

MAINE STATE LEGISLATURE

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

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1836.

SIXTEENTH LEGISLATURE.

No. 30.

HOUSE.

To the Senate and House of Representatives:

I herewith communicate for the consideration of the Legislature, a Preamble and Resolutions adopted by the General Assembly of the State of North Carolina, "on the subject of Incendiary Publications."

ROBERT P. DUNLAP.

COUNCIL CHAMBER, }
JANUARY 27, 1836. }

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 28, 1836. }

ORDERED, That 500 copies be printed for the use of the members.

[Extract from the Journal.]

Attest, JAMES L. CHILD, CLERK.

Preamble and Resolutions:

ON THE SUBJECT OF

INCENDIARY PUBLICATIONS.

WHEREAS, the proceedings of certain persons in the middle and eastern States during the past summer, have furnished clear proof of a determination to promote, by means the most unjustifiable and iniquitous, the abolition of Slavery in the States of the Union in which it now exists; and whereas, as well from the wealth, number and assiduity of the persons engaged in this criminal purpose, as from the means they have resorted to, to accomplish their designs, serious fears are entertained that our property, the peace of our country, and the Union of the States, may be endangered thereby—this General Assembly feel called upon by a just regard for the interests and happiness of the good people of this State, and of the other States similarly situated, as well as by an anxious solicitude for the preservation of the Union, which at present so happily unites all

the States into one confederated people, to declare the opinions, and set forth the purposes of the people of this State, in language at once firm, clear, decided, and temperate.

When the American Colonies first united for protection from the encroachments upon their rights and privileges, made by the King and Parliament of Great Britain, they assumed the character of sovereign and independent States—they united under an organization which was in strictness, a league—leaving the direct power of operating upon the citizens of each State, with its own constituted authorities; and when the present constitution was adopted, though to all general purposes it constituted the people of the States one people, with one government, having a direct legislative, judicial, and executive authority over the citizens, yet it declared by a specific enumeration, the powers intended to be granted to this government, and expressly declared, out of abundant caution that the powers not granted belonged to the States respectively, or to the people. At the time when this Constitution was adopted, as well as at the time when the confederation was formed, each of the States recognized the right of its citizens to hold slaves. The constitution contains no grant of a power to any department of the government to control the people of any State in regard to its domestic institutions—certainly not in regard to that now in question. It is clear

therefore, that the whole power of regulating this subject within the State of North Carolina, is vested now in the authorities of this State, as fully as on the day the Independence of the States was declared; for though much difference of opinion has existed as to the principle upon which the grants of power in the Constitution are to be interpreted, no one has ever had the temerity to assert, that the General Government may assume a power which is not granted in terms, and is not necessary as an incident to the proper exercise of a granted power.

We have, therefore, an undoubted right to regulate slavery amongst ourselves, according to our own views of justice and expediency—to continue, or abolish—to modify or mitigate it in any form and to any extent, without reference to any earthly authority, and solely responsible to our own consciences and the judgment of the Governor of the universe. No other State, and no other portion of the people of any other State, can claim to interfere in the matter, either by authority, advice or persuasion; and such an attempt, from whatever quarter it may come, must ever be met by us with distrust, and repelled with indignation.

Upon the other States of the Union, our claim is clear and well founded. If they were foreign States, it would be a violation of national law in them, either to set on foot themselves, or permit their own subjects to set on foot, any project the ob-

ject or tendency of which would be to disturb our peace by arraying one portion of society against another. The Constitution which unites us, and by virtue of which we have ceased to be foreign States in regard to each other, and have become bound in the closest Union and the most intimate relations for the promotion of the common defence and general welfare, cannot be supposed to have lessened our mutual obligations, or to have made an act harmless which would have been gross wrong had we continued in respect to each other as we now are in respect to other nations, in war enemies, and only in peace friends. It is evident, on the contrary, that every duty of friendship towards each other which before existed, is by our Union heightened in its obligation, and enforced by motives the most exalted and endearing. Whatever institution or state of society we think proper to establish or permit, is by no other State to be disturbed or questioned. We enter not into the inquiry, whether such institution be deemed by another State just or expedient. It is sufficient that we think proper to allow it. To protect us from attempts to disturb what we allow, and they approve, would be to support not our institutions, but their own opinions—to exercise a supervising power over our legislation, and to insult us with a claim of superiority in the very offer to discharge the duty which our relations authorize us to require. As our right is indis-

putable, to regulate exclusively, according to our own notions, the interior relations of our own people, the duty of preventing every attempt to disturb what we have established, results from the simple fact, that we have established it. And the propriety and impropriety in the view of others of such regulations as we have pleased to make, can never either enhance or lessen the duty of such prevention.

We do full justice to the general sentiment and feelings of our fellow citizens in other States, and are fully aware that the attempts to injure us are made by a small minority,—composed, probably, of many misguided and some wicked men; and that these attempts meet with no favor, but on the other hand with marked disapprobation from the large majority of the communities in which they are made. Still it must be recollected that from the nature of the means employed, the danger to us is the same, whether these means are put into activity by a contemptible minority, or are sanctioned and adopted by the whole body of the people. An incendiary pamphlet performs its office of mischief as effectually when issued under the patronage of twenty, as of twenty thousand persons. Its efficacy depends upon its circulation, not upon the weight of authority which supports it.

