

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PUBLISHED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1867.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1867.

FORTY-SIXTH LEGISLATURE.

HOUSE.

No. 104.

RESOLUTIONS.

The Republicans of the Representative District composed of Emden, Solon, and New Portland, in caucus assembled, to nominate a candidate to represent them in the Legislature of Maine for 1865, do resolve as follows, on matters of State interest, and the rights of the people by virtue of their Constitution, and by virtue of the right to self-government:

1st. That the delays, expenses and uncertainty of justice amount practically to a denial of justice, and emphatically so to the poor man, and that this is wrong, and ought to be and can be remedied.

2d. That one of the great purposes of the Federal Constitution, viz: to "establish justice," and of our own State Constitution, to "protect us in the acquisition, possession and enjoyment of property,"—and to provide us with suitable remedies to secure such protection by the "complete, speedy and impartial administration of justice," have been greatly impaired, and in a multitude of cases rendered nugatory by restricting the great and universal principle of remedy, and by prohibiting the proofs, by Statute and Common Law provisions, indispensable to the administration of justice.

3d. That neither the Legislature nor the Supreme Court have any constitutional right to deny a remedy or prohibit proof material to the enforcement or defence of individual rights, and in all cases where this has been done to the detriment or loss of the rights of a party, the State should make good such damage.

4. That we appreciate the truth and efficacy of the statement of the Hon. John Appleton of Bangor, Chief Justice of Maine, in his late work on the rules of evidence, of incomparable value, and tender him our thanks for the truthfulness, honesty, boldness and

progress of his ideas. He says in chapter 1, page 9: "Of the rules of evidence as established by the common law, it may be said, without the slightest exaggeration, that if the knaves and criminals, great and small, had united upon a code, the object of which should be to afford the greatest security to each, consistent with the existence of law; had they taken "sweet counsel together," with full power to establish rules of evidence, which should afford the minimum of protection to society, and the maximum of impunity to themselves, with yet a remote possibility of punishment, it is difficult to perceive how, having any rules, they could have materially improved upon the existing law. Aware that some rules must be granted to pacify the demands of society, the sagacious knave and the discreet criminal would hardly have pressed for the adoption of rules more favorable to the legal impunity of crime and the successful consummation of fraud, than those which the common law, in its sympathetic wisdom, has so kindly furnished to their hands. It has closed the most obvious and readily accessible means of information."

5. That human wisdom and beneficence never did nor never can devise a constitution of government, nor adopt a system of civil polity that will equally protect the property and rights of all classes of our citizens, unless the people themselves interpret their constitution as they understand it, and consummate their interpretation by legislation and adjudication; and the moment the people leave the interpretation of their constitution, and the entire mode and means of administering justice under it, exclusively to an aristocracy of lawyers and judges, whose interests are often opposed to the people's rights—and always opposed to cheap, speedy and impartial justice, that moment they put their rights and their property at hazard and beyond the protective agencies of their constitutional guarantees.

6. That where there is no responsibility on the part of the State nor its agents, that the citizen can avail himself of, there can be no trustworthy security for the protection of his constitutional rights: available responsibility is as indispensable to good security against the State and its agents, as against a town, city or a private individual.

7. That "right and justice" cannot be administered in any given case, if the facts upon which they depend are prohibited by rules of Courts or Statute provisions; or if an ample and adequate remedy is not provided for their administration, and the legal dogmas

opposed to those propositions have no sound foundation in truth, justice or public policy.

8. That if the Legislature or the Supreme Court is permitted to restrict or prohibit the material facts and proofs whereby the rights or the liberties of the citizen can be established or defended in any case, or for any assumed reason, they can do so in all cases and to any extent that may gratify their caprices, or promote their interests—and thereby nullify the protective agencies of our “Bill of Rights,” by usurping the means of making them available.

9. That the admission and application of proofs and facts pertain exclusively to remedy, and cannot be prohibited without impairing or discharging the right, or the obligation, and since the Legislature nor the Courts have no constitutional power to discharge or impair the “right of action,” or the “obligation of contract,” they have no constitutional right to prohibit the proofs, or the remedy whereby they can be made available, and thereby discharge them without payment—for to destroy, is more than to impair.

