ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

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GOVERNOR DANA'S MESSAGES.

To the senate and house of representatives:

THE last legislature, at the last hour of its session, passed to be enacted, a bill entitled, "an act in relation to common sellers of intoxicating liquors." That a bill, important in its provisions and complicated in its details, should receive its final passage and be presented to the executive for his examination and approval, in the midst of the haste and confusion of a final adjournment of the legislature, furnishes a perfect justification to that officer, in withholding his signature, unless it be assumed, that in the discharge of his duty, as a co-ordinate branch of the law-making power, he is but the echo of the opinions and recorder of the acts of the two houses of the legislature.

I doubt not that this consideration has secured to me the approbation of all *candid* minds, in aviling myself of that provision of the constitution, by which I was authorized to retain the bill for further consideration, and return it, either with or without my approval, to the legislature when next in session.

The hasty reading of the bill, under the circumstances above alluded to, disclosed the fact, that it provided for the opening to public inspection, not only the places of business, but the firesides of all our citizens, exposing the secrets of the family circle to the public gaze, and the prying eye, and the question very naturally presented itself, whether a public necessity demanded, or a public good would result, from such an invasion of the sacred precincts of home. In announcing to the legislature, that I should retain the bill for further consideration, I called attention to this obvious feature, as a reason for adopting that course. But I refrained from alluding to the fact, that the bill *apparently* deprived those charged with a violation of its provisions of the constitutional right of a trial by jury, because I considered it improbable that an attempt had been made to infringe upon so dear a right, and thought that it might be found preserved, by some of the references, therein made, to previous laws—a point which could only be determined by such careful examination and comparison, as I was then unable to give it.

With this explanation, I will proceed to examine the bill in detail, and first, that portion of it authorizing search. And here it may be appropriate to remark, that even far back in the days of feudal violence and disregard of individual rights, a man's house, however humble,

was his castle—his fortress—protected by common consent and by common law, against the forcible entry of even the minions of almost unlimited power—a spot sacredly veiled from the scrutiny of the tyrant's jealous eye, except on rare and extraordinary occasions. If there is one right, which the individual has more uniformly claimed of his government, and clung to with more tenacity than any other, it is that of regarding his home as inviolable—secure from forcible entry and search. Probably, there is not a civilized nation in the world, however arbitrary the form and spirit of its government, where this right is not recognized, either by constitutional, statute, or common law. The constitution of the United States contains a provision applicable to all the states of the Union, as follows: "The right of the people, to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." The framers of the constitution of Maine, as if not satisfied with this ample guarantee of the constitution of the Union, incorporated into our constitution the same provision. The feeling which prompted this caution, is a natural one, and may readily be appreciated, by supposing our own homes to be the theatre of an official search, perhaps instigated and witnessed by those, whose curiosity, malignity or revenge, would be gratified by an exposure of all the details and private arrangements of our domestic life, or by an examination of our books, our business, our papers, even the records of our most secret thoughts. The constitution solemnly pledges to each citizen of the state, protection from such a violation of the sanctity of his home. Are the provisions of the bill in question, consistent with this constitutional pledge? Are not our homes practically thrown wide open by it, to the public gaze?

The bill, section two, provides that "any justice of the peace, on complaint made to him, in writing, under oath, by three persons, that they have reason to believe and do believe, that intoxicating liquors are sold in violation of law, designating the persons and places, may issue his warrant to any officer, empowered by law to serve the same, commanding him to search the places designated, for such liquors, and the apparatus of selling, and other evidences of a violation of the laws in relation to intoxicating liquors." Probably, every community within the limits of the state has in its midst those who are regardless of the obligations of an oath—those whose opinions are the result of passion and prejudice—those who readily receive the whisperings of suspicion, as the voice of truth—those who lend a willing ear and a prompt assent, to the tongue of slander. On the mere *belief*, feigned or real, founded or unfounded, of persons of any of these descriptions, without the requirement of a single fact for this belief to rest upon, the magistrate may open to them the doors of our dwellings—authorize an examination unlimited in its minuteness, extent, or duration, and a seizure of both our persons and property. It is true, the issuing the warrant, may be, to a certain extent, within the discretion of the

