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FROM THE MERCURY.

To the people of Connecticut.

The subjoined protest against the resolve therein recited, is deemed of sufficient importance 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 seems strongly indicated by the proceeding in that honourable 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, in regard to things not naturally impossible (as expressed by an elementary writer in that country,) 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 through those ministers or active agents, who in fact originate, bring forward, and are really chargeable with all unjust, arbitrary and despotic measures.

If any measures adopted at the late session, shall on examination be found not calculated to promote the public welfare; when it shall be correctly ascertained who originated and advised to such measures, while the legislature is spoken of with that respect which its character and public decorum renders indispensible, the characters, conduct, and views of certain political despots 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 Connecticut,

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 do revoke the commissions of William Judd, as a justice of the peace within and for the county of Hartford—of Agur Judson, and Jabez H. Tomlinson, as justices of the peace within and for the county of Fairfield—of Hezekiah 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 passing said resolve into an act of the General Assembly. From which vote of concurrence the undersigned members of the House of Representatives *dissent*.

1st. Because the question whether the people of this state have a Constitution of civil government is contested. Many thousands of the freemen of this state have no knowledge of, and do not believe such constitution exists. The public records of the state have been examined from the earliest period, but in vain—We know of no such constitution. The impeached magistrates knew of none, provided the *term* constitution be understood here, as it is generally, if not 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," the undersigned believe ought to 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 enumerated rights, absolutely essential to the safety of a free people, have never been exercised by the people of this State.

But if the *term* Constitution, may mean "*any thing or nothing*"—if 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 not then called to institute and organize a different system—or because, as the Legislature of this State, assembled in December 1776, expressed it—"it would be necessary and proper *hereafter* to form or agree to some general regulations that might be proposed for 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.*" If by the *term* Constitution, may be intended a Royal Charter, made void by the declaratory act of Independence, to which this State was a party—or if it may intend an *Abstract of Rights*, enacted by the ordinary Legislature, which like all other public acts may be repealed—or finally, if it may intend a *form* of government, subject to be *varied at pleasure by those who happen to be vested with ordinary Legislative powers, enabling them to establish an absolute dominion of opinions*, and to punish, by excluding or removing from offices, civil and military, all those who hold, or express, mere theoretic opinions contrary to those established as aforesaid—*Then indeed*, the declarations and opinions of the before named Magistrates, and for which, by the resolve aforesaid, they are removed from office, were incorrect.

3dly, Because, to the undersigned nothing appears more preposterous and opposed to the plainest principles of common sense, than to contend or admit for a moment, as ground of impeachment and removal from office, a declaration "that the people of this state are at present without a constitution of civil government;" for if the people of this state, by delegates, in convention assembled, had indeed formed such constitution, and the same having been first submitted to their consideration, to adopt or reject, had been adopted here in such manner as the people of other states in the union have obtained and established their constitutions, and so as to authorise the use of the term constitution as applicable to this state, in its ordinary sense; had this been the state of things, is it possible to believe that the declarations, for which the impeached magistrates are removed from office, would have excited such fearful apprehensions for the safety of an existing government? On the contrary, does not the alarm, excited by the declaration "that the people of this state are at present without a constitution of civil government," but too strongly betray a conviction of its truth! It was indeed said by the advocates for this measure, that the people of Great Britain had never assembled to form a constitution, and yet in that country there was a 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, organise, or limit its powers! 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 applicable to the *free people* or state of Connecticut, the assertion is boldly denied, as containing a principle too palpably inadmissible and alarming, not to meet their most pointed reprobation. But if this extraordinary assertion is now *consecrated as political truth* by force of *governmental orthodoxy*, it is the result of very recent discoveries, and could have been achieved by nothing short of the wisdom of those who advocated the measure in question; hence the undersigned conclude with certainty, that the magistrates whose commissions are revoked, could not fairly be accused of any thing more than want of information, or mere error of opinion—and that men shall be punished, or magistrates removed from office, for misjudging on a subject so pre-eminently *abstruse* as the pretended constitution of Connecticut, is a position which the undersigned confidently believe the *people* of Connecticut are not yet prepared to adopt.

4thly, Because we deem it our right and our duty, by all lawful and proper measures, to support those principles of civil government, which under God, have contributed so essentially to render *our common country* both the glory and the envy of the civilised world! and which, in the short period of our national existence, have produced a state of political prosperity and social happiness, not experienced by cotemporaries, or the nations who have preceded us.

Honestly aiming at a more perfect participation in this State of those essential rights before enumerated, we further declare as our belief that these *rights* do exist, and appertain to the *people* of this state, permanently and unalienably, and not merely because great and good men, a *Washington* and others, a host of worthies in our country have asserted 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 impressed 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 Resolve aforesaid, the principles we apprehend it contains or countenances, 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, Hezekiah Huntington, James Stephens, Daniel Tilden, Isaiah Loomis, Samuel Hart, jun. William Shelton, jun. Jabez Gregory, Samuel Blodget, Robert Wilson, James Beardslee, Arah Phelps, Aaron Arnold, Nehemiah Wilson, Samuel Cook. Elizur Warner, jun. Samuel Beardslee, jun. John Flyment, Sylvester Wells, Eliphalet Cooley, jun, Andrew Lyon, Amasa Bradley, Samuel Welles.

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 past summer, our crops, though comparatively light, will be found sufficient, if used with œconomy, to furnish a comfortable support for the people at large; and though the encreased 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.

In pursuance of the directions of the last General Assembly, I transmitted on the 18th December last, to his Excellency 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 by him the 17th March following; when it appeared that my communication was not received until after the legislature of South Carolina had risen. In this letter his Excellency states his intention of laying our act before their legislature at their extra session to be held in May; but not having been favoured with any communication from him since, it is presumed that the legislature did not act on this subject at that session.

Soon after our last General Assembly rose, I received a letter from his excellency the governor of Georgia, enclosing an extract of an Act passed by the legislature of that state on the 15th 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 24th of April, 1802, that that part of the territory ceded by South Carolina to the general government, which lies west of the Blue Ridge of mountains, and south of the southern boundaries of North Carolina and Tennessee, was ceded to the state of Georgia. It is presumed this circumstance was not adverted to by the General Assembly of this 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, and the boundary line between this 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 which might have been appointed for the purpose 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 sent, marked (A) that if our commissioners 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 in our law, which states "that the extension of the line shall not affect the titles of any person or persons to the lands entered in either of the said states;" unless that 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 which ought to subsist between sister 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, inclosing a copy of an act of that state, ratifying and confirming the act of this state, passed by the last session of the General Assembly, authorising the General Assembly to perfect titles to lands reserved to this state by the cession Act. and another letter dated the 8th of October, inclosing a copy of an act of that state, authorising the court of Sevier county, to open a certain road therein mentioned, and to fix a turnpike or turnpikes thereon, are laid before you, marked (B); the law of the state of which the first mentioned act is confirmatory, did not receive the necessary assent of Congress at the last session; but it is probable that the subject will be again brought before Congress, and that a decision will be had thereon in time to be laid 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 will co-operate with the states of Tennessee and Georgia, in effecting that part of it which passes through this State, which is estimated at about fourteen miles.

A letter from his excellency the governor of Massachusetts, dated the 22 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 C.) 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. last, (marked D.) certifies that the proposed amendment to the constitution of the United States, respecting 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. last, respecting the trial and punishment of slaves, and the present insufficiency of our goals, is submitted to your consideration (marked E.)

A letter dated December 16, 1803, was received from Hogden Holmes, of Georgia, immediately after the close of the last session, of the legislature, alledging himself to 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 Messrs. Miller and Whitney, might be suspended until the decision of a certain suit depending in the federal court respecting it. The letter is now laid before the general assembly, together with a copy of the patent granted to Miller and Whitney, and of that granted to said Hogden Holmes, (marked E.) which I have obtained by means of Mr. Macon, one of our representatives 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 session of the seventh congress of the United Sates, for the use of this state, and I am lately advised by the secretary of state, that he has directed 670 copies of the laws of the second session of the seventh congress to be forwarded, as a part of those to which this state is entitled, which latter parcel I am informed has arrived at Newbern, and 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 double portion is now to be distributed. You will, as usual, direct in what manner they shall be apportioned, and by whom sent to the several counties.

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 of notice.

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 firmest pillars of national strength. And believing that nothing would tend 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 shall extend itself to every corner of the state. It is true, that many very respectable academies have been instituted in various parts of the state; but it is also true that several of them have failed for want of sufficient support, and others are in a languishing state. 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, our schools would be placed on a solid foundation, and the children of the poorest citizen might have access at least to necessary instruction. The best method of effecting this desirable end will be devised by the general assembly. It cannot, I know, be accomplished without an addition to our revenue; but certainly every citizen will be willing and desirous of contributing towards an expense so well applied.

The United States having wisely determined not to maintain a large standing army in time of peace, but depend altogether 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; but, as yet, nothing has been done on this head 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 a 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 felicitate you on the prosperous and happy situation of our national affairs. From the recent communication of the President of the United States, we learn, that the misunderstanding with Spain, which has for some time past occasioned a great degree of alarm throughout our country, is likely to be brought to an amicable termination; that our friendship and intercourse with the nations of Europe are undisturbed; that the temporary government of Louisiana has gone into effect; that a good understanding is established with the Indians within ours newly acquired territory; that an important relinquishment of native title has been received from the Delawares between the Wabash and Ohio; that our finances continue to fulfil every expectation raised respecting them; that our national debt is greatly diminished; and that our present revenue is sufficient for every purpose of Government, without any additional burthen on the people. This, certainly is a flattering representation, and its truth cannot be doubted.

There is every probability that the present chief magistrate of the United States will be re-elected, and that some person of similar political sentiments will be chosen Vice President. If so, we may reasonably calculate on their conducting our concerns for the next four years, with the same wisdom, moderation and economy which have distinguished the present administration. It is the duty of the citizens at large, however, to be constantly on their guard 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 improperly applied.

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