10. That the “right of action” or “obligation of contract” is, by virtue of the Federal and State Constitutions, indestructible by statute provisions, or by the rules and decisions of the Supreme Court of Maine, and it should be promptly relieved from the chronic infirmities it has suffered from both.

11. That we have full faith in the justice and policy of the STABILITY of the State, and in the available responsibility of its trustees and agents, for every malfesance or wrong they may be guilty of to the damage of any citizen.

12. That the citizens of this State ought, forthwith, to be provided with an ample and adequate remedy, for the full amount in controversy with costs and interest, in all cases where, by the ruling of a judge, or by a decision of the law court, the right of action or the obligation of contract has been or may be impaired or discharged by prohibiting the remedy or proof; or where the rights of a party have been adversely affected by the undue prejudice of a presiding judge; for such rulings, decisions and prejudice are not within the rightful jurisdiction of the courts, and in the eye of justice and the light of the law, they are injuries done to the rights and property of our citizens for which the Constitution guarantees a remedy; and such remedy should be against such court and its great principal, the State. Judges are made of lawyers, some of whom are worn and hackneyed in the arts and frauds of the legal profession, and have violated the Constitution and the

laws, both written and unwritten, and their oaths of admission to practice, for lucre with perfect impunity, and to the great annoyance and destruction of individual rights and the well-being of communities.

13. That every citizen of this State should have an ample and adequate remedy for all injuries done him, either at law or in equity—and that a remedy can safely be provided for every wrong, as the Constitution has guaranteed.

14. That whenever any citizen of this State has lost his rights or his property for want of a proper and adequate remedy to enforce or protect them, or by the prohibition of the proof needful to their enforcement or protection, the State should be made answerable for such damage. Individuals should not suffer because the State violates its compact with the people.

15. That the State and Federal Constitutions guarantee a remedy for every injury, and if the State fails to provide such remedy, to the damage of the citizen, it should be compelled by special statute to make good such damage.

16. That it is contrary to the spirit and purposes of our Constitution, and the genius of our free institutions, that causes should be tried and decided other than on their merits; and it is a legitimate deduction from our "Bill of Rights," and from the primary purposes of popular government, that the rights of parties are not settled until they are settled upon the principles of "RIGHT AND JUSTICE"—settled upon *their merits*, however much the law and its administration may have grown to conflict with this proposition.

17. That in consequence of the wide departure of the law and its administration from the spirit and purposes of our Constitution, and of its intentional failure to protect, honestly and equally, the rights and property of our citizens, by the complete, speedy and *impartial* administration of justice, and of the monopoly and wholesale destruction of the rights of the people by the legal and judicial professions, it is eminently the duty of the people to call a convention to revise our State Constitution, and to remedy, so far as can be done, the manifold evils that have been interpolated upon our State government, violative of the rights of the people, and destructive of their constitutional guarantees.

18. That the *ex post facto* clause of the Constitution applies exclusively to criminal and not to civil remedies.

19. That with the present loose and selfish interpretation of our Constitution, by those who thrive and fatten at the expense of the

people's rights, and the licenses and adjudications under it adverse to its spirit and purpose, the rogue is oftener shielded in his villainy than the honest man is protected in his rights; and the constitutional rights of the people are being CUNNINGLY legislated and adjudicated away.

20. That our Constitution intended that the law, instead of being the patrimony of the rich, should be the inheritance of the poor, and that instead of its being the two-edged sword of craft and oppression (as it now is) that it should be the staff of honesty and the shield of innocence.

21. That proof is retrospective as well as prospective in its application, and a subsequent remedy may be used for the enforcement of existing rights, (the cheap opinion of rogues to the contrary notwithstanding,) because the State has bound itself to furnish a "remedy" and a right of obligation, is no less sacred, because there is no remedy to enforce it at the time it accrues; the remedy is merely instrumental to the enforcement of the right.