magistrate; but magistrates can everywhere be found, who will readily lend themselves, the willing instruments of the worst designs, and in this instance there is no power to restrain them. It may be said, that only public houses, stores, &c., would come under the operation of the bill, but the bill is general in its application, without any such restrictions. Undoubtedly, in large towns, suspicion would be chiefly confined to such places, except (as would often be the case) when prejudice and malice, gave to it a different direction. But out of those large towns, the illegal sale is supposed to be more frequently practiced in private dwellings than elsewhere; hence inquiry, suspicion and "belief," would be in that direction; and under the bitterness and feuds which the discussion of this whole question has engendered in every community, but few occupy such position as to be secure that the suspicion and "*belief*" might not wantonly or otherwise, be fixed upon *them* and their dwellings. How easily a hint unkindly given becomes a report, and how readily would prejudice build, upon such report, the "belief" upon which the search is made to depend!

The constitution requires, that search warrants shall contain a "special designation of the place to be searched, and *the person or thing to be seized,*" but the warrant, authorized by the bill, contains no such special designation of the person or thing to be seized, but commands the officer "to search the *places* designated, for such liquors, and *the apparatus of selling, and other evidences of a violation of the laws,*" leaving it to the caprice of the officer to determine, what are, and what are not, "apparatus of selling, and evidences of the violation of the laws."

The bill also provides, that "if the officer, on such search, shall find such liquors and other evidences of selling, he shall make return thereof on the warrant, and bring the person, in whose possession the same are found, before the court, to which such warrant is returnable." Here is an unconstitutional blending of executive and judicial duties; first, the officer must make the search—an executive act; next, he must judge, whether the result of his search, furnishes evidence of selling—of guilt—that is clearly a judicial act; and if the evidence of guilt, is in his judgment sufficient, then must follow another executive act—the seizure of the articles and of the person in whose possession they are found. The evidence of selling, requisite to justify the arrest, may be greater or less, as the *judicial caprice* of the officer may dictate.

Under the requirement upon the officer to "bring the person, *in whose possession* the same (liquors and other evidences of selling) are found, before the court, to which such warrant is returnable," the person brought may or may not be the person named in the warrant; for if the officer in making the search finds liquors and what he judges to be, "evidences of selling," in the possession of a person not named in the warrant, he must bring him before the court, without a complaint, warrant, or legal process of any kind.

Here then, the ordinary safeguards, with which the constitution in-

tended to surround the necessary exercise of the right of search, have been entirely neglected, so that on the mere "belief" of any three men, *any* justice of the peace, may empower an officer to make unrestricted search of the premises of any of our citizens, to seize such books, papers or property as he may please to consider evidence of sale, and to arrest such persons, as he may please to suspect, on such evidence, guilty of sale: and this is our constitutional security against unreasonable search and seizure!

It is true, that in several instances, our laws have authorized search, on complaint, and warrant of a magistrate, without serious inconvenience or abuse. The most important instance of the exercise of this right, is where goods are stolen, or obtained by false pretences; and here there must be a pre-existing fact, not merely suspected, but *known* to the complainant, to wit: the loss of the goods; and when such a fact exists, the person suffering the loss, in instituting search, will give to it, only that direction, which the circumstances may indicate, as most likely to result in the recovery of his property. Here we have a fact, and consequent upon it, a motive which excludes the idea of action, upon mere vague suspicion, prejudice, or passion—a double safeguard against abuse, which has no counterpart in the case in question. So too with all our other laws authorizing search; they are so guarded, or so limited in their application, that there can be no danger of general abuse. For instance, the number is small to whom the suspicion could possibly attach, of violating the law, which regulates the keeping of gunpowder, and authorizes search to discover its illegal possession; and when such suspicion does exist, a warrant for search can only be granted, to one of the officers of the town, on his own application, made in his official capacity, authorizing *him* to make the search.

Another important distinction between this, and all other laws of this character, is that the latter *only* authorize search, for property *illegally* in the possession of the person whose premises are to be searched, while the former authorizes search for property, which every person *may* legally possess and use, and which our whole population, with but rare exceptions, *do* possess and use. The mere suspicion of this common legal possession, may induce a suspicion of its illegal use; and thus the suspicion of illegal use, resting upon the other suspicion of legal possession, may be the foundation of a "belief," in relation to any of our citizens, which would expose his person to arrest, and open his premises, to the gaze and inspection, of any three meddling or malicious intruders.

