

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1845.

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1845.

TWENTY-FIFTH LEGISLATURE.

No. 21.]

[HOUSE.

STATE OF MAINE.

THE Joint Select Committee to which was referred the preamble and resolutions of the State of New Hampshire in relation to the imprisonment of Thomas W. Dorr, have had the same under consideration, and ask leave to report a preamble and resolves, which is herewith submitted.

ELBRIDGE GERRY, *Chairman.*

STATE OF MAINE.

WHEREAS we hold that “all men are born equally
2 free and independent, have certain natural and un-
3 alienable rights, among which are those of enjoying
4 and defending life and liberty, acquiring, possessing,
5 and protecting property, and of pursuing and obtain-
6 ing safety and happiness,”—that the people are the
7 source of all legitimate power—that all governments
8 derive their just powers from the consent of the gov-
9 erned—that in the people resides full and plenary
10 power to institute government, “to alter, reform or
11 totally change the same, whenever their safety and
12 happiness require it,”—and whereas, the constitution
13 of the United States guarantees to every State in
14 this Union “a republican form of government,” and
15 provides that “in all criminal prosecutions, the accused
16 shall enjoy the right to a speedy and public trial, by
17 an impartial jury of the State and district, wherein
18 the crime shall have been committed,”—and that “no
19 person shall be deprived of life, liberty or property,
20 without due process of law.” Therefore—

RESOLVED, That the sovereign power of a State is
2 inherent in the people, and all free governments are
3 founded in their authority, and instituted for their
4 benefit—that no man, or set of men are entitled to

5 superior or exclusive privileges in the institution and
6 support of government.

RESOLVED, That the sovereign power of the State
2 of Rhode Island is inherent in the people thereof,
3 and to them belongs the right to institute government,
4 to change or abolish the same as they may deem wise
5 and proper for their safety and happiness.

RESOLVED, That the constitution of Rhode Island
2 adopted by the people in December, 1841, is repub-
3 lican in its form and was rightfully adopted by a ma-
4 jority of the people thereof, and thereby became the
5 paramount law of the State, and as such was entitled
6 to the guaranty of the United States.

RESOLVED, That the interference of John Tyler,
2 President of the United States, in behalf of the late
3 charter government of Rhode Island, with the military
4 power of the Union, by which the popular govern-
5 ment of that State under the constitution adopted in
6 December, 1841, was suppressed, was unauthorized
7 by the constitution and laws of the United States, in
8 derogation of both, a dangerous usurpation of power,
9 and a wanton violation of the rights of the people of
10 Rhode Island.

RESOLVED, That in the recent popular movement in
2 the State of Rhode Island, we recognize in the per-
3 son of Thomas Wilson Dorr a bold and uncompro-
4 mising champion of the great American doctrines of
5 the Revolution, the able and stern defender of pop-
6 ular sovereignty, a noble son of a degenerate State,

7 now the victim of vindictively corrupt judges, and a
8 packed and partial jury.

RESOLVED, That the State of Maine, by her Leg-
2 islature, hereby enters her SOLEMN PROTEST
3 against the imprisonment of Thomas W. Dorr in the
4 State Prison in the State of Rhode Island by the
5 authorities thereof, as unjust, illegal, malignant and
6 tyrannical, unbecoming the age in which we live, and
7 deserving the marked disapprobation of the American
8 people, and in the opinion of this Legislature it is the
9 imperative duty of the general government to adopt
10 any and all legal and constitutional measures for his
11 immediate release.

RESOLVED, That the Governor be requested to cause
2 a copy of these resolves to be transmitted to the Pres-
3 ident of the United States, to the Governors of the
4 several States, and to each of our Senators and Rep-
5 resentatives in Congress.

MINORITY REPORT.