22. That the rights of the people are infinitely above parties or the interests of any profession.

23. That one of the great causes of the expenses, delays and extreme uncertainty of justice, may be directly traced to the fact, that those who make and those who administer the laws ignore, for selfish purposes, that wise and salutary provision of our Constitution, viz: That "*every citizen for an injury done him, shall have a remedy by due course of law*"—and to the fact that a class of lawyers may, and with perfect impunity, continually do delay individuals rights, indefinitely for more pay, and, as often as they can, destroy them by falsehood, chicane and legal legerdemain, or by the use of false testimony, often knowing it to be false, and by all kinds of infamous and detestable shifts and subterfuges, in direct violation of their oaths of admission to practice—and contrary to the best and highest purposes of society regulated by law: and yet the law furnishes no special remedies for such vile professional outrages, simply because the lawyers make the laws and interpret our Constitution. And to the further fact that a certain class of lawyers live, under a sort of standing license, by helping rogues, great and small, cheat and destroy honest men, and no matter what a lawyer does to help a rogue cheat his creditor out of his just dues, or to help rob and destroy any person or body corporate, he is exempt from responsibility under any law yet written, or any practice yet known.

24. That it is the imperative duty of the Republican party to remedy these shameful evils, by prompt and cogent acts of legislation, that shall be retrospective as well as prospective in their application, making every lawyer responsible for the full amount in controversy, where he attempts to violate justice and fair dealing, or the obligations of his oath.

25. That a new trial should be granted, as of right, at the State's expense, in all cases where a judge has conducted himself in a manner prejudicial to the rights of a party, or where a party has been prohibited by law from showing any fact material to the defence or protection of his rights, and a law should be forthwith passed to this effect.

26. That the communications between attorney and client should never remain privileged to enable a client to perpetrate fraud, or to violate or evade the laws, or to delay and defeat the rights of a creditor, and to subject him to costs, delays and consequential damage: and when an attorney lends himself for any of these purposes, he should thereby make himself jointly liable with his client to the party injured, in an action on the case for double the amount of the original debt in controversy; and he and his client should both be compelled to give their testimony separately in the case. The law and society permit men to practice law for *honest* purposes only, and binds them with a solemn oath "to do no falsehood, nor consent to the doing of any in court, nor to delay no man's rights for lucre."

27. That the selfishness and depravity of man too often impels him to do all the evil he can in the absence of the law, or by its authority, in defiance of right and justice, and that the laws should be so made and administered as to protect honesty and innocence, and to punish perfidy and guilt.

28. That whenever an attorney has wilfully neglected or deserted the rights of his client, or surrendered his cause to his adversary, he should thereby become responsible to such client for the full amount committed to his charge.

29. That the Scriptural injunction "*put not your trust in princes*" is as true to-day as it was eighteen hundred years ago, and that we have had the truth of this divine injunction abundantly verified in the fact that every political party in this State, from its organization to the present day, has, through the instrumentality of selfish and ambitious men, been turned into a great organized conspiracy to deceive and mislead the people—to cheat them out of

their rights, and to hedge the road to justice ; and that the time has fully come for the people to inquire as to what they shall do to be protected and saved.

30. That what we now contend for is indemnity for the past and security for the future, and a complete emancipation of the rights of the people, and the remedies for their enforcement, from the control and tyranny of the legal and judicial craft.

31. That it is as much the duty of the honest and loyal men of Maine to protect the constitutional rights of our citizens from usurpation and destruction, no matter for what cause, or from what motives they are usurped or assailed, as it is to preserve the integrity of the Union by crushing the rebellion, and to this end we place our candidates for the House and Senate, not upon the conservatisms and dogmas of courts, when they conflict with the spirit and intent of our Constitution, or derogate from right and justice, nor upon the customs and usages of States and judicial tribunals, when those customs and usages subvert right, crush the weak or oppress them,—but upon the lofty battlements of the old Federal and State Constitutions, and at the helm of Imperial Right and Justice. And we hold that the principles and doctrines contained in these resolutions can, and of right ought to be, speedily consummated by legislation and adjudication, and that the men and the presses that co-operate with the people in accomplishing this great and beneficent work will be entitled to the benedictions of posterity.