It therefore cannot be regarded as just, to cite our present laws, as precedent for one, so unguarded in its details, so universal in its application, and consequently, so liable in its execution, to universal abuse. Under those, (our present laws of search,) individual rights, may, at times, be violated, though protected by all the guards, which the nature of the case furnish, or permit; but under this, our whole population are exposed, without check, limit, or restraint. All laws *may necessa-*

rily invade and endanger, to a certain extent, individual rights; but it does not follow, that all individual rights should, by law, be wantonly invaded and endangered.

The constitution does not interpose an unqualified prohibition of the exercise of the right of search; its guarantee to the citizen is against "unreasonable search." If then, the search for which the bill provides is designed to accomplish a great social good, and, at the same time, is adequate to the design, it is reasonable and therefore constitutional, aside from the defects in detail to which I have alluded. It is therefore pertinent to inquire how far the anticipations of the friends of the bill are likely to be realized, in the accomplishment of the object designed—the suppression of intemperance.

It is contended, that the present law is inoperative, because the evidence necessary to convict those who violate it cannot be obtained; and the friends of this bill claim that its provisions will enable them to supply this deficiency; this is the admitted chief object of its passage, and this object it must secure, or be entirely nugatory. For the purpose then, of testing its effect, we will suppose, that the law is in operation—that search warrants are issued to obtain evidence against those engaged in illegal sale—and that, contrary to the expectations of many, search is permitted without resistance or hindrance. By well directed search, ardent spirits may undoubtedly be found, under circumstances calculated to excite the *suspicion*, that it is kept for illegal sale; but not with accompaniments which would furnish *evidence* of such intention. For it is not probable that any places of sale, except those in a few large towns, are fitted up, with any thing more than the *necessary* apparatus; and the necessary apparatus, is only such articles as are in daily, constant use, in every house, store and workshop. Wherever the arrangements were on a more extended scale, the approval of the bill would have been a signal for the removal of all appendages, calculated to excite suspicion of the traffic. And here we have the extent of the evidence, in aid of conviction, which all this process can possibly furnish—the discovery of liquors, which every person has a *right* to keep, and even sell in packages as imported, and of a few articles of domestic use, such as every person *does* keep. If this evidence will convict one, it will convict nearly the whole of our population. It should be borne in mind, that, whenever search is instituted under any of our present laws, it must be for property, which if found in the possession of the person whose premises are searched, is *illegally* in his possession, and the finding therefore, furnishes almost conclusive evidence of guilt. But no such deduction of guilt can be made from the discovery of the mere *legal* possession of an article, which is in common use, even though that article is of such a nature, that it may be used for the most injurious and dangerous purposes.

From these considerations, it seems obvious, that while search, under all our present laws may furnish almost conclusive evidence of crime, the search authorized by the bill in question, must entirely fail to pro-

duce such evidence, and failing of this, it fails to accomplish its only object. Hence the one, is reasonable and constitutional, while the other is " unreasonable," and consequently unconstitutional.

I have thus far shown, that the right of search is of so delicate a nature, that it should be always used with the utmost caution—that this bill in authorizing its exercise, neglects those safeguards in detail, which both the constitution, and safety of the persons and property of our citizens require—that its peculiar features are unsustained, by any precedent drawn from our former laws—and that the search itself, inadequate as it is to accomplish the good designed, is " unreasonable," and therefore unconstitutional.

We will now inquire what judicial proceedings the bill requires, in relation to the persons and property which may be seized on a warrant for search, and brought " before the court to which the warrant is returnable;" and here we are left to grope in obscurity and uncertainty. It should be observed, that the only court to which such warrant is returnable, is a justice of the peace.

As I have before shown, a person against whom there has been no charge—no complaint or warrant, may, at the discretion of the officer, be arrested and brought before the court; and it may be interesting to inquire, whether the court shall try—as the officer arrested—dispensing with all the ordinary forms of legal proceedings. Such a trial is no greater violation of personal rights, than such an arrest—the one is a proper sequal to the other, and was therefore probably intended; the bill however, throws no light upon the subject.

Although the bill authorizes the seizure of a man's property, it does not confiscate it, the property still remains his. The number, value, or importance to the owner, of the articles, would depend upon the caprice of the officer. He may seize his liquors, portions of his furniture as apparatus of sale, and his account books, orders and letters, as evidence of sale. A slight regard for the rights of property, would have induced a provision for their custody and return; but no such provision is made.

