

FROM THE MERCURY.

To the people of Connecticut.

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The [sub]joined protest against the resolution therein recited, is a demand of fact, and is not a mere question to be communicated to the public. If the people of this State are in fact without a constitution of civil government, defining and limiting the powers of the ordinary legislature, (and that such is our situation, more strongly than ever, in consequence of the exposure of the elementary body at their last session) it will follow of necessary consequence, that the powers of the General Assembly of this State, like those of the parliament of Great Britain, are regarded as illegitimate, and that the people are exposed to the elementary woe in their rights are absolute and omnipotent.

In this view of the subject it follows of course that in this State as in Great Britain, the only lawful and decent mode of examining public measures, is by the free discussion of them by the people, who in this manner, by their votes, give forward, and really change with all unjust, arbitrary and despotic measures.

If any measures adopted at the late session, shall on examination be found to be not calculated to the public benefit, it shall be the duty of the people to be ascertained who originated and advised to such measures, while the legislature is in session, with that respect which its character and the character of the measures, and the persons, who originate and advise them, shall be held up to public detestation, with that boldness which is due to truth, and which a free but insulted people have a right to expect.

*General Assembly of the State of Con-
necticut,*

October Session, A. D. 1804.
In the House of Representatives, a bill was brought down from the governor and council, which had passed in that honorable body after the public hearing on the citation of William Judd, Esq., and others.

"This assembly doth approve the commissioners of William Judd, as a justice of the peace within and for the county of Hartford, of Agur Judson, and Jacob H. Tomlinson, as justices of the peace within and for the county of Fairfield—of Herkiah Goodrich, as a justice of the peace within and for the county of Middlesex—and of Nathaniel Manning, as a justice of the peace within and for the county of Windham."

"And upon the question of concurrence, this house did concur with the governor and council in the following bill relative to an act in relation to the General Assembly. From a yeas vote of concurrence the undersigned members of the House of Representatives dissent."

iii. Because the question whether the people of this State have a Constitution of civil government is uncontested. Many thousands of the freemen of this State have knowledge of, and do not believe in, such a sufficient basis. The public records of the State have been examined from the earliest period, but in vain—We know of no such constitution. The impeached judges knew of none, provided the term constitution be understood in its proper and ordinary sense, and universally understood in the United States. The declaration which it is said they assented to in the convention "That the people of this State are at present without a constitution of civil government," is, in fact, a true statement. The people have been considered in its ordinary sense, and thus considered, the words are perfectly true.

2d, Because, "We hold these truths to be self-evident," That the PEOPLE of this State possess the exclusive, and unalienable right of originating, and forming the social Compact—organizing, defining, and limiting the powers of Civil Government. And while in the most explicit manner, we admit the existing government of this State to be lawful, we hold and insist, that the before-mentioned rights, absolutely essential to the safety of a free people, have never been exercised by the people of this State.

But in the tenth Constitution, may we mean "any thing or nothing" — it in this State it may intend an agreement of the inhabitants of three small settlements at Windsor, Hartford, and Wethersfield, made in the year 1639, which inhabitants, being then *subjects* of the British crown, were incapable of establishing a free government, or forming any compact binding on their posterity. — If it may intend merely a form of government, which, during the revolutionary war existed in this State, from *political necessity*, because the people were then called to institute and to organise a different system, — or because

the Legislature of this State, attempted in December 1776, expressed itself as follows:—
"It would be necessary and proper hereafter to form or agree to some general compact or agreement, which should secure the well being and safety of this and the other United States of America; and for the maintaining the Independence of the same, which in the present situation of public affairs cannot be attended to by the Legislature of this State."
The result of this resolution was not intended a Royal Charter, made void by the declaratory act of Independence, to which this State was a party—or if it may it intend an *Abstract of Rights*, enacted by the ordinary Legislature, and which would be subject to be repealed—or finally, if it may intend a form of government, subject to be varied at pleasure by those who happen to be invested with ordinary Legislative powers, enabling them to establish an absolute despotism, or a government of their own choosing, or to resume the rights of the people, claiming or retaining from affairs, civil and military, all those who hold, or express, mere theoretic opinions contrary to those declarations as aforesaid.—Thus indeed, the declarations and opinions of the framers of the *Abstract of Rights*, which, as the framers aforesaid, they are removed from, flow, were ineffectual.