While, therefore, we are justly sensible of the sympathy for us, and the indignation against those who seek to disturb our peace, expressed by large

and intelligent assemblies of our northern and eastern brethren, we cannot but know, that these expressions do in no way diminish our danger. While the abolitionists are allowed to pursue their course with no other check than the disapprobation of their fellow citizens, that disapprobation will little affect them, and bring no support or consolation under the evils that are likely to befall us. We ask not sympathy, for we feel not, from the institutions we possess, that we suffer injury. We ask protection, not to maintain our authority by force of arms, for to that we know ourselves entirely adequate, but we ask protection from the necessity of resorting to such force for that purpose. We ask not assistance, to put down insurrectionary movements among our slaves, for should such occur, we are fully able to put them down ourselves. But we ask, that our slaves and ourselves may be relieved from external interference. Left to themselves, we believe our slaves a labouring class as little dangerous to society as any in the world. But we do ask, and think we have a right to demand, that others shall not teach them evil, of which they think not themselves; that they should not be stimulated by the base and violent of other lands, to deeds of bloodshed, of which the evils to us will be temporary—to the slaves themselves dreadful and lasting; that we may not be compelled, by a factitious necessity, to adopt measures of rigor, which such necessity

only could justify. By some it seems to have been supposed, that the practices of the abolitionists cannot be put down by legislation, consistently with the constitutions of the States in which they live. If this were true, it would furnish no answer to our just complaint, and afford no excuse to those States for permitting such practices to continue. The duty, the performance of which we invoke, is binding upon those States, and they have no right to disable themselves from its performance by an organic law, more than to refuse its performance by an ordinary act of legislation. The obligation being perfect, cannot be dissolved by any arrangement of the party on whom the obligation rests. If therefore, any such difficulty did in reality exist, we should have a right to ask, that the organic law which produced it, should be so altered as to remove it. But does any such difficulty exist? The one supposed is this: That as abolitionists seek to accomplish their object by the issue of inflammatory publications, a law to arrest their progress would be a violation of the liberty of the press. This difficulty has its origin in a total misconception of what is meant by the liberty of the press; which means not the right to publish without responsibility, but to publish without previous permission. If it meant the former, the liberty of the press would be the greatest curse that could be inflicted on a nation. Where every man has a right to publish what he

pleases, but is responsible to the law for the nature and tendency of his publication, the press is free. If he has the right to publish without responsibility, the press is licentious. If the latter right exist, it is the only instance known to our laws, of a right to act without any accountability for the action. Every man has a right to carry arms for his own defence, and that right is as clear and as important as the freedom of the press; yet it was never supposed that he who used arms for violence or bloodshed, was therefore irresponsible, because he had a right to carry them for defence.

But it is unnecessary further to set forth the justice of our claims on our brethren of the north and east, and their capability, if they were desirous, of complying with our just demands. We believe that our property, the lives of our fellow citizens, and the peace and harmony of our country, are threatened by the measures of these misguided and wicked men; and though we feel the greatest attachment for the Union, and would do all in our power to strengthen and perpetuate it, yet we are not ready to surrender those very rights and blessings which that Union was formed to protect: And should the means now adopted, prove ineffectual in stopping the progress of these attacks on our peace and happiness, we would invoke the aid of the other slave holding States, that there may be

concert of action in taking such steps as the occasion may demand.

THOMAS G. POLK,

Chairman of the Committee of 26.

1. *Resolved*, That North Carolina alone has the right to legislate over the slaves in her territory, and any attempt to change their condition, whether made by Congress, the Legislatures, or the people of the other States, will be regarded as an invasion of our just rights.

2. *Resolved*, That we are ready and willing to make, on this subject, a common cause with the rest of our sister slave holding States, and hereby invite their co-operation in passing such laws and regulations as may be necessary to suppress and prevent the circulation of any incendiary publications within any of the slave holding States.

3. *Resolved*, That the thanks of this State are due to, and the kindest feelings of the citizens thereof are cherished towards their brethren of the north, who have magnanimously sustained the principles of our Federal Government, and recognized and maintained our rights against the fanatics of those States.

4. *Resolved*, That our sister States are respectfully requested to enact penal laws prohibiting the printing within their respective limits, all such publications as may have a tendency to make our slaves

discontented with their present condition, or incite them to insurrection.

5. *Resolved*, That although by the Constitution all legislative power over the District of Columbia is vested in the Congress of the United States, yet we would deprecate any legislative action on the part of that body towards liberating the slaves of that District, as a breach of faith towards those States by whom the territory was originally ceded, and will regard such interference as the first step towards a general emancipation of the slaves of the South.

6. *Resolved*, That the Governor be, and he is hereby requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress, and to the Executive of each of the States of the Union, with a request that the same be submitted to their respective legislatures.

*Read three times and ratified in }
General Assembly, Dec. 19, 1835. }*

WM. H. HAYWOOD, Jr. S. H. C.
WM. D. MOSELEY, S. S.

A true copy.

WM. HILL, *Secretary*.