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## N. C. LEGISLATURE.

### THE SLAVERY QUESTION.

Although the several Resolutions below have already been brought to the notice of our readers, we present them to-day in full, in order that they may be preserved conveniently for subsequent reference. The whole subject matter will thus be compressed in a short space. We deem it unnecessary to combine with them all of the various sets of Resolutions which have been offered. The Majority and Minority resolutions, and those of individual members of the Select Committee who disagreed with both, are here given.

Mr. SANDERS on the part of the Majority of the Joint Select Committee on Slavery submitted the following Preamble and Resolutions:

WHEREAS, The people of North Carolina have ever cherished a lively and cordial attachment to the Union of the States, and entertain the most sincere desire for its preservation, and whilst, in the opinion of this General Assembly, the slaveholding States have suffered great wrong by some of the measures enacted at the last session of Congress, called Compromise acts; yet, as these measures have become the laws of the land, it is the duty of the South to acquiesce, so long as they shall be adhered to and enforced in good faith; and so long as Congress shall abstain from the adoption of any other measure touching the institution of slavery, calculated either to endanger its security or to destroy the guaranties of the Constitution; be it therefore

1. Resolved, That the fugitive slave act passed by Congress at its last session, is in strict conformity with the provisions and requirements of the Constitution of the United States, and if carried into execution in good faith is calculated to give security to slave property; and any failure on the part of the Federal Executive to enforce or any attempt on the part of the judicial authorities of the free States to obstruct its execution, would not only constitute just cause of complaint on the part of the south, but would be such a gross dereliction of duty as could not fail to weaken those ties which bind together the States of the Union.

2. Resolved, That the abolition of slavery in the District of Columbia—the interdiction of the slave trade between the States—the refusal to admit any new State into the Union, because of its recognition of the institution of slavery—the total repeal of the fugitive slave act, or its modification so as essentially to impair its force and efficiency—would, in the opinion of this General Assembly, amount to such a clear, deliberate and palpable breach of good faith and flagrant abuse of power as to demand of the freemen of North Carolina the most determined resistance, and justify them in uniting with the other slaveholding States to uphold and maintain their just and violated rights.

3. Resolved, That whenever all or any one of the acts mentioned in the foregoing resolutions shall have been passed by the Congress of the United States, the Governor of this State be and he is hereby requested to convene the General Assembly at such time as in his wisdom shall seem fit, in order to take into consideration the solemn duties which we owe to ourselves as freemen, and of our then existing relations with the Federal Government.

And whereas, it would be both proper and expedient to restrict all trading intercourse with the non-slaveholding States, so long as there shall exist a well grounded apprehension either as to the repeal of the fugitive slave act or its non-execution, and as there now exists just grounds for such apprehensions; be it therefore

Resolved, That it is expedient to impose an *ad valorem* tax upon all articles of merchandise of the growth, manufacture or product of the non-slaveholding States, which shall be brought in to, and be offered for sale within this State from and after the first day of August next; Provided, however, the Governor shall be authorized and required, by and with the advice of the Council of State, to suspend the execution of such law until the meeting of the next General Assembly, if it shall satisfactorily appear that the fugitive slave act hath been faithfully executed.

Mr. AVERY on the part of the Minority submitted the following Report and Resolutions:

The minority of the committee, to whom was referred sundry resolutions upon the subject of negro slavery and federal relations, in addition to the resolutions agreed on by the committee, ask leave to report to the Legislature additional resolutions, to which they request their assent:

The minority believe that the time has ar-

rived when it becomes a matter of imperious necessity, both for the salvation of the Union, and the correct administration of the General Government, that the States should ascertain distinctly whether they have any rights, or whether the tenth section of the amendments to the Constitution meant nothing, and should be considered as meaning nothing.