daily. Because, to the undersigned no thing appears more preposterous and opposed to the plain principles of justice, than to permit the people to remain in a state of anarchy, as ground of impeachment and removal from office, a declaration is made that the people of this State are at present without a constitution, and that the people of this State, by delegate, in convention assembled, have indeed formed such constitution, and the same having been submitted to their consideration, and approved by a majority of the people in such manner as the people of other States is the union have obtained and established their constitution, and for as to authorize the use of the term constitution, it is a phrase, and has been the State of things, it is possible to believe that the declarations, for which the impeached magistrates are removed from office, would for the safety of an existing government? On the contrary, does not the alarm excited by the declaration of the people of this State at present without a constitution of civil government's, but too strongly betray a conviction of its

truth! I was indeed laid by the advocates for this measure, that the people of Great Britain had never assembled to give a sanction to the measures which counted the vote of the constitution and government! And if so, a constitution of civil government might exist in this state notwithstanding the people had never assembled by themselves, or their delegates, to form, organize or limit its power! So far as respects Great Britain, we admit the truth of the assertion; the same may be said of Russia, Denmark, Spain, or even France but as applied to the United States, it is altogether incorrect, the assembly a bold, daring, as weaving a principle, too palpably invidious and alarming, not to meet their most pointed reprobation. But if the extraordinary assertion is now consecrated as political truth by the force of congressional orthodoxy, it is the result

of very recent dishonesty; and could have been achieved by nothing but the wisdom of those who advocated the measure in question: hence the underlined conclusion with certainty, that the magistrates whose commissions are revoked, could not fairly be supposed of anything more than a gross ignorance of the law, or a gross error of opinion;—and that men shall be purified, or magistrates removed from office, for misjudgment on a subject so pre-eminently *obscure* as the pretended constitution of Concedia, is a position which the underlined confidently believe the *people* of Concedia are not yet prepared to do t.

4 bly, Because we deem it our right and our duty; by all lawful and proper measure, to support those principles of justice and equity which have been and have contributed essentially to render our common country both the glory and the envy of the civilized world and which, in the short period of four national existence, have produced a state of political prosperity and social happiness, and which have been the basis of the nations who have preceded us.

Humbly asking that a more perfect participation in this State of those essential rights before enumerated, we therefore declare as our belief that these rights do exist and are equally the property of this State, peacefully and unopposed, to all men, negroes and free, and good men, a Washington and others, a host of worthies in our country have

aff-tered them—(some of whom have sealed them with their blood,) but because these rights, and these great truths, were vouchsafed to the people of this country and of this state by the common Parent of all, and the inestimable blessings of civil and religious freedom resulting therefrom, are enjoyed and holden in trust not for ourselves only, but for our children, and the generations who may come after us.

Deeply expressed as we are, with the nature and extent of possible consequences resulting from present measures, and the high responsibility which existing circumstances have imposed on us, for a correct discharge of our duty, we submit to the decision of an enlightened and free people.—Hereby dissenting from, and solemnly protesting against the Resolves aforesaid, the principles we apprehend it contains or containsances, and all consequences which might otherwise result therefrom, and request that our reasons therefor may be entered on the Journals of this House.

Luther Loomis, Walter Bradley, Hazen Huntington, James Stephens, Daniel Tilden, Isaiah Loomis, Samuel Hart, jun., William Shelton, jun., John Gregg, jr., Samuel Blodgett, Robert Wilton, James Beardslee, Sarah Phelps, Aaron Arnold, Nehemiah Wilton, Samuel Cook, Elizabeth Warner, jun., Samuel Beardslee, jun., John Flynt, Sylvester Wells, Elizalet Cowley, jun., Andrew Lyon, Amasa Bradley, Samuel Wells.

Message of the Governor of North Carolina, delivered on the 19th inst.

