I] you will not, directly or indirectly, do any act or thing [prejudicial or] injurious to the constitution or government thereof, as established by convention. (If an oath) So help you God. (If an

affirmation) under the pains and penalties of perjury.

The oath or affirmation of office.

"[I] You _____ do solemnly swear [by the ever living God (or affirm in the presence of Almighty God)] (or affirm) that [I] you will faithfully execute the office of _____ for the _____ of _____; and will therein do equal right and justice to all men, to the best of [my] your judgment and abilities, according to law. (If an oath) So help you God. (If an affirmation) under the pains and penalties of perjury.

[SECTION XXVII.]

[That the General Assembly, when legally formed, shall appoint times and places for county elections, and at such 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 probate, commissioned by the Governor and council, during good behavior, removable by the General Assembly upon proof of mal-administration.]

SECTION XXVII.

[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 to Congress may be superceded at any time, by the General Assembly appointing another in his stead. No man shall [sit] be capable of being a delegate to represent this State in Congress [longer than two years successively, nor be capable of re- election for three years afterwards;] for more than three years in any term of six years; --and no person who holds any office in the gift of congress, shall, [thereafter] during the time of his holding such office, be elected to represent this state in congress.

[SECTION XXVIII.]

[That no person, shall be capable of holding any civil office, in this State except he has acquired, and maintains a good moral character.]

SECTION XXVIII.

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] of issues proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of juries.

SECTION XXIX.

All prosecutions shall commence [in the name and]--by the authority of [the Freemen of] the State of Vermont; all indictments shall conclude with these words--*against the peace and dignity of the State*. [The style of all process hereafter, in this State, shall be,--The State of Vermont.] And all fines shall be proportionate to the offences.

SECTION XXX.

The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, bona fide, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall beailable by sufficient sureties [unless for capital offences, when the proof is evident or presumption great]: nor shall excessive

bail be exacted forailable offences.

SECTION XXXI.

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 so much further punishment as a future legislature shall direct.

[SECTION XXXII.]

[The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.]

SECTION XXXII.

All deeds and conveyances of land shall be recorded in the town clerk's office in their respective towns, and, for want thereof, in the county clerk's office of the same county.

SECTION XXXIII.

The Legislature shall regulate entails in such manner as to prevent perpetuities.

SECTION XXXIV.

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to

make sanguinary punishment less necessary, [means] houses ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital; whereby 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, ought to be permitted to see [the prisoners] them at their labor.

SECTION XXXV.

The estates of such persons as may destroy their own lives shall not, for that offence, be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

SECTION XXXVI.

Every [foreigner] person, 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 [of this State;] thereof, and entitled to all the rights of a natural born subject of this State; except that he shall not be capable of being elected governor, lieutenant-governor, treasurer, councillor, or representative in assembly, until after two years residence.

[SECTION XXXVII.]

[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.]

SECTION XXXVII.

[That] The inhabitants of this State shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the general assembly.

[SECTION XL.]

[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 a low prices. One grammar school in each county, and one university in this State, ought to be established by direction of the General Assembly.]

SECTION XXXVIII.

Laws for the encouragement of virtue, and prevention of vice and immorality, [shall be made and] ought to be constantly kept in force, [and provision shall be made for their due execution;] and duly executed: and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported in each county in this State. And all religious societies, or bodies of men, that [have or] may be hereafter united [and] or 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.

[SECTION XLII.]

[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.]

SECTION XXIX.

The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the constitution of this [State] commonwealth; and ought [never] not to be violated, on any pretence whatsoever.

SECTION XL.

In order that the freedom of this commonwealth may be preserved inviolate for ever, there shall be chosen, by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday of March, in every seven years thereafter, *thirteen persons*, who shall be chosen in the same manner the council is chosen--except that they shall not be out of the Council or General Assembly--to be called *the Council of Censors*; who shall meet together on the first Wednesday of June next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a convention, in which two thirds of the whole number elected shall agree, and whose [duty it shall] duties shall be to enquire, whether the constitution has been preserved inviolate in every part, during the last septenary (including the year of their service) whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the constitution. They are also to enquire whether the public taxes have been justly laid and collected in all parts of this Commonwealth: --in what manner the public monies have been disposed of, and whether the laws have been duly

executed. For these purposes they shall have power to pass public censures --to order impeachments, and to recommend to the legislature the repealing such laws, as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective --explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people: but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.