It cannot be denied, that since the establishment of the constitution of the United States, there has existed two parties in the country, one contending that the constitution delegated only certain enumerated and defined powers, and that all the powers, incident to sovereignty, which were not therein granted, were reserved to the States respectively; the other party contending that the Government created by that instrument was a consolidated Government with no limit to its power, but its sovereign will and pleasure. Although in the career of ambition, and the strife of sectional interests, these great landmarks of party may have been forgotten for a time, or partially obliterated, still, in the opinion of the undersigned, they cannot be overlooked, without great danger to the people, and a final overthrow of our republican system of government. To the neglect or forgetfulness of the limited character of our Government, are solely to be attributed our present difficulties and dangers. When we regard the vast extent of the American Union, reaching from the Atlantic to the Pacific ocean, embracing in its wide domain individuals of every habit and nation, and every variety of interest, it requires very little political sagacity to foresee, that if we acquiesce in the doctrine, that the Government at Washington is all-powerful, and that the States have no rights, we shall very soon erect an imperial tyranny under the form and outward show of a Republic. Let us regard for a moment what would be the condition of the slaveholding States under a consolidated Government.

A consolidated Government must always respond to the wishes of a majority of the aggregate mass of the whole people of the United States. And can we doubt what that wish is now, or shortly will be, upon the subject of slavery? If we do, we must shut our eyes to the numerous signs which are visible in every part of the political horizon. It is said, Congress will never interfere with slavery within the bounds of a State! Even suppose we should have the most undoubted assurance of this fact, there are means of annoyance and destruction of this institution without venturing without the bounds of a State, which an all-powerful and consolidated Government can easily put into operation. The individual right of resistance to tyranny, or revolution, was certainly not all that was meant by our complicated theory of Government; if it was, a great deal of useless labor was taken to express a right we enjoy in common with the poorest slave, or the humblest worm which is trod upon—the mere robber's right—

"That they should take who have the power, And all should keep who can."

It would be an humble boast of our experiment in the science of Government to admit, that it meant nothing more than this.

The wise men who framed our Government, were not only lovers of liberty, but they established certain checks and balances with a hope of preserving and perpetuating that liberty, and among the chief and most efficient of these, were the rights reserved to the States, in their organized communities as political powers.—"The true question then for us to decide, is this, does the State of North Carolina, as an organized political community, possess the right to secede or withdraw from the Union, in case the General Government willfully omits or refuses to fulfil her constitutional obligations, or in order to protect her citizens against an unconstitutional or oppressive act of the General Government; and for the purpose of making that protection effectual, can she command the undivided allegiance of all the inhabitants within her territory?"

Unless the people of the State possess this right, and have surrendered it by the Constitution of the United States, it is sheer folly to talk of their reserved rights—they have none, and the sooner it is known, the better it will be for all the parties concerned. This right was undoubtedly intended by the framers of our theory of Government as the great safety valve of the Union—the only means by which it could be preserved, and prevented from rushing, upon one hand, into consolidation, to the destruction of our liberty; and upon the other, into insurrections and domestic violence, destructive of all order.

It is said by many, who admit the right to exist, that it is imprudent now to assert it.—The minority cannot perceive any imprudence in asserting it, but the contrary, they believe that its distinct and unequivocal avowal, will do more to settle our difficulties, and awaken the whole North to the danger she is bringing upon the Union, than all the resolutions of resistance and rebellion we can pass. The majority of the people of a State will never consent to withdraw from the Union, except upon the most solemn deliberation, and the fullest conviction, that such a conviction is the only resource left them to protect their rights from intolerable tyranny and oppression.

Among the few subjects which could possibly induce a State to withdraw from the Union, negro slavery stands pre-eminent. This institution forms the substratum of southern society. It is so intimately connected with our social and domestic relations, that its destruc-

tion, or material injury, would not only produce universal poverty, but overthrow States. This vast institution is unknown to a majority of the States of the Union, and is regarded with hostility by the majority of the people of those States; certainly then, if any question can ever arise, of sufficient magnitude to call into action reserved powers, which may exist, for the preservation of the Union and protection of the people, this question is one.