Gentlemen,
Before I proceed to lay before you the several subjects which I have it in contemplation to communicate, permit me congratulate you, as a Body of Agriculturists coming from all parts of the State, that notwithstanding the excessive and alarming drought which we experienced during the latter part of the summer, your crops, though comparatively light, will be found sufficient, *if well cultivated and managed*, to furnish a comfortable support for the people at large; and though the increased price of the necessaries of life may fall heavy upon a few, that general distress, which at one period was apprehended, will not, I trust, be felt.

at the pursuance of the directions of the United States Attorney, I transmitted on the 10th of December, 1861, to the Honorable the governor of South-Carolina, a copy of the act just then passed, entitled "An act appointing Commissioners to extend the boundary line of this State and the State of South-Carolina," the receipt of which was acknowledged to him the 17th of March following; and the same day the said act was put into operation, and the said extension was not received until after the Legislature of South Carolina had refused. In this letter his Excellency states his intention of laying our act before the next Legislature at their extra session to be held in May; but not having been favored with an answer on the subject from him since, it is presumed that the Legislature did not act on this subject at that session.

Soon after the late General Affensby rose, I received a letter from his excellency the governor of Georgia, enclosing an extract of a resolution of the Legislature of that State on the 13th December last, making provisions for the ascertaining running & working the boundary line between Georgia & North Carolina. It appears that by the convention entered into between the United States and the State of Georgia, on the 22d of April 1802, that last part of the territory ceded by South Carolina to the general government, which lies well of the Blue Ridge of mountains, and south of the four boundaries of North Carolina and Tennessee, was ceded to the State of Georgia, and the people of that State were to be admitted to the same, as subject to the General Assembly of that State when the above act was passed; and had the Legislature of South Carolina, at their May session, have taken up the subject and made provisions for co-operating with our commissioners, the boundary line between that State and South Carolina, had been settled as far as her limits extend, I should have thought myself justified by the intention of the law in directing the commissioners appointed under it, to have proceeded with the commissioners when might be met by the State of Georgia, to have extended the line to the State of Tennessee.

But it appears from the letters which passed between his excellency the governor of Georgia and myself on this subject (which with the extract of the law

above alluded to, are herewith transmitted, marked (A) that if our commission had met the commissioners appointed by that State, nothing could have been done, on account of the governor of Georgia's objections to the proviso to our law, which states that the extension of the line shall not affect the rights of the people of the State of Georgia entered in either of the said States. The proviso was agreed to by Georgia. I conceive no authority but the Legislature had a right to concede it. The Legislature will perceive the necessity of making provisions to adjust this matter with Georgia, as that harmony between the two States is essential to their States, cannot be maintained without their limits are accurately defined and marked.

A communication from his excellency the governor of the State of Tennessee, dated the 10th of August last, has been received by the Senate, ratifying and confirming the act of this State, passed by the last session of the General Assembly, authorizing the General Assembly to perfect title to lands reserved to this State by the cession Act of 1869, under the letter of the first of which, enclosing a copy of an act of that date, authorizing the Court of Surveyors, to open a certain road therein mentioned, and "to fix a turnpike or turn road there; and hereinafter you may mark it;" and (B) the last of the two, which he first mentioned as is confirmatory, did not receive the necessary assent of Congress at the last session; but it is probable that the subject will be again taken up by Congress at their next session, and if so, it will be had under its name said before you during the present Session.—In the law for opening a new road, it will be observed, that request is made that the legislature of North Carolina be requested to make a survey of the route and of which passes through this State, which is estimated at about fourteen miles.

A letter from his excellency the governor of Massachusetts, dated the 23d of June last, inclosing certain resolutions of the legislature of that state, proposing an amendment to the constitution of the United States, accompanies this (marked A). A proposition of this nature will be thought deserving of the most serious consideration of the legislature, and, I make no doubt, will be acted on with that deliberation and caution its importance requires.

The Secretary of state of the United States, by a letter dated the 24th Sept. 1851, (marked D.) certifies that the proposed amendment to the constitution of the United States, repealing the election of President and Vice-President of the United States, has been duly ratified by three fourths of the States, and that it is therefore become a part of the constitution.

An extract of a letter from the Solicitor-General of this State, dated 10th Oct. 1851, respecting the trial and punishment of slaves, and the present insufficiency of our laws, is submitted to your consideration (marked E.)

A letter dated D-cember 16, 1803, as received from Hogden Holmes, of Georgia, immediately after the rifle of the late General was sold, containing the following, which I have thought proper to send him, as he might be the sole proprietor of the cotton gin, requesting that his letter might be laid before the general assembly, and that the money payable by the state to M^{rs}. Miller and Whitney, might be suspended until the sale of a certain quantity of cotton, to wit: 1000 bales of g. k. The letter is now laid before the general assembly, together with copy of the patent granted to Miller and Whitney, and of that granted to said Hogden Holmes, (marked E), which I have obtained from M^{rs}. Miller, and I have your representative in Congress, for your information; and from a perusal of which, you will be able to form a correct opinion on the subject.