THE undersigned, a minority of the Joint Select Committee of the Legislature of Maine, to whom was referred certain resolutions of the State of New Hampshire, in relation to the imprisonment of Thomas W. Dorr, dissenting from some of the sentiments embodied in the resolutions reported by the majority of said committee, ask leave to

R E P O R T :

That they have given the subject a careful and candid consideration, and are of the opinion that the recent disturbances in the State of Rhode Island, were without sufficient justification on the part of Mr. Dorr and those who acted with him. In support of that position, we present the following well known facts, touching the recent difficulties in that State.

It was complained, that under the charter government some individuals were deprived of their political rights and privileges. That charter which was ACCEPTED by the people of Rhode Island "at a very great meeting and assembly of the freemen of the colony," had been her fundamental law nearly two hundred years, and under which she had enjoyed a great degree of prosperity: under it she was carried through the revolution of '76—and she came into the Union under the constitution of the United States, as a State having, in the words of that instrument, "a republican form of government." In the year 1836, Mr. George Bancroft, a distinguished writer of American history, said in his history of the United States, that "*nowhere in the world have life, liberty and property been safer than in Rhode Island.*"

Previous to the year 1841, the subject of a modification of the charter had been agitated and discussed by the Legislature of Rhode Island and by the people of that State. The principal grounds of complaint against the charter were, that to entitle a citizen to exercise the right of suffrage, he must possess a freehold estate of the value of one hundred and thirty-four dollars, or be the eldest son of such a voter, and that the State having increased in population, there existed some inequality in the representation of the popular branch of the Legislature.

The undersigned are of opinion that *these* objections were well founded, but deny the constitutionality and legality of the measures adopted by Thomas W. Dorr, and those who acted with him, to remedy the evils complained of. Many of the citizens of Rhode Island of all parties were desirous of amending the charter or adopting a constitution free from the obnoxious provisions of the charter, and such an one as would be acceptable to the people of the State.

The General Assembly of Rhode Island which met in January, 1841, authorized the calling of a convention to frame a new constitution for the State. A convention accordingly assembled in November, 1841, in which all the towns and cities of the State were represented, in proportion to their population, by delegates *chosen by those who had a legal right to vote*. The convention adjourned to February, 1842, when it prepared and presented for the consideration of the people a constitution, under which, every white male citizen of the United States, of the age of 21 years, who had resided in the State two years, and in the town or city six months, had the right of suffrage, but a freehold qualification was required of foreigners who had been naturalized. Inequalities which existed under the charter in the representation of towns and cities were remedied in the new constitution. On the reference of this constitution to the people, *all persons* who were made voters by its provisions were allowed to vote on the question of its acceptance. This constitution is commonly known as the Landholders' constitution. Unfortunately for the State, this constitution was rejected.

In May, 1841, after the legally constituted government of Rhode Island had called a convention to draft a new constitution for the State, Thomas W. Dorr and those who acted with him, were engaged in holding meetings in various parts of the State, and at a meeting holden in Providence in July, "they resolved," to use the language of another, "by their *own sovereign authority, without any* sanction of law or usage, and without having been even nominally appointed or delegated by the towns to perform such an act," that a convention of the people at large should be called for the formation of a *republican* constitution.

A convention accordingly assembled in pursuance of such call. The members of this convention were chosen *without the slightest authority of law*, and of course any measures which they adopted could not be binding upon the citizens of Rhode Island.

The meetings at which the delegates composing this convention were chosen, were conducted without any legal formalities, and *every person so disposed* was allowed to vote. This convention was in all respects a self-constituted meeting, and its doings so far as it went to change the form of government of the State of Rhode Island, were illegal, unconstitutional, and therefore void. A convention of citizens of the State of Maine, called by the recommendation of a mass meeting, would have just as much right to frame a new constitution and refer it to the people for their ratification, as had the "People's Convention," so called, to change the form of government then existing in Rhode Island. If the doings of this so called "People's Convention," were legal and binding upon the people of Rhode Island, then there is not the least security under or permanency to any constitution of either of the States of this Union, or of the United States itself.