The minority believe it is a grievous error and a bitter sarcasm against the honor and justice of the people of the United States, to assert, that the exercise of this power would necessarily destroy our Union. The Constitution of the United States makes provision for its amendment; should any one State determine to withdraw from the Union, before taking that step, she should doubtless inform the rest of the States, and the world, of the reasons which had induced her to take so solemn and important a position. Would it not then be the interest, as well as the duty, of the other States, so to amend the Constitution of the United States, as to dissipate all such fears, and remove the danger which had forced the withdrawing State from the Union? We are continually amending State Constitutions; why is it we cannot amend the Constitution of the United States? Is that the only instrument of the kind which is so perfect, that it cannot be amended? Let the constant agitation and discussion of its powers answer the question. Upon this slavery question alone, why should not the Constitution be so amended, as to calm the fears of the Southern people, and place it beyond a doubt, that Congress never would, in any manner, attempt to interfere with it, nor deny to the Southern States their rights as equal members of the Confederacy. No doubt, a State, previous to withdrawing from the Union, would propose to the other States such amendments to the Constitution as she might think her safety required, and it would be for the other States to decide, whether such amendments were unjust or could not be assented to.

But certainly it is unworthy of American wisdom and experience to say, this constitution cannot be amended, or that we cannot trust the justice and fairness of our countrymen with the task of amending it. The non-slaveholding States certainly, do not object to settle this question forever, and place it for all future time beyond the reach of political agitation, unless they intend hereafter, when might makes right, to avail themselves of a doubtful or contested power for some injurious purposes.

Should the State of North Carolina admit, that she has no right, under any circumstances, to withdraw from the Union, but must rely for her protection upon that which has been called her natural rights, and resort to rebellion or insurrection, she releases thereby her citizens from allegiance to obey her command; for, if she has parted with all her sovereignty, she has no claim to obedience in such an emergency. She may raise the standard of revolt, and collect around her banner all the disaffected and discontented, but in doing so she admits she is guilty of treason, and all who follow her fortunes, may share the fate of traitors. In all civil conflicts "the king's name is a tower of strength," and the soldier is doubtless armed, who believes, that his cause is not only just, but lawful.

The right to withdraw from the Union, as a last appeal to the justice and forbearance of the other States, the minority believe is not only indispensable for the safety of the States, but is in strict conformity with our theory and form of government, and was so understood and meant by its framers. Else, why was the tenth amendment attached to the Constitution at the instance of those States which, by their acts of ratification, expressly required it, and among them, none were more urgent than Massachusetts. That State ratified the Constitution with this proviso: "That it be explicitly declared, that all powers not expressly delegated by the aforesaid Constitution, are reserved to the several States to be by them exercised."

What these reserved powers were, or how they were to be exercised, the minority cannot comprehend, if the ultimate right herein insisted on, is denied or abandoned.

The minority will not insult the understandings of members of the Legislature, by an argument to convince them, that the right herein contended for, is very dissimilar from nullification, nor can it be confounded with that doctrine, except by individuals who are willing to deceive the people to aid their selfish and sinister purposes.

In conclusion, the minority, for fear of misapprehension, beg leave to state, that they propose the following resolutions, with no view of advocating or urging a union; on the contrary, they yield to none in their sincere attachment to the Union of the States. They believe the Constitution of the United States, honestly and fairly administered, the greatest triumph of human intellect and virtue, but that in order to insure the objects for which it was ordained, it should be administered with the same justice and forbearance, towards the weaker members of the confederacy, with which it was established. When, however, it ceases to pursue the glorious objects of its institution, and is seized upon by a dominant majority to insult and oppress a smaller portion of the confederacy, the only refuge from intolerable tyranny and oppression will be found under the banner of the several States.