In the course of the summer I received 780 copies of the laws of the first Congress of the twentieth century of the United States, for the use of this State, and I have lately advised by the Secretary of State, that he has directed the giving of the laws of the United States to the several States, Congresses to be forwarded as they are received, to which this State is entitled, which latter parcel I am informed has arrived at Newbern, and a direction has been given for them to be forwarded to this place, and the receipt of them is expected in a few days; so that a duplicate portion is now to be distributed. You will, as usual, direct in what manner they shall be apportioned, and by whom

The file (marked G) contains the letters of such militia officers and the justices of the peace, as have resigned their

appointments to me during the last recess of the Legislature.

Having nothing further at present to communicate, I might here close my address; but though I have no doubt that every measure calculated for the good of our common country, will occur to the general assembly, I hope to be excused for mentioning two or three objects which appear to me particularly worthy

Perhaps it is altogether unnecessary for me to recommend to your consideration, the improvement of our roads and inland navigation, as far as opportunity offers and our circumstances will allow. It would be equally so to speak of the importance of encouraging by every suitable means, the agriculture, commerce and manufactures of our country. But I would most especially call your attention to the subject of Education.

It is a truth founded on the experience of ages, that knowledge is one of the chief sources of national strength, and believing that nothing could be more to the advancement of the character and respectability of this State, than a general diffusion of learning, I am desirous of seeing a plan of education introduced, which will extend itself to every corner of the State. It is true, that many very respectable and wealthy persons have been inculcated in various parts of the State; but it is also true that several of our cities have failed for want of sufficient numbers of scholars to sustain a college. Since the prosperity and happiness of a nation depends so much on a proper education of its citizens, individual exertions ought to be seconded by public patronage. Were this the case, the poor and ignorant, the ignorant and the indigent, and the children of the poor, if citizen might have access at least to superior instruction. The best method of effecting this desirable end will be provided by the general assembly. It is their duty to be accompanied with an act, so that an addition to the number of every citizen will be willing and desirous of contributing towards the expense to be applied.

The United States having wily determined not to maintain a large standing army in time of peace, but depend together on the militia of our nation for the defence of our liberty and property, it is therefore necessary that the people should be well provided with arms. Most of the States have entered into regulations for this purpose; and, yet, nothing has been done in this regard in North Carolina. And the consequence is, that a great part of our citizens are without arms, or at least without such as would be effectual in season of actual service. It is hoped the General Assembly will take this subject into consideration, and remedy a defect which ought not to exist amongst a people situated as we are.

In conclusion, gentlemen, permit me to dedicate you on the prosperous and happy termination of this important affair, to the recent communication of the President of the United States, we learn, that the misunderstanding with Spain, which has for some time past occasioned the great uneasiness of the Government, is likely to be brought to an amicable termination; that our friendship and intimate commerce with the nations of the West will be preserved; that the temporary suspension of the duties on the importation of government iron of the United States is effect; that a good understanding is re-established with the Indians within our settled territory; that an important and valuable acquisition of territory has been secured from the Delawares between the Washita and Ohio; that our resources continue to fulfil every expectation; and that reflecting them; that our national credit is increasing; that our national debt is diminishing; that our national present revenue is sufficient for the support of our Government, without the additional burden on the people of a new tax; that our foreign representation, and, and its true character, is becoming known; and, and its true character, is becoming known.

There is every probability that the

Chief magistrate of the United States will be well-pleased, and that some series of similar political sentiments will be the result. The Government may reasonably calculate on their conducting our concerns for the next twenty years, with the same wisdom, moderation and economy which have distinguished the present administration. We are, therefore, to be assured, at large, and however, to be confident, that the Government that no encroachment be made on their rights; to be ever jealous of their privileges as freemen; and to take care that the revenue paid for the support of Government, be not wastefully or improvidently expended.

Favored as we are with the best, excellent government on earth, it becomes us to be grateful to the Supreme Being for this inestimable blessing; and as the