32. That in order to accomplish the great and benign purposes contained in these resolutions the people must see that the principles of stern and impartial justice and honesty are embodied in their party platforms, and are enthroned in the halls of legislation ; and that they guide and control the executive and judicial wills.

33. That the rights of the people to govern themselves is the great fundamental principle upon which our government and institutions all depend, and this undisputed right of self-government necessarily includes the right, on the part of the people, to make and interpret their own constitution, and to fix and define the nature and extent of the State's liability, by virtue of their own constitution, and the further right to provide suitable remedies against the State for the misconduct of its legislative and judicial agents.

34. That the constitution of this State is in its primitive and elementary sense, simply a contract between all the people of the State on the one part, and each individual separately upon the

other part ; and that this contract between the State and the people—this *great title deed* by which the state holds its existence, and the people hold their rights and their liberty should be so interpreted as to give the citizen all he has bargained for, and paid for ; or to indemnify him for his damage in case of a failure on the part of the State to do so.

35. That “ RIGHT and JUSTICE ” never was nor never can be administered, by finite understandings, when the facts upon which it depends are prohibited from the consideration of the court and jury, and that the exclusion of facts material to the issue between parties, by statute and common law rules of evidence is in direct conflict with the very letter, spirit and purpose of the 19th section of our “ Bill of Rights,” and constitutional guarantees, as it tends to complicate and defeat the ends of justice, by shutting out the light and the truths on which its proper and intelligent administration solely depends, and is unconstitutional too, as it impairs the “ obligation of contract,” or the “ right of action,” or discharges it without payment, by prohibiting the application of the proofs and the facts whereby it may be enforced ; and that the prohibition of the proofs and remedies indispensable to establish or defend and protect the rights and the property of our citizens has cost the honest and industrious men of Maine more than \$500,000 annually for forty-four years, has been the life of the lawyers,—the destruction of thousands of honest and enterprising men—a direct premium upon and protection to rascality and frauds ; and is to-day and always has been the citadel of rogues, and the gateway through which honest and laborious men may be and have been robbed and ruined.

36. That it is the first and highest duty of those who govern to afford an ample and adequate remedy for the protection and enforcement of the rights of the governed, and that a State that fails or refuses to do this, properly and honestly, subjects itself to the contempt of mankind,—and should pay the damage for such failures. Should the citizen suffer because the State has neglected or failed to do its duty—by reason of the perfidy and selfishness of its agents ?

37. That if the State has faithfully and honestly fulfilled its constitutional obligations and guarantees to the people, through the changing and degenerate agencies of political place hunters and partizan politicians, no harm nor expense can accrue to it by the prompt recognition and practical operation of the doctrine con-

tained in these resolutions,—and that if any of our citizens has suffered loss in their “property, rights and immunities,” by reason of neglect or failure, on the part of the State, to fulfil its just obligations and constitutional guarantees to them, they ought, as parties to a violated contract, to be indemnified by the State for all losses thereby sustained. For in the absence of the recognition, and practical operation of the clearly just, and purely democratic doctrines contained in these resolutions we have no reliable and certain security for our rights, nor have we any practical and substantial security for our fealty to, and taxation by the State.

38. That the great and lamentable failure in the administration of justice, known and acknowledged by all—the so frequent triumph of wrong over right; and the perfect impunity with which torts are committed by cunning knaves and human vampires, may in a great measure be traced to the fact that the communications of attorney and client are privileged from legal examination—even for the detection of conspiracies and frauds, or aiding and abetting in the same, and to other prohibitions on remedy and proof; and just to the extent the remedy is restricted and the proof prohibited, just to that extent is crime and rascality encouraged and protected, and the protective agency of the law rendered a failure and a reproach.

ON THE SUABILITY OF THE STATE.

39. That the late decision of the Supreme Judicial Court of this State—viz: that “the State can’t be sued in its courts,” has no foundation whatever in reason, justice, common sense or sound public policy, and upon the same principle, and with equal propriety, the court might decide that a town, county or a city could not be sued in their courts; and consequently that they could not be coerced.

If the State can’t be sued in the people’s courts, why then can an integral part of the State be sued in courts that it owns in part and helps support? or if an integral part of the State, as a town, county or city can be sued in their courts, why not the whole? Will the court answer?

