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**Veto Message: Governor Ormsbee
1886 (H.60)**

**An act repealing section six hundred and ninety-six of the Revised Laws limiting
the jurisdiction of the court of chancery.**

STATE OF VERMONT
Executive Department.
Montpelier, Vt., Nov. 6, 1886

Hon. Josiah Grout,
Speaker of the House of Representatives:

SIR: -- I herewith return to the house without my approval, house bill No. 60, entitled "An act repealing section six hundred and ninety-six of the Revised Laws limiting the jurisdiction of the court of chancery."

The section of the Revised Laws, sought to be repealed by this bill, provides that:

"A suit concerning property, except a foreclosure of a mortgage, where the matter in dispute exclusive of costs does not exceed fifty dollars, shall not be entertained by such (chancery) court, but shall be dismissed with costs to the defendant."

This has been the law of the state, as to the matter to which it appertains, since A. D. 1839, and the object or purpose of it was clearly to discourage, and to a certain extent prevent expensive litigation, as to matters of comparatively little value, --a purpose both desirable and commendable.

That it has not served its purpose, will, I am certain, not be claimed by any. To repeal this section, would, in my opinion, be making progress in the wrong direction.

The limitation fixed by the section sought to be repealed is, in my

judgment, particularly desirable and wholesome, in consideration of the fact that in the court of chancery the right of appeal to the supreme court is unlimited and unrestricted, and not subject save in foreclosure cases, to the discretion of the court.

There may have been, and may be cases, where the property rights may seem to be sacrificed by means of the limitation in question, but, when the fact is taken into consideration that it is hardly possible for a party to get into, and out of the court of chancery without an expense of fifty dollars or more, this seeming sacrifice is more fancied than real.

The learned Chancellor Kent in a reported case, in commenting upon the subject, said, "The true objection to the cognizance of small causes by this (chancery) court, is that the litigation would necessarily be vexatious and oppressive to the suitor and exhaust more than the subject in controversy." This commentary so well expresses my views on the subject, that I adopt them as an embodiment of my objections to the bill in question.

For these reasons I return the bill for further consideration.

EBENEZER J. ORMSBEE,
Governor

Governor's Veto Sustained
H.60 1886

The Governor's veto was sustained in the House:
Yeas 88 Nays 119.

Sources: *Journal of the House*, November 6, 1886 (pages 171-172, 186)