

*Office of the Vermont Secretary of State*  
**Vermont State Archives**

**Veto Message: Governor Proctor  
1878 (S.121)**

**An act relative to arrears of pay due the soldiers of the late war.**

STATE OF VERMONT  
Executive Department.  
Montpelier, Vt., November 16, 1878.

*To the President of the Senate:*

SIR: I have the honor to return to the Senate, where it originated, Senate bill number one hundred and twenty-one, entitled "An act relative to arrears of pay due the soldiers of the late war," without the Executive approval.

The bill reads as follows:

SEC. 1. All claims against the State of Vermont for arrears of State pay or allotted pay due to the soldiers of the late war shall be presented with the proper proof to the State treasurer on or before June 1st, 1879, or the same shall be forever barred.

SEC. 2. The State treasurer is hereby directed, prior to the first day of February, A. D. 1879, to give notice of the provisions of this act by publication, three weeks successively, in one weekly newspaper in each county in the State.

The amount now due to 1,732 soldiers, is \$10,969.19. Eighteen claims have been paid since August 1st, amounting to \$208.76. Twenty-eight claims were paid during the fiscal year, ending July 3d. The granting of the State pay was an act of great liberality on the part of the State, and was fully merited by the soldiers. But the payment of the balances now due is no question of gift or bounty, not a matter for the exercise of liberality or discretion, but merely one of fulfilling a contract.

This State pay was offered as an additional inducement to the soldiers to enlist, and they entered the service under the plighted faith of the State to make this payment. The soldiers have performed their part of the contract, and we have no more right to this money than to any other which happens to fall into our hands for safe keeping. The money, in each case, has belonged to the soldier ever since he performed the service, and is just as much a debt owed by the State as if it were evidenced by a bond or a note.

I will not discuss the question of our moral right to make such a law. A mere statement of the case seems to be sufficient. The only argument adduced in favor of the bill, is one of mere convenience and expediency, and even on this narrow ground the arguments against it, seem to be overwhelming.

It is true that, in most cases, the amounts are small, one thousand of them not exceeding three dollars each, but many are larger, some running up to one and nearly two hundred dollars each.

But, however small the amount, I am sure it was not the intention of the legislature to withhold payment, or delay or embarrass the soldier or his heirs in collecting their dues.

Quite a part of this money was due to soldiers who were killed or died in the service and whose heirs, through ignorance of the facts or the smallness of the amount, have not called for it. Much of it probably will never be called for, but the State is not paying interest on it, it is not set aside to pay these debts and lying idle, but it is in the treasury, in use as if belonging to the State. Where a soldier or his heirs prove their identity and title, the money due them is paid from any funds in the treasurer's hands. I trust the time may never come when a statute of limitation, passed after the debt is contracted, shall be thrust in the face of a soldier or his family to bar an honest claim, however small. Such a claim should be outlawed only when the memory of the services of our soldiers has entirely faded from the minds of the people; and that time has not come in Vermont. I believe the sense of justice in our people is so strong that, if this bill should become a law, all just claims would still be paid by future legislatures, but the expense

of presenting them would be more than the claim in most cases, and the cost to the State of examining and passing upon them would be much more than it is now. It is said that fraudulent claims are made on the treasurer. This is, no doubt, true, but none such have been paid as far as known, and it is part of his duty to examine and investigate these cases. He has full authority to reject improper claims, and is every way competent, and, I am sure, does not wish to be relieved of any duty which clearly belongs to his office. The fear that we may in some case pay the wrong man is hardly sufficient excuse for refusing to pay the right one.

I have been recently informed and believe it to be true that frauds, to quite an extent, were practiced upon soldiers a few years since in this class of cases.

If the State is not directly responsible for these frauds, they ought to have been guarded against and prevented.

In some instances, I am informed, when perhaps one hundred dollars was due the soldier, he would not receive more than one-half or one fourth of it. It may be too late now to correct these mistakes, but the recollection of these should cause us to jealously protect the rights of those who are still unpaid.

I can only conclude that the bill must have passed both branches without a full understanding of its features. Therefore, I return it without my approval.

REDFIELD PROCTOR,  
Governor

**Governor's Veto Sustained**  
**S.121 1878**

The Governor's veto was Sustained in the Senate:  
**Yeas 0 Nays 21**

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Sources: *Journal of the Senate*, November 16, 1878 (pages 199-204)