Was it argued to the court? Or did the court take this fact into consideration, viz: that the State is not infallible, from the very fact that man is fallible. And did the court consider that the State is no better to be sued in the people’s courts and to respond

before a court and jury, for the misdeeds of its agents, than an integral part of the State, however small or large.

40. That there is no good and valid reason why the State should not be made suable and held to answer in courts of law, the same as towns and cities—and that experience has taught us that there is just as good reason to believe that towns, counties, cities, incorporations or private individuals will fulfil their obligations and the conditions of their contracts, honestly and justly, without any power to compel them, as there is to believe that the State will do so,—and that for all practical purposes the rights of the private individual might just as well, and just as safely, be left to the mercy of the latter as the former; and that it would be infinitely better and safer for the people, and would remove a great source of corruption from the halls of legislation, and judicial tribunals, if the State were made suable.

41. That the suability of the State is no new nor unrecognized doctrine—the new constitution of Pennsylvania provides that—“suits may be brought against Commonwealth in such a manner, in such courts, and in such cases, as the legislature may by law direct.” And the new constitutions of Connecticut and Delaware, and the constitution of California have similar provisions—and so will the next constitution of Maine have.

42. That it is unquestionably better for an aristocracy who make and expound the laws of a State, and who live mainly by making and expounding the laws and interpreting the constitution of a State, to establish the doctrine that “the State can’t be sued in its own courts”—or that—“a sovereignty can’t be sued,” and by indirection, to establish the doctrine of the “divine right” and “infallibility of States,” and consequently of those who govern States, than it is to constitute a tribunal to test the rights of the people under their constitution, on the one hand, and the duties and obligations of the State, by virtue of that constitution upon the other.

But it would be infinitely better and safer for the people to have the direct responsibility and guaranteed protection of their great parent—the State, in some tangible and available form, than longer persist in acknowledging the “Divine Right”—infallibility and irresponsibility of the mountebanks, place-hunters and human vampires that too often govern States.

43. That evidence is the basis of justice, and the exclusion of evidence is the exclusion of justice.

44. That misdecision, in all cases where the excluded evidence

is true, material and unattainable from any other source is at once seen, to be inevitable; and that as the exclusion of facts material to the issue between parties must tend directly to impair or destroy the sacred "obligation of contract" or "right of action," or to discharge them without payment, instead of preserving and enforcing them,—as it should be the proper function of remedy to do, neither the courts nor the legislature have any constitutional right to exclude material proof: and that the exclusion of material facts and proof by statute and common law rules of evidence should be at once and forever prohibited.

45. That the contingent possibility of falsehood is no reason for the exclusion of probable truth.

46. That the great and lamentable failure in the administration of justice, with its accompanying delays and expenses—known and acknowledged by all,—the so frequent triumph of wrong over right; and the perfect impunity with which frauds and torts are perpetrated by cunning knaves and human vampires, upon honest and confiding persons, may in a measure be traced to the prohibitions on remedy and proof. And just to the extent the remedy is restricted and the proof prohibited, just to that extent is crime and rascality encouraged and protected; and the protective agency of the law rendered a failure and a reproach.

47. That the trustees and agents of the people's rights, by virtue of their Constitution, as well as their great principal, the State, are individually responsible to the people, in full damage, for the denial of a remedy, or the prohibition of the proof needful to enforce their rights or protect them; and until this clearly, just and purely Democratic doctrine of responsibility is recognized by positive acts of legislation, the great and vital question of remedy and the "prompt and impartial administration of justice" will remain a myth and a humbug, and the 19th section of our "Bill of Rights," a mere rope of sand.

Available responsibility against the State and its agents, for any infraction of the Constitution, is all that will ever protect the rights of the people, or make the guarantees of their Constitution worth the paper on which it was written, in this rank and degenerate age in which self-interest and personal aggrandizement are paramount to every impulse of principle of duty; and when this question is agitated and the people understand it, it will be as dangerous for legislators to act perfidiously, by withholding the remedy, or denying the means of applying the proof, to detect the wrong

and protect the right, as the restrictions on remedy and the prohibitions on proof are now destructive of individual rights, and protective to the cunning and rapacious knave.

