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Vermont

Vermont Declaration of Rights, 1777

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of protection only) heretofore acknowledged allegiance to the King of Great-Britain, and the said King has not only withdrawn that protection, but commenced and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein not only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 more acts of tyranny, (more fully set forth in the declaration of Congress) [Declaration of Independence] 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[ment], 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 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 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 expence, 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 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.

1. 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.

2. 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.

3. 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 be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; & 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 christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship which to them shall seem most agreeable to the revealed will of God.

4. 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.

5. 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.

6. 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.

7. 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 government, in such manner as shall be, by that community, judged most conducive to the public weal.

8. 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.

9. 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, and be elected into office.

10. 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 expence 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 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 the community, than the money would be if not collected.

11. 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 be justly deprived of his liberty, except by the laws of the land, or the judgment of his Peers.

12. 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 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.

13. That no warrant or writ to attach the person or estate of any freeholder within this State, shall be issued in civil action, 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 debts.

14. That when an 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.

15. 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.

16. 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.

17. 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.

18. That the people have a right to bear arms, for the defence of 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.

19. 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.

20. 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.

21. 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.

22. 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.

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

Vermont Constitution, 1786 (excerpts)

Chapter II
Plan of Government
SECTION XVII.

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

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 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. . . .

SECTION XXVIII.

Trials 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 by the authority of the State of Vermont—all indictments shall conclude with these words, *against the peace and dignity of the State*. 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; nor shall excessive bail be exacted forailable offences. . . .

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,¹ or in any wise forfeited, on account of such misfortune.

SECTION XXXVI.

Every 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 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.

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 inclosed; 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 XXXIX.

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 Commonwealth; and ought not to be violated on any pretence whatsoever.

1. A deodand, in English common law, was an object forfeited to the Crown for having been the cause of a death. From the Latin, *deo dandum*, meaning “to be given to God.”

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