

More to the point, the 1793 proposal included an unqualified exception to the rule that bills not vetoed, or "returned," by the Governor within a certain number of days would become law. It provided that:

If any bill shall not be returned by the governor, as aforesaid, within four days (Sundays excepted) after it shall have been presented to him, the same shall become a law, *unless an adjournment of the Legislature shall prevent its return*, in which case it shall not be a law.

95 Vt. at 196 (emphasis added). This language clearly provided that any adjournment of the Legislature preventing the return of a bill, including an adjournment before the presentment date, would override the provision for the automatic enactment of bills not returned on time. Such bills would not become law.

The substance of this 1793 proposal was added to our constitution in 1836, but the critical language changed. The adjournment clause was qualified so that only adjournments "within three days after the presentment of such bill" would prevent a bill from becoming law. Art. Amend. 11, 1836. That is the same qualified language that appears in Section 11 of Chapter II of our present constitution.<sup>2</sup> See Vt. Const. ch. II, § 11.

This history does not foreclose the argument that the constitutional intent was to apply the adjournment clause whenever an adjournment prevented the return of a bill, but it does weaken that argument. The Constitutional Convention that approved the amendments adopted in 1836 was aware of the proposed amendments that were rejected in 1793. See Collected Papers of Daniel Chipman, Speech of Hon. Daniel Chipman, January 6, 1836 at pp. 6, 18. The fact that the 1836 Convention adopted the qualifying language suggests an intent to limit the scope of the Section 11 adjournment clause.

As noted above, it is appropriate to interpret our Constitution in light of legal precedents from other states as well as from Vermont. Unfortunately the precedents from other states have limited value here because the adjournment clause in the Vermont Constitution appears to be one of a kind. This point is brought home in a standard legal treatise that includes Vermont on a list of states whose constitutions provide that a bill does not become law when its return "is prevented by adjournment of the legislature...." Sutherland Statutory

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<sup>2</sup> The 1836 amendment also increased the time for the Governor to return a bill with objections, from four to five days. A subsequent amendment required a two-thirds majority vote of both houses to override a gubernatorial veto. See Art. Amend. 29, 1913.