That the recognition, and practical operation of the doctrines contained in these resolutions would, at once, and forever, substantially relieve the rights of the people and the avenues to justice from the profitable sport and tyrannic control of the denizens and parasites of Courts, throughout the State, and their vicegerents in legislative bodies; the rights of the poor man and the home and fireside of his children would stand protected by immutable and impartial laws. The dogmas of the common law, and the ancient restrictions upon the complete and impartial administration of justice, that have been handed down to us from the feudal ages, and that have operated from the beginning, intentionally, to render the law the two-edged sword of craft and oppression, instead of the staff of honesty and the shield of innocence, would, at once, vanish before the advancing light of civilization, made effective by the sovereign will, the law itself would become Americanized, and adapted to the spirit and purposes of our free institutions, and the people would hail with exultant joy the benign image of Imperial Justice, unfettered and disenthralled.

48. That the liability to make reparation for an injury done to another, rests upon an original moral duty, enjoined upon every person, so to conduct himself, or to exercise his own rights, as not to injure another, and an injury being shown, the burden is upon the defendant to justify himself—to justify the act that produced the injury—and, in view of this sound and just doctrine upon liability, coupled with provisions of the 19th and 24th sections of our Bill of Rights, we hold that our Statutes ought forthwith, to authorize the bringing and maintaining an action, by virtue of the 19th Section of our Bill of Rights—for an injury done—and that the parties should be permitted to show any fact needful to the maintenance or defence of their rights.

49. That the remedies for the enforcement of the rights of our citizens are simply the force of society constitutionally employed to compel the performance of contracts, or give damages for their violation—and that remedies should be broad, general and universal, and not restricted to suit the caprices, and contribute to the emoluments of a profession; nor to let the cunning, nefarious and rapacious—though learned in the law, and “clad in purple and fine linen,” *escape the demands of justice* by reason of defects or

short comings in remedies, or prohibitions on proof. And the recognition of these principles will add largely to the productive energies of our State, contribute to the peace and security of society and to the eating of bread honestly earned.

Finally we request the publication of these Resolutions in every political paper in this, and in the New York Weekly Tribune.

WM. ATKINSON, } *Committee on*
SUMNER WHIPPLE, } *Resolutions.*

ADDRESS.

NORTH ANSON, July 18, 1865.

DEAR SIR:—I take the liberty to send you the enclosed blank call for a District Convention, hoping you will *one and all* acquiesce in its spirit and purposes, and that you will get it signed by numerous prominent men in your town, and call a Convention at such time and place as you may think proper, so that we may elect a good man from New Portland to represent us in the next Legislature, in accordance with the views therein expressed.

New Portland cannot, by any possibility, lose anything by this move, and may, and probably will, save our representative by going to the people in their primary political capacity, without distinction of party, and in a spirit of political honesty and manly independence; always remembering that, as a general rule, the selfish and ambitious politicians and place-hunters who have under successive political dynasties shaped and controlled the legislation and adjudication of this State, and in consequence thereof have, up to this time, held the rights of the sovereign people in abject abeyance to the wicked behests of a selfish and perfidious aristocracy in flat violation of our bill of rights, and contrary to the spirit and purposes of our free institutions—and that now is the time for the people to burst asunder the bands of selfish and tyrannic party control, and to assume, by virtue of their sovereign independence, the God-given right of self-government and self-protection;—not only self-protection against the system of legal and judicial tyranny and usurpations that have been gradually engrafted upon the

jurisprudence of Maine, by designs counter to the spirit and purposes of our Constitution, and with a design to tax and imperil the rights of the people, and to disrobe the stern and majestic goddess of Imperial Justice, and to prostitute her to the vile altar of Janus and of Mammon for the wicked and selfish purposes of a band of rapacious vampyres, many of whom disregard their official oaths and live and fatten by a sort of licensed iniquity, but to protect ourselves and our posterity against the exemption of any portion of the cash capital of the country from taxation, no matter under what pretext of patriotism or necessity, and against any system of legislation or adjudication that is unjust and unequal, or that shall tend to benefit the rich at the expense of the poor.