This self-constituted convention prepared a constitution which they referred to the people of Rhode Island, and on the question of its acceptance, determined, that any American citizen, twenty-one years of age, and having a domicil in the State, had a right to vote, "but without any limitation of sex, color, place of nativity, or any fixed period of residence whatever." This constitution, Mr. Dorr

and his friends claim was adopted, although it is notorious that the grossest frauds were practiced in obtaining votes for the same. Under the constitution thus prepared and adopted, Thomas W. Dorr claims to have been elected Governor of the State of Rhode Island. A Legislature was also chosen under said constitution and assembled in May, 1842, to assume the reins of government, the history of which is too well known to need any further notice from the undersigned. We deem it proper to state, that in 1843 the General assembly of Rhode Island authorized the calling of a convention for the purpose of framing a new constitution, the "delegates to which convention were to be chosen by all the male citizens of the United States of the age of twenty-one years or upwards, who had had a permanent residence in the State for three years or more. That convention submitted to the people a constitution which was adopted by a very large vote—a constitution liberal in all its provisions and recognizing the great principles of liberty and equality. Under it, the right of suffrage is extended to any male citizen of the United States after a short residence in the State; a representation is secured to towns and cities in the Legislature thereof, according to their population. The present constitution of Rhode Island will well compare with that of any other State in the Union, and we consider it not out of place to express the opinion that it is more liberal and *republican* in its provisions, than that of the State of New Hampshire, which State has undertaken to interfere quite unceremoniously in the "internal police and regulations" of Rhode Island.

The undersigned do not consider it necessary to go into a detailed history of the troubles which transpired in Rhode Island after the formation of the "People's Constitution," so called, which had the support of T. W. Dorr and his friends. It is well known that Mr. Dorr organized an armed force composed in part of the most abandoned and desperate characters from adjoining States under the significant watchword of "The Banks and the Beauty of Providence." And had it not been for the prudence and the firmness of the friends of "law and order," in that gallant State, Rhode

IMPRISONMENT OF T. W. DORR.

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Island would have been the theatre of scenes as bloody and brutal as any which were enacted in France during the reign of Jacobinism.

In view of the above facts we very respectfully ask leave to submit the subjoined resolves.

All which is respectfully submitted.

R. F. PERKINS,
E. WILDER FARLEY.

STATE OF MAINE.

*RESOLVED, That this legislature approve, “heartily
2 approve,” the course taken by the legally constituted
3 authorities of Rhode Island, in vindicating its honor
4 and dignity; in preserving its peace and protecting
5 the lives and property of its citizens against the law-
6 less mob who were enlisted under the black and trea-
7 sonable flag of Thomas W. Dorr.

RESOLVED, That this legislature enters its “solemn
2 protest” against the unwarrantable interference of the
3 State of New Hampshire with the “internal police
4 and regulations,” as unconstitutional, and insulting to
5 that State.

RESOLVED, That it ill-becomes the State of New
2 Hampshire, to countenance the citizens of other
3 States, in their illegal efforts to overthrow their estab-
4 lished constitutions, on account of any anti-republican
5 features they may contain, so long as the constitution
6 of New Hampshire contains the obnoxious provisions,
7 “that a representative to the legislature of that State
8 shall have an estate of the value of one hundred
9 pounds, and shall also be of the protestant religion; and
10 that a person to be eligible to the senate of said State
11 or to the council, must possess an estate of the value

12 of two hundred pounds and also be of the protestant
13 religion ; and to be eligible to the office of governor
14 of said State shall have an estate of five hundred
15 pounds and be of the protestant religion.

RESOLVED, That this legislature "heartily approves,"
2 of the course which was taken by the general govern-
3 ment, in obedience to the requirements of the consti-
4 tution of the United States, in protecting Rhode
5 Island in the enjoyment of a republican form of gov-
6 ernment.

RESOLVED, That the Secretary of State be directed
2 to send a copy of this report with the resolves, to the
3 governor of each State in the Union and to each of
4 our senators and representatives in congress.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 28, 1845. }

Laid on the table, and 400 copies ordered to be printed for the use of the legislature.

SAMUEL BELCHER, *Clerk.*