

Office of the Vermont Secretary of State Vermont State Archives

Statewide Referendum

1785: "Quieting Ancient Settlers" and the Betterment Acts



Background: Competing jurisdictions, uncertain surveys, and overlapping deeds clouded land titles held by Vermont's early settlers. After the laborious work of converting wilderness to farms, some of these "ancient" settlers faced eviction because their titles proved invalid.

Issue: Revolutionary leaders such as Thomas Chittenden believed that ancient settlers with invalid titles should receive full compensation for the value added by their work and enacted a Betterment Act to that effect in 1781. Opponents, associated with Nathaniel Chipman, argued that compensation violated common law tenets on trespass by requiring the legal owner to pay the settlers for their trespass. Their opposition blocked enactment of a new Betterment Act in 1784.



Referendum: To break the deadlock the 1784 General Assembly sought an advisory referendum, to be held at 1785 town meeting. The freemen were asked whether they supported the 1784 bill's call for full compensation.

At the June 1785 session of the General Assembly it was reported that the betterment bill was supported by a 756 to 508 margin (some towns did not comply with the requirement to certify the actual vote and simply noted how the town voted).

Result: Despite the vote the betterment bill was defeated by a 29-31 legislative vote. On June 16, 1785 a compromise bill, limiting compensation to half the assessed value of the improvements, was approved by a 33 to 29 vote.