But we will pass these minor objections, to the more important examination of the provisions for the trial, and punishment of a person arrested. Section three, after requiring that the person shall be brought, " before the court to which said warrant is returnable," reads as follows: " and if said court is satisfied from the whole evidence in the case, that such person is a common seller, or keeps intoxicating liquors, with intent to sell the same, in violation of law, he shall be subject to the penalty and punishment provided in section one of this act." The penalty and punishment thus provided is " forfeiture of not less than fifty, nor more than three hundred dollars, or imprisonment in the county jail, not less than thirty, nor more than sixty days." If the court (a justice of the peace) is " satisfied," that the person is a common seller, he shall be " subject" to the penalty and punishment provided. Is it intended, that the justice shall proceed to try, sentence,

fine and imprison? He must proceed so far as to be "satisfied" of his guilt, or the person cannot be subjected to the penalty and punishment; and yet he has no jurisdiction—cannot render judgment, where the penalty exceeds twenty dollars. Section four reads, "all fines and forfeitures provided in this act, may be recovered in the mode provided in chapter thirty-six, of the revised statutes." This *seems* to secure a trial by jury, before a court of competent jurisdiction; but what is the issue before that court? Not whether the person is guilty of the offense charged, but whether the justice to whom the warrant was returned, is satisfied of his guilt. The bill makes the person "subject" to the penalty or punishment, whenever the justice is "satisfied" of his guilt, and consequently the higher court must enforce that penalty or punishment, on the presentation of evidence, that the justice *was* thus satisfied. This evidence must necessarily be of a lower order, than the record of a formal judgment; for having no jurisdiction, the justice could enter no judgment; perhaps his written certificate, or perhaps his oral statement might suffice.

Now we are brought irresistably to this alternative; that the bill provides, that our citizens shall be seized, tried, fined and imprisoned, without jury, by a court of incompetent jurisdiction; or that in preserving the form of trial by a competent court and jury, it preserves the *form only*, requiring the higher, competent court, to impose penalties and inflict punishments on proof of the mere opinion, not formal judgment of the inferior, incompetent court—the one a direct and gross, the other, an indirect and shameful violation of the right to be secure in person and property, and of trial by jury.

I am confident, that this ill digested outrage upon almost every right of our citizens, could only have received the sanction of the legislature, in the haste and confusion of a final adjournment. But, be that as it may, the moral and social well being of the state, is so dependent upon the advancement of temperance, *that I* am unwilling to be in any degree instrumental, in burthening or retarding it, with a law so justly odious, and at the same time ineffectual.

Immediately on the announcement that I had withheld my signature from the bill, petitions signed by more than three thousand persons were presented to me urging its approval. But in justice to those persons, I am forced to the conclusion, that their signature was but the hasty expression of a wish for *some* legislative action, in promotion of the cause of temperance, rather than an indication of approval, founded on careful examination of the features of the bill.

The great number and importance of the objections which the bill presented, have forced me, in commenting upon them, to extend this communication to far greater length than I desired. But I do not feel at liberty to leave the subject in which the whole community have so great an interest, without a frank expression of my deep seated conviction, that this, and all kindred measures, for the suppression of

intemperance will prove abortive. While I admit that a restraining influence may be exerted, by judicious, wholesome laws, I regard it as a perfect truism, that the community cannot be *compelled* to be temperate, and that every step, which is taken in this compulsory process, is plunging it deeper and deeper into the abyss of intemperance. What has been the effect of our present law, which, when passed, was to be the panacea for this great evil? All admit, that intemperance has increased under it, but it is claimed by its friends, that the law has only failed of its object, for want of evidence, on which to procure conviction; men, they say, will not testify against those, who supply them with intoxicating drinks—that they will suppress and deny the truth for their protection. What a striking admission is this, of the futility of such forcible means—an admission that it has driven thousands to countenance—to encourage—to perpetrate perjury, while at the same time, it has given them increased determination and facilities, to indulge in their cups—an admission, that men will be driven to any extremity, rather than yield to a forced surrender, of what they regard, their rights. This almost universal rule of action, with individuals, communities and states, has been entirely overlooked in all these measures. Another most conclusive evidence, that this system is wrong, may be found in the fact, that a portion of its advocates, in their efforts to sustain it, have become so obtuse in their moral perceptions, as to league together, for the open, public purpose, of practising frauds, and holding out false pretences, to procure violations of the law, so that they may impose its penalties. A great reform cannot be accomplished, by means, which require such aids, neither is it safe in the hands of those who will resort to them.

