

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

**Veto Message: Governor Ormsbee  
1886 (S.79)**

**An act to to provide for the study of scientific temperance in the public schools of  
the State of Vermont.**

STATE OF VERMONT  
Executive Department.  
Montpelier, Vt., November 23, 1886

The President laid before the senate a communication from His Excellency, the Governor, in writing as follows:

To the President of the Senate:

SIR: I have the honor to return to the senate, where it originated, senate bill No. 79, entitled "an act to provide for the study of scientific temperance in the public schools of the State of Vermont," without the executive approval.

It is a matter of great regret that an act, having for its purpose an object and end of great merit and applicable to a subject of unequaled public solicitude and concern, should be so framed as to be obnoxious to well founded principles of law; but believing it to be so obnoxious, and being so advised by the best authority at hand, my course in the premises is plain and inexorable.

Passing over many minor objections that might be well taken to other parts of the bill, I confine my objections to section three.

There is no provision as to how the alleged offender is to be cited before judges, or whether the complaint shall be written or oral.

The tribunal before which the trial is to be had is not known to our system of law or our constitution. A judge of the Supreme Court is not of himself a court.

This section contemplates a summary hearing by a judge without ordinary process, and apparently without jurisdiction. A party alleged to have violated a statute is entitled to a jury trial, which this act denies him. There is no provision for any record of the process, the pleadings or the proceedings; there is no clerk of the court provided, but the judge is to decide the matter off-hand, construe the law according to his best judgment, without revision or right of appeal, and is to punish disobedience of his own order as in cases of contempt.

In a proceeding of contempt there is no limit upon the amount of fine or the extent of imprisonment, which a judge may impose. Proper cases for the exercise of this power are rare, and it does not naturally or properly apply to the enforcement of statutes. Such a method of administering justice might perhaps be sufficient in respect to all our laws; it would apparently be as proper in respect to other statutes as to this, but it would be decidedly novel in form and rather in accordance with oriental methods than with the principles of constitutional government.

These considerations are of especial weight in view of the fact that the first and second sections are certainly susceptible of a construction which would require the pupils of primary classes to be furnished with text-books before they have mastered the alphabet; and that these text-books should be kept in their hands, and in daily use year after year, in every grade of the school system.

As I have before said, the object of the bill is highly commendable, but I believe it is encumbered by a provision that is unconstitutional and which is certainly a violation of well recognized principles which lie at the foundation of our government.

I can but conclude that the bill as to the features and provisions to which your attention is hereby called, passed the two houses without a full understanding of them.

Therefore I return it without my approval.

**Governor's Veto Sustained**  
**S.79, 1886**

The Governor's veto was sustained in the Senate:  
**Yeas 2 Nays 22**

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Sources: *Journal of the Senate*, (pages 280-281)