

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

Statewide Referendum

**1849: Third Referendum under 1846 Act Relating to Licensing
Innkeepers and Retailers**

Background/Issue: See 1847 and 1848 referenda.

Referendum: At town meeting in March, 1849 the "no license" forces recovered from their 1848 defeat, carrying the day with a 23,816 to 11,331 vote.

Result: Prohibition again returned (though, as before, small beer and cider were exempted). First judicial challenge to use of referendum emerged in [Bancroft & Riker v. Dumas](#) 21 Vt. 456 (1849). Vermont Supreme Court upheld referendum, ruling that it was not an unconstitutional delegation of the General Assembly's exclusive legislative authority.