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Veto Message: Governor Hartness
1921 (S.23)

An act in amendment of and in addition to section 3414 of the General Laws relating to a surviving husband's interest in the real estate of his deceased wife.

STATE OF VERMONT
Executive Department.
Montpelier, Vt., March 2, 1921

To the Honorable Senate:

I have the honor to return without my approval, Senate bill entitled.

S. 23 An act in amendment of and in addition to section 3414 of the General Laws relating to a surviving husband's interest in the real estate of his deceased wife for the following reasons:

While the purpose of the act is undoubtedly set forth in Section 5 where it states 'Sections 1, 2, 3, and 4 of this act shall be so interpreted and construed as to effect its general purpose to make uniform and equal the rights of a surviving husband in his deceased wife's real estate with the rights of a widow in her deceased husband's real estate'. I believe we have reached a time at which we must go carefully in trying to equalize conditions that cannot be equalized. For instance, a poll tax imposed on women will bar many from voting, because in a large percentage of families the woman is not the money earner. Any attempt to equalize the voting privilege by imposing tax on the women members of the family is not in the direction of equalization; it is in the opposite direction. So, too, the present bill dealing with settlement of estates and the distribution of a wife's real estate, on the face of it would seem to be an equalizing measure. In the average family, however, the wife is closer than the husband to the children. She should have a right to will all of her property to her children. Her part in bearing, nurturing, protecting and

working for the family is distinctly different from that of the husband. Taking an example of a family in which the mother has had to bear the brunt of earning as well as the home cares and the father had been indifferent and shiftless, it would seem best to reserve the right of the mother to will her property to the children, but if these arguments fail to impress the assembly as they impress me, there is still reason for going slowly in matters of legislation that have a tendency to curtail rights which women should possess. I believe that the women's vote will register strongly against anything under the guise of equalization that makes it impossible or difficult for her to transmit her property to her children, for she, after all will vote first, last and all the time for the home. At the present time women would consider the enactment of this measure by men as taking an unfair advantage. The provisions of this bill, as now drawn, should not become operative without more consideration than the brief space of a year has made possible. This is one of the measures that should go over for at least two years in order to give the subject of equalization a more careful study. There is a further objection to the provisions of this bill which, if for no other reason, prompts me to return it without my approval. As I understand the rights of husband and wife owning real estate jointly, the survivor of them takes the entire estate. I think this is as it should be. Section 3 of the bill apparently interferes and modifies the law in respect to estates by the entirety. I do not approve of this change.

JAMES HARTNESS,
Governor

Governor's Veto Sustained
S.23, 1921

The Governor's veto was overridden in the Senate:
Yeas 23 Nays 0

The Governor's veto was sustained in the House:
Yeas 127 Nays 68

NOTE: Though a majority of senators and representatives voted to override the veto, the Speaker noted that the constitution

required two-thirds of the members present to vote as required by chapter II of the Constitution of Vermont. Lacking the required quorum, the Speaker ruled the veto sustained.

Sources: *Journal of the Senate*, March 3, 1921 (pages 319-320, 529-530);
Journal of the House (pages 723-726)