

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1859.



AUGUSTA:

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1859.

THIRTY-EIGHTH LEGISLATURE.

HOUSE.]

[No. 44.

R E P O R T .

Report of the Joint Select Committee to whom was referred that part of the Governor's Message relating to the encroachments of the federal government upon state rights and also upon the subject of American slavery.

T. CUSHING, *Chairman.*

RESOLVED, That the institution of human slavery is
2 at variance with the theory of our government, abhor-
3 rent to the common sentiment of mankind, and fraught
4 with danger to all who come within the sphere of its
5 influence; that the Federal government possesses ad-
6 equate power to inhibit its existence in the territories
7 of the Union; that the constitutionality of this power
8 has been settled by judicial construction, by contem-
9 poraneous exposition, and by repeated acts of legisla-
10 tion.

SLAVERY.

RESOLVED, That possessing the power thus to inhibit
2 slavery on the National Domain, it is the manifest
3 duty of Congress to exercise it; and in case of the
4 refusal or neglect of Congress to take such action it
5 becomes the right and duty of the people of a territory
6 to exclude slavery therefrom and to establish free in-
7 stitutions by the force of territorial legislation.

RESOLVED, That the new and startling dogma, en-
2 dorsed by the National Administration, that the Con-
3 stitution of the United States carries slavery into all
4 the territories and guaranties its preservation and
5 protection therein, is utterly repugnant to the feelings
6 and long settled convictions of the American people;
7 is in flat contravention of the spirit and letter of the
8 Constitution itself, and is a foul libel upon the mem-
9 ory of Washington and his copatriots, also in found-
10 ing our government, declared that its main objects
11 were "to establish *justice*, promote the general wel-
12 fare, and secure the blessings of liberty to ourselves
13 and our posterity.

RESOLVED, That the Supreme Court of the United
2 States by the monstrous doctrines it has avowed on
3 the *Dred Scott* decision, and by its uniform and per-
4 sistent attempts to pervert the true intent and meaning
5 of the Federal Constitution, has forfeited all claim to
6 the respect and confidence of the nation. The preser-

7 vation of personal liberty and the general cause of
8 truth and right demand therefore a reorganization of
9 this Tribunal, to the end that the free states may have
10 a representation upon the Bench proportioned to their
11 population and commensurate to the mighty interests
12 which they have at stake.

RESOLVED, That in enunciating these principles the
2 people of Maine are but reaffirming the views to which
3 they have always adhered. They ask for no new
4 interpretations of the Constitution, but demand that
5 it shall be construed and administered in the spirit in
6 which it was formed. Attached to the Union by pat-
7 riotic associations and the ties of commercial interest,
8 the people of this State will be the last to adopt any
9 course of action which will afford just cause for weak-
10 ening or dissolving the bonds which unite them to
11 their sister members of the Confederacy.

MINORITY REPORT.

RESOLVES relating to the Institution of Slavery.

RESOLVED, That chattel slavery exists not by author-
2 ity, and in virtue of the Federal Constitution, but in
3 direct violation not only of the declared purposes, but
4 of the express provisions of that instrument.

RESOLVED, That the grand mission and earnest
2 purpose of the Republican party, is the total ex-
3 tinction of chattel slavery by constitutional author-
4 ity, in every state and territory in this Union, and
5 that we cordially invite the non-slave-holders of the
6 slave states to cooperate with us in effecting this great
7 national work.

RESOLVED, That the denial by the land commis-
2 sioner, of the right of black men to preempt farms,
3 according to statute provided for actual settlers, al-
4 though following legitimately from the Atheistic
5 declaration of the supreme courts, that "black men
6 have no rights that white men are bound to respect,"
7 is an insult to our common humanity, an outrage
8 upon the christian sentiment of the world, a damning

* 9 disgrace to a civilized nation, and is the crowning cli-
10 max of all the diabolism resulting from and growing
11 out of the institution of human slavery.

T. CUSHING.

JAMES STACKPOLE.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, March 31, 1859.

By Mr. CUSHING of Frankfort, laid on the table, and 350 copies
of same ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*