

## SENATE...No. 150.

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### MESSAGE.

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COUNCIL CHAMBER, May 22, 1852.

*To the President of the Senate :*

SIR: Former and appropriate usage requires that notice of the official sanction of the Executive to the several bills and resolves which have been submitted to him, shall be given to the Legislature by an oral message delivered by the Secretary of the Commonwealth. Having this day signed a bill entitled "An Act concerning the Manufacture and Sale of Spirituous or Intoxicating Liquors," I deem it proper to communicate the fact to the honorable Senate, in which it originated, in a more solemn form.

This bill appears to be identical, in all its features but one, with that which I returned to the Senate on the 19th instant, with my objections to its passage.

That provided for a reference to the people with the use of the open ballot. This rests entirely upon the action of the government. It seems to me highly proper that whenever a law is submitted to the people it should be in such a manner as to render the decision final. The first measure appeared to me calculated to impair the principle of the secret ballot, which I regard as important in a free government. In the communication to which I have referred, I stated that my chief and

sufficient objection was "against the manner of ascertaining the popular will." The bill now under consideration does not affect the principle of the secret ballot. I also stated that the bill contained new principles of legislation, was of doubtful expediency, and that the judgment of the people should be taken, and the use of the secret ballot required. To that opinion I adhere. The course I pointed out seemed to me necessary to bring the measure within the rule, that law is the embodiment of a preëxisting and ascertained public sentiment.

But the Legislature after a deliberate reconsideration of the subject has expressed an opposite opinion. The point of difference is one of expediency. I think it inexpedient to pass the bill without such a reference to the people as I have named. The Legislature thinks it inexpedient to pass the bill according to the usual forms. Upon this point of difference I do not feel at liberty, from doubts in my own mind, to withhold my assent to a measure intended to advance a sacred moral cause. I have therefore approved the bill entitled "An Act concerning the Manufacture and sale of Spirituous or Intoxicating Liquors."

GEO. S. BOUTWELL.



