

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1849.



Augusta:

WM. T. JOHNSON;.....PRINTER TO THE STATE.

1850.

TWENTY-NINTH LEGISLATURE.

No. 22.]

[SENATE.

MESSAGE OF THE GOVERNOR.

To the President of the Senate :

My attention was called yesterday to the following message and accompanying resolves, communicated to the council during my absence by the secretary of the senate :

“ I am instructed by the senate to present the resolves in relation to the introduction and extension of slavery in newly acquired territory, to the governor, for his approval and signature.”

The resolves alluded to contain a legitimate expression of the opinion of the legislature,—that congressional prohibition is necessary to preclude slavery from California and New Mexico. Although not concurring in this opinion I should have cheerfully complied with the request therein contained, to transmit them to the governors of the several States of the Union, if they had been presented in the ordinary manner. But the message attending them, is a new feature in our forms of legislation, and requires notice as an interference on the part of one branch of the government, with the rights and duties of another.

It is the constitutional duty of the executive to approve and sign or return with his objections, to the house wherein they originated, “ every bill and resolution having the force of law.” If the

resolves in question were of this character, it required no formal vote of the senate to impose upon me that duty, for a higher—a constitutional obligation rested upon me. But the senate could not have considered the resolves as coming under that constitutional provision—could not have intended their vote ordering the message, merely as an admonition to the executive to perform a constitutional duty, because they did not allow him the constitutional alternative, to approve and sign or *return with his objections*.

The message then was intended as a request to the executive to concur, where there was no necessity for concurrence, in opinions diametrically opposed to those he had officially expressed—to approve, where there was no obligation to act, resolutions which had their origin in the avowed object of expressing opinions counter to his own. If after the passage of those resolves the senate had received a message from the executive requesting a reconsideration of their vote and an adoption of his opinions, it would have been received, and justly, as an insulting outrage upon that body; and it requires more discrimination than I possess to discover a difference in the character of such a message and the message in question. The message of the senate was ordered with the full understanding that it must result in a submissive retraction of opinions deliberately formed and publicly and officially expressed by the executive, or in a refusal and unpleasant collision. Did the senate expect the former? or desire the latter? A restriction of each department of the government to its own legitimate sphere of action, is essential to the proper discharge of the duties of all; and a gentlemanly tolerance of diverse opinion is absolutely necessary to secure that courtesy which should ever characterize all intercourse between them. Such a restriction I have ever imposed upon myself—such tolerance I have ever extended and should be happy to receive. The resolves are herewith returned without my “approval and signature,” for the reasons indicated in the foregoing.

JOHN W. DANA.

COUNCIL CHAMBER, }
July 17, 1849. }

STATE OF MAINE.

IN SENATE, July 17, 1849.

ORDERED, That 350 copies of the foregoing Message, be printed for the use of the Senate.

DANIEL T. PIKE, *Secretary.*