

RESOLUTIONS

OF

THE GENERAL ASSEMBLY OF NEW HAMPSHIRE,

Condemning, as a violation of the Constitution, the trial and imprisonment of Thomas Wilson Dorr, by the authorities of Rhode Island.

JANUARY 6, 1845.

Laid on the table, and ordered to be printed.

STATE OF NEW HAMPSHIRE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-FOUR.

Whereas it is provided, by the 6th article of the amendments to the Constitution of the United States, "That, in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence." And whereas a citizen of one of the States of this Republic (Thomas Wilson Dorr) has, by the constituted authorities of that State, been charged with the crime of treason, arraigned before its court, pronounced guilty of the offence charged, and by that court sentenced to hard labor in the State prison during his natural life: And whereas, in the opinion of this Legislature, all the substantial forms of justice required to be observed in criminal cases were, during his trial for that offence, disregarded, his rights grossly violated and denied to him by his removal for trial from the *vicinage* in which the crime was alleged to have been committed; by the selection of a packed jury, all of whom were his political enemies; and by the refusal, on the part of the judges of the court before whom he was tried, to permit him, by the strongest evidence which it was possible to offer, to establish his innocence, and to prove that the acts for which he was charged with the crime of treason were only in obedience to the Constitution of the State whose chief magistrate he was, and as such was bound to support that Constitution, which the people of Rhode Island had adopted, and which evidence of its adoption he offered to lay before the court, by presenting to them the votes of the people themselves, on which votes were the names of the voters, so that, if fraud or illegal voting had been resorted to in the adoption of the Constitution, the court

would be enabled to detect the same—all of which evidence was rejected, and the decision of his guilt or innocence, in which was involved the great and important question of the right of the people to establish a Constitution or form of government suited to their own wants and convenience, was referred to a jury packed for the occasion, and three of whom, he offered to prove to the court, had, in violation of their oath, prejudged his case : Therefore,

Resolved by the Senate and House of Representatives in General Court convened, That in the person of Thomas Wilson Dorr, now confined in the State prison of Rhode Island, the authorities of that State have trampled upon the Constitution of the United States, by denying to him the right to be tried by an *impartial jury*, in the *vicinage* in which the crime was alleged to have been committed, and by refusing to him the right of introducing testimony tending to establish his innocence of the offence charged ; and that it is the duty of Congress to restore to the said Thomas Wilson Dorr those sacred rights guarantied to him by the Constitution, as a man and as a citizen of this Republic ; and to wipe out the *deep and damning stain* stamped upon our national escutcheon by the *mock trial* and condemnation of this individual, guilty of no offence but that of maintaining the sovereignty of the people, and of obeying their sovereign will !

And whereas it is provided by the 8th article of the amendments of the Constitution of the United States, that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted :” And whereas the punishment imposed upon the said Thomas Wilson Dorr is, in the opinion of this Legislature, both “*cruel and unusual*”—unusual, as being, it is believed, the first offence of a strictly political character which has been punished by a State since the declaration of American Independence !—unusual, when the nature of the offence is considered in connexion with the plain principles upon which the Government of the United States is founded—the principle of the sovereignty of the people : And whereas it is the manifest duty of the General Government to protect and guard the rights of individuals, so far as those rights are guarantied by the Constitution : Therefore,

Resolved, That the imprisonment of Thomas Wilson Dorr by the authorities of Rhode Island presents to the Congress of the United States a case of “*cruel and unusual punishment*” inflicted upon that individual for exercising, in a constitutional manner, the duties imposed upon him as chief magistrate of that State, to which office he was duly elected under a Constitution adopted by a large majority of its citizens, and as such calls loudly upon the General Government to extend to him, the said Thomas Wilson Dorr, that protection against tyranny and oppression which the Government of these United States is bound in good faith to extend to all and every one of its citizens.

Resolved, That while we disclaim all right to interference with the internal police and regulations of our sister States, leaving to them the full exercise of sovereign power, (so far as it has not been delegated to the United States,) yet we cannot but protest against the wanton exercise of this power by the State of Rhode Island, in the case of Thomas Wilson Dorr, who, as a citizen of the United States, has rights which should be regarded as sacred, and which the General Government is bound to maintain and defend.

Resolved, That we regard the doctrine of the sovereignty of the people as of vital importance to the stability and permanency of our Republic, and that the people of Rhode Island, in common with the people of the other States composing this Union, possess this right—that when they speak, “full faith and credit shall be given in each State to” their “public acts,” one of which was the establishment of a Constitution adopted by a majority of her people, and another the election of officers under that Constitution, of which Thomas Wilson Dorr was the chief magistrate, and as such should have been recognised by the several States composing this Union, and by the United States Government itself.

Resolved, That our Senators and Representatives in Congress be requested to lay this preamble and resolutions before both Houses of Congress, and that the Secretary of State be directed to furnish each of them a copy of the same, and also to furnish a copy to the Governors of the several States and Territories.

HARRY HIBBARD,

Speaker of the House of Representatives.

TIMOTHY HOSKINS,

President of the Senate.

Approved, heartily approved, December 27, 1844.

JOHN H. STEELE, *Governor.*

A true copy. Attest :

THOMAS P. TREADWELL,

Secretary of State.

Resolved, That we regard the doctrine of the sovereignty of the people as of vital importance to the stability and permanency of our Republic, and that the people of Rhode Island, in common with the people of the other States composing the Union, possess this right—that when they speak "free faith and free will" in their States or "free public sentiment" in which was the establishment of a Constitution adopted by a majority of her people, and another the election of officers under that Constitution, of which Thomas Wilson Dorr was the chief magistrate, and as much should have been recognized by the several States composing this Union, and by the United States Government itself.

Resolved, That our Senators and Representatives in Congress be requested to lay this preamble and resolutions before both Houses of Congress, and that the Secretary of State be directed to furnish each of them a copy of the same, and also to furnish a copy to the Governors of the several States and Territories.

HARRY HIBBARD

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Approved, December 27, 1844.

JOHN H. STEWELL, Governor

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Secretary of State