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DRAUGHT

OF

A Declaration of Independence,

PROPOSED TO THE

CONVENTION OF THE

STATE OF ARKANSAS,

AND

Withdrawn from its consideration.



LITTLE ROCK:

R. S. YERKES & CO., PRINTERS.

1861.

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[NOTE.]

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[The instrument here printed was prepared at the solicitation of many early advocates of Southern rights, and presented in the Convention of the People of the State of Arkansas in May, 1861, for its consideration.

On amendments being at once proposed, and it being manifest that modifications would be demanded by some who denied to the states the right of Secession, this paper was withdrawn, and the author refused to permit it to be afterwards offered or used.

It is now published by request, that it may remain during all time, to show upon what grounds those who were in favor of secession, as the exercise of a clear right, desired to place their action, and in what attitude to present their State to the world; not as a criminal, guilty of high treason, but as a Sovereignty, preferring a tremendous indictment against those States that had violated the constitution and dishonored themselves.]



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PROPOSED DRAUGHT  
OF  
A DECLARATION OF INDEPENDENCE.

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THE UNANIMOUS DECLARATION OF THE PEOPLE OF THE STATE OF ARKANSAS, IN CONVENTION ASSEMBLED, ON THE ——— DAY OF MAY, IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

WHEN inexorable Necessity compels one People to sever the ties of Union and a Common Government that have for many years connected them with others; to assume among the Powers of the world that equal and independent station to which they are entitled, and to form new bonds of Alliance or Confederation, in order to preserve their liberty, their rights and their honor, justice entitles them to be heard to state the causes which impel them to such separation.

WHEN the People of the thirteen United States of America declared their independence, they proclaimed these undeniable truths; that all governments instituted among men derive from the consent of the governed all the powers with which they are justly invested, and that whenever any government becomes destructive of the ends for which it was instituted, it is the right of the people to alter or abolish it, and to institute a new government, building it upon the solid foundation of such prin-



ciples, and organizing its powers in such form as may, to them, seem most likely to secure their safety and happiness.

WE, THE PEOPLE OF THE STATE OF ARKANSAS, reiterate these principles, to deny which is treason against Liberty itself; and do rely upon them for our complete justification.

OUR fathers declared, that prudence dictated, that governments long established should not be changed for light and transient causes: and the occurrences of the past ten years have shown the truth of their assertion, that men are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

BUT when the great purposes for which a common government and a Union of States were created, are wholly and persistently disregarded; and essential conditions of that union are habitually violated and permanently annulled by a majority of those states; when the system of government itself is denaturalized, and its powers perverted to the worst uses, so that the union becomes an engine of oppression, by which the majority of the states is enabled to imperil the property and endanger the safety of the minority with impunity, then it is not only the RIGHT but the DUTY of a state thus wronged, insulted and endangered, to throw off the yoke of such government, and singly, or with others in like manner aggrieved, to provide new guards for future security.

SUCH is the necessity which now constrains us to rescind a violated compact, and to establish other relations and a new government. The longer continuance of the Union heretofore existing has become impossible, unless the people of Arkansas were dead to all considerations, not alone of self-respect and honor, but even of peace and safety. Repeated aggressions and reiterated injuries