We do not design to dictate New Poriland as to what she shall do, but simply to confer with her citizens in a spirit of fraternity on matters pertaining to our common good and the good of our posterity.

Nor do we wish to infringe upon any of her political rights, real or supposed, nor do we want to lose the benefits of our representation through the stupid blindness and tyrannic influence of selfish party drill, when by a laudable effort and fraternal concert of action, we can harmonize and unite the people on principles wise, salutary and just. Our nomination made at Emden on the 24th ult., will, of course, be at the disposal of your Convention, should you call one.

While the citizens of Emden and elsewhere, who are friendly to this popular movement, disclaim the right to dictate either party in New Portland, as to who they shall nominate, we do claim the *right*, which we believe has never been questioned, to *instruct* the man who shall represent us as to what we want him to do. And we claim the further right, which right we believe to be inherent in the very nature of our free institutions—and that is the right not to be again cheated, by voluntary consent, as we have too often been, by the election of mere passive, helpless party tools—and if we must longer abide this barbarous ordeal, with all its concomitant evils, the vile offspring of stolid ignorance and blind party prejudice, we feel that it makes no odds which party wins, nor through what instrumentality we are cheated, knowing, as we do, that great iniquity and injustice has ever been, and is to-day, being practiced upon the rights of the laboring and producing masses of the people of Maine, by an aristocracy of cheats, through the instrumentality of party organization and party prejudices, by which

the representatives of the sovereign people are trammelled and controlled, and their rights and interests lost sight of and disregarded. Aristocrats, conservatives and monarchs, as a general rule, make no concessions to the rights of the people, however just their demands; all history and experience prove this, and while they concede nothing to the people's rights, their tendency has been in all countries and in all ages of the world, to steadily and persistently exact from, and oppress the people, either in violation of their guaranteed or natural rights, until the evil becomes *insupportable*. Hence it is that every concession to civil liberty and the inalienable rights of man, from the dawn of creation to the present day, has been wrenched from conservatism, aristocracies and despotisms, either at the point of the bayonet and mouth of the cannon, or by the sovereign power of the ballot-box. The constitutional rights that we inherit from our fathers—a proud inheritance which we should preserve in its purity and strength, is being rapidly encroached upon and emasculated by a combined aristocracy that are the same by nature and design as their illustrious predecessors have been in all ages of the world. Let us realize our danger before it is too late, and feel that we are sovereign free men; and let us make the constitutional rights of the people a *test* at the hustings, by interpreting our Constitution as we understand it, and then we can pit Democracy against Aristocracy, Right against Wrong, Justice against Injustice, Equality against Privilege, Law Reform against Law Conservatism, and the inalienable and God-given rights of man against the time-tainted and century-bound usurpations of an aristocracy of brokers in human rights and violators of the purest and highest principles of democracy, as well as of society regulated by law, and let the people decide at the ballot-box which they will choose. When *this issue* is fairly put to the people, the result cannot be doubtful.

Citizens of New Portland: We greet you.

WM. ATKINSON,
Chairman of Advisory Committee.

NOTICE.

The Republicans of Emden, and all others desirous of electing a TRUE UNION man to represent us in the next Legislature, and also desirous of being represented upon a platform of principles that shall look to a full recognition and AMPLE PROTECTION of the individual rights of every citizen, agreeable to the nineteenth section of our Bill of Rights, and believing that all just government is founded on the consent of the governed, and that all true sovereignty as well as virtue and intelligence dwells in the great body of the people, are requested to meet at the Town House in Emden, on Saturday, the first day of September, 1866, at one o'clock P. M., to nominate a candidate for the next Legislature.

The Republicans and Union men of New Portland and Solon are respectfully invited to attend.

O. H. McFADDEN,
Chairman of Town Committee.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, January 10, 1867.

Ordered, That five hundred copies of the Resolves, Notice and Address accompanying this order be printed, forthwith, for the use of this House.

WM. ATKINSON, Emden.

HOUSE OF REPRESENTATIVES, February 16, 1867.

Read and passed.

FRANKLIN M. DREW, *Clerk.*