With the view, therefore, of asserting the rights of the States, and convincing the world,

that the people of North Carolina do not deny a primary allegiance to their native State, but as an ultimate resort, will rally around her banner in the hour of trial and danger, and as the ark of their salvation, the minority propose the following resolutions, and ask their adoption:

Report duly submitted.  
HENRY T. CLARK, Ch'n,  
WILLIAM B. SHEPARD,  
GREEN W. CALDWELL,  
W. W. AVERY,  
SAMUEL J. PERSON,  
SAMUEL N. STOWE,  
SARCUS ERWIN,  
W. J. BLOW.

RESOLUTIONS.  
Resolved, That the Constitution of the United States is a compact between sovereign and independent States, and all powers not therein delegated are reserved to the States respectively—among the attributes of sovereignty retained by the several States, is that of watching over the operations of the General Government, and protecting her citizens from unconstitutional abuse on the one hand, and securing to them, on the other, a strict fulfilment of the obligations imposed by the Constitution upon the General Government.

Resolved, That the people of North Carolina, as an organized political community, have the right to secede or withdraw from the Union, whenever a majority of the people, in convention assembled, shall decide a withdrawal necessary to protect their property or persons from unconstitutional and oppressive legislation by the General Government, or whenever, by the failure of the General Government to fulfil her constitutional obligations, the people of the State may deem such a step necessary, in order to secure the enjoyment of the rights, privileges and protection guaranteed to them by the constitution of the United States; and such an emergency, a majority of the people of North Carolina, acting through the organized authorities of the State, would be entitled to the sole and undivided allegiance of all her citizens.

Mr. BARNER did not concur with either the Majority or Minority of the Committee, but presented the following Resolutions:

WHEREAS, the continual agitation of the various questions connected with the subject of negro slavery is fraught with the most serious and poisonous consequences; and whereas, the people of the slaveholding States, feeling duly impressed with a sense of what are their rights, and determined to maintain and defend those rights by all constitutional and lawful means; and whereas, the Union of these States which was designed by its founders and adopted by the people of the respective States "in order to establish justice, ensure domestic tranquility, and secure the blessings of liberty to them and to us, their posterity," should be sustained and protected until time and experience have proven it to be utterly incompetent to the answering of these great purposes; and whereas, in case it should become necessary for the slaveholding States to resort to a redress of their grievances, growing out of Northern interference with their domestic institutions, that can be much more effectually attained by unanimity and concert of action than by local legislation or irresponsible conventions: Therefore

1. Resolved, That the institution of slavery, as it exists in the Southern States, is a subject with which the people of the North have neither the constitutional power nor the moral right to interfere, either directly or indirectly, either by legislative enactment or social organization; and that all such interference should be resisted as an unwarranted assault upon our rights.

2. Resolved, That the territorial lands of the United States, whether purchased by the common treasure, or conquered by the common arms, ought to be free to the common enterprise, and open to the common emigration of all the people alike; that any discrimination by Congress, which shall proscribe the owners of any species of property peculiar to any section, shall be subversive of that "justice and domestic tranquility," and to those "blessings of liberty," which the Constitution was designed to establish, ensure and secure; and that any amendment of the territorial bills passed at the last session of Congress, which shall make such discrimination, would authorize and demand of the slaveholding States, measures of retaliation as hereinafter suggested.

3. Resolved, That the owners of slaves in the District of Columbia, hold that kind of property which the guaranty of the Constitution, which declares that "no person shall be deprived of his liberty or property without due process of law," and that those who remove slaves from the slave holding State to another, for the purpose of sale or settlement, are entitled under the Constitution, to all the rights and privileges of slave owners in the states where they may happen to be; that the abolition of slavery in the District of Columbia would further involve a gross breach of faith towards one of the slave holding States; that such abolition in said District, or such interdiction of the removal of slaves from one slaveholding State to another, could be regarded in no other light than a blow aimed at slavery in the States; that the passage of either of these measures by Congress could not fail to exert a most pernicious influence on the institution of slavery throughout the South, and would authorize and require of the slaveholding States,

those retaliatory measures, hereinafter suggested.