I object then, to the whole system of legislation of which this bill forms a part, because, not being enforceable, it cultivates a general disrespect and disregard of law—because it weakens the moral sense of the community, by inducing one class to wink at the suppression of truth, to encourage falsehood and even perpetrate perjury, for the purpose of evading its penalties, while it induces another class to defraud, deceive, and hold out false pretences, that its penalties may be imposed—and finally, because, while it does all this avowedly for the suppression of intemperance, it in fact increases it, by giving force and energy to man's natural inclination to indulge his cupidity or his appetite, in selling or in drinking, without imposing any effectual restraint.

Instead, therefore, of pressing onward in these extreme measures and ascribing the failure of each to the lack of one, still more extreme, while the community are sinking deeper and deeper in intemperance and other vices, is it not time to pause and candidly consider, whether the whole system is not founded in entire ignorance or disregard of the motives which universally control human actions? And if thus radically wrong, whether it can be so perfected in detail, as to produce favorable results?

I return the bill, with these, my objections, to the house in which it originated.

JOHN W. DANA.

COUNCIL CHAMBER,
MAY 7, 1850.

To the senate:

ON the morning of the final adjournment of the last legislature, a bill entitled "an act to amend the eighty-third chapter of the laws of eighteen hundred and forty-eight" received its final passage, and was presented for my approval. That chapter contains, section two, which is as follows: "No minor under the age of sixteen years shall be employed in any labor for any manufacturing or other corporation for more than ten hours in any one day; and if any manufacturer, or agent, or other officer of any corporation, shall employ any such minor in violation of the provisions of this section, he or they shall be punished by a fine not exceeding one hundred dollars; and all fines and forfeitures accruing by virtue of this act shall be paid, one half to the city, town or plantation, where the offense is committed, the other half to the person so held to labor or to their parent or guardian, on complaint to any court competent to try the same." The bill in question repeals that section. Entertaining doubts of the expediency of repealing this provision, and being deprived of an opportunity for deliberation upon the subject, by the immediate adjournment of the legislature, I retained the bill for further advisement. The consideration since given it, has not removed, but confirmed, those doubts.

The dependence, degradation and want, of the operatives in other countries—the mental and physical imbecility to which a large portion of them are reduced, have excited the fears of many patriotic minds, that the large and increasing employment of capital and labor, in like pursuits, in our own country, must produce like results. While on the other hand, the present condition of *our* operatives, well fed, clothed and paid, healthy and intelligent, is presented as undeniable evidence that those fears are unfounded. But it should be remembered, that our manufacturing interest is, comparatively, in its infancy, and that consequently, its effects upon our population are but slightly developed.

In other countries, the occupation has descended from father to son, from mother to daughter, generation after generation; the child is taken from the cradle to the factory; the only atmosphere he breathes, is that of the mill; the only education he receives, is perfection in his art; impure air, and stinted mental food, forbid development of mind or body. By such a process, gradual, though sure in its effects, the foreign operative has been divested, in a great degree, of the most desirable attributes of humanity. But in this country, even around

our most extensive manufacturing establishments, we have not, within the strict meaning of the expression, a manufacturing population. A large proportion of our operatives, are those who have been reared in the free air and healthful exercise of the farmer's home, participating in all the varied enjoyments, cares and duties, of ordinary domestic life, and in all the opportunities, which our institutions afford, for a good practical education. With health, habits and characters, thus formed, and fitted for usefulness in any sphere, they resort to the factory for *temporary* employment, and soon return again to other pursuits. A small portion however, adopt this as a permanent occupation, and fix their homes in the vicinity of manufacturing establishments. Of these the number is annually increasing and rapidly forming a permanent manufacturing population, which before another generation has passed, will be sufficiently numerous to perform a large proportion of all the requisite labor. And the question arises, shall *they* be required to give to their children, a full opportunity, such as they received, for physical, moral, and mental development, to fit them for usefulness and success, in any sphere of action, which they may afterwards select? or shall they be allowed to limit, from childhood, their mental, as well as natural vision, by the walls of a cotton mill, and thus make them, for life, the mere appendages of the loom and spindle?

It may, perhaps, be assumed, that this is a subject, which may be safely left to the discretion of parents, and that therefore, legislative regulations are unnecessary. In other countries, it has been thus left to the discretion of parents, and a numerous, degraded population are now reaping the consequences, in misery and wretchedness. Again, it may be asked, why may not a manufacturing, as well as any other population, regulate the labor and education of their children? The answer is obvious, that we have no other industrial pursuit in which large numbers of children can be constantly and profitably employed. It is a fact well known, that thousands of children in our state are absent from our public schools, merely from thoughtlessness and indifference on the part of parents. If the well being of these children can be thus overlooked, from mere indolent neglect, how greatly must the evil increase, when to this cause is added, a constant pecuniary reward for disregarding their true interests. In our manufacturing towns, this reward is offered; the operative, who is a parent, can make an important addition to his earnings, by taking his children with him to his labor, and thus the temptation is daily before him. Hence the necessity for legislative interference, which does not exist in relation to any other industrial pursuit.

Here may be found the hidden cause, that has undermined and deteriorated the manufacturing population, in every other country. It is not, that this employment tends less than many others to health of body or activity of mind, but because the earnings of the child constitute an ever present temptation to the parent, to impose upon him, toil and confinement, inconsistent with a full development, which can only

be acquired under the discipline of home, and the school room, and in the enjoyment of the free air of Heaven. The cause which has gradually produced such results elsewhere, must, in time, produce the same results here, unless counteracted. And to this end, legal restraint should be given, in aid of parental judgment and affection, in their unceasing struggle with parental cupidity and necessity.

We are destined to be a great manufacturing people; and it depends upon wise legislation whether that destiny shall be to us, a blessing or a curse. The interest is now in its infancy, and if properly regulated, the anticipations of evil, which many entertain, may never be realized. We may continue to exhibit the present favorable contrast between the operatives of *this*, and all other countries. Maine has no laws regulating manufacturing labor or education, except the one proposed to be repealed, by this bill, which prohibits the employment of minors less than sixteen years of age, more than ten hours in a day. No one will pretend, that persons under that age can, with impunity, be employed daily, for a greater length of time. But it is said, that mills must be in operation more than ten hours a day, and that it is consequently necessary to employ only such as can labor more than that time, and that therefore many a child is deprived of the privilege of affording, by his earnings, pecuniary relief and comfort to indigent parents or friends. If the prohibition was only to operate upon a few isolated cases of this nature, now or hereafter, it would be unwise to continue it. A child might, perhaps, relieve by its earnings, the necessities of a poor widowed mother, and derive much happiness, with but little perceptible injury, from the effort; but if for the purpose of affording such relief, the state permit that child, and with it, others, and their descendants, for three or four generations, to engage thus in premature toil, it permits the mother to be relieved, at the incalculable cost, of entailing upon thousands of offspring, mental and bodily imbecility, poverty and wretchedness. The descent to such a condition, from such a cause, is imperceptible but sure, and more to be feared, because its silent progress awakens no effort for its arrest. Our legislation should be directed to the prevention of this wholesale dilution of the race, even though it produce in some instances inconvenience and suffering.

I would not, from these remarks, be understood, as advocating a system of legislation, for the purpose of protection of labor against capital; for this should not be regarded as a question of labor, but of education. And by education, I mean, not merely the instruction which the school affords, but the full growth—the harmonious expansion of both the inner and the outer man. Let the legislature discharge the duty, which the constitution imposes, of exercising a watchful care, in providing such an education for our youth, and it never will be required to act, in protection of the laborer, from the oppression of the capitalist. Under our free government, if honestly and equally administered, for the good of all, enterprising, intelligent

labor, must ever be as independent of capital, as capital can be of such labor; the one can never fall a prey, to the unreasonable demands of the other, until it becomes enfeebled, ignorant, and degraded.

Instead of repealing the present prohibition, I would recommend, that it be retained, until an opportunity is had for a careful examination of the whole subject, and the adoption of such regulations as will for long succeeding years, command the gratitude of a class of healthful, intelligent and independent operatives.

Entertaining these views, I am under the necessity of withholding my approval, and returning the bill, with these my objections, to the house where it originated.

JOHN W. DANA.

COUNCIL CHAMBER,
MAY 7, 1850.