4. Resolved, That the series of acts passed at the last session of Congress, constituting what is generally termed "the Compromise," viz: The act admitting California as a State—the act establishing a territorial government for Utah—the act for the adjustment of the Texas boundary—and the act establishing the territorial government of New Mexico—the act providing for the surrender of fugitive slaves—and the act abolishing the slave trade in the District of Columbia—having become the law of the land, and obligatory on all sections, States, communities and persons, ought to be obeyed; and the Executive is bound by the most solemn obligation to see that they are enforced, should any resistance be offered to their execution.

5. Resolved, That the people of the slaveholding States, yielded much in some of the measures of that "Compromise" for the sake of conciliation and peace, with scarcely a remunerating benefit in the passage of the act for the surrender of fugitive slaves; that the repeal of said fugitive slave law, would be a manifest breach of faith on the part of Congress to which the people of the South cannot, ought not, and will not, quietly submit; and that, in case of such repeal, the retaliatory measures on the part of the slaveholding States, hereinafter suggested, would be authorized and demanded by the occasion.

6. Resolved, That any system of organized opposition to the execution of the said fugitive slave law in the non-slaveholding States, either by legislative enactment, by police regulations, by lawless violence, or by overawing demonstrations of physical force, the result of which shall be to render this law practically inoperative, will also justify and require of the slaveholding States, those retaliatory measures hereinafter suggested.

7. Resolved, That North Carolina entertains the most sincere and abiding attachment to the Union of these States; that we will maintain and defend the Union, and sustain the constituted authorities of the Government as long as the same can be done consistently with the preservation of our liberties, and the enjoyment of those rights and privileges, which the Union was designed to secure, and the Government to protect; that it behooves the Southern States to resort to every mode of redress not incompatible with the Constitution, before they should contemplate the alternative of disunion; and that if disunion must come, they should so act as to throw the responsibility on those who are disposed wantonly to insult us, and to invade our rights.

8. Resolved, That in case Congress shall hereafter so alter the laws of the last session establishing territorial governments, as to apply to them the principles of the Wilmot Proviso, or should repeal the law providing for the surrender of fugitive slaves, or so change that law as to render it inefficient, for the accomplishment of the purposes designed by it, or should pass any law for the abolition of the institution of slavery in the District of Columbia, or interdicting the removal of slaves from one State to another,—it will then be the duty of the slaveholding States to send delegates to be appointed under authority of law to a convention, the business and authority of which convention shall be to devise and recommend to the said slaveholding State respectively such retaliatory measures, not inconsistent with the Constitution, as may be demanded by the exigencies of the occasion, and with a view to obtaining that unanimity and concert of action, without which all attempts at redress will be in vain.

9. Resolved, That it be and hereby is recommended to the respective slaveholding States of this Union, to provide by law for the assembling of their Legislatures, for the purpose of regulating under the authority of law, the appointment of delegates to said Convention in case of such change by congress of the territorial bills of the last session, or of the repeal or modification of the fugitive slave law as before suggested, or the abolition of slavery in the District of Columbia, or the interdiction of the removal of slaves from one State to another; and in case of the necessity of holding such convention, each State should be entitled to the same number of delegates as it will be entitled to electoral votes for President and Vice President of the United States, under the census just taken—the manner of appointing said delegates to be regulated by law in each State as the Legislature thereof may provide—a majority of the delegates appointed to said Convention to constitute a quorum—the manner of voting to be regulated by the Convention itself—and that it shall be the duty of said Convention when assembled, to devise and recommend a series of retaliatory measures, not violative of the Constitution of the United States, to the Legislatures of the slaveholding States for their adoption.

10. Resolved, That the following propositions among others, be submitted to the notice of the slaveholding States as proper for the consideration of said Convention, in case its assembling shall be necessary, under either of the contingencies before suggested, viz:

The passage of a law (preceded by an amendment of the State Constitution, when necessary) providing for reducing to a state of slavery, all the free negroes within their respective limits, in case they do not leave the State within the prescribed period—and the further permanent provision of disallowing freedom to any colored person within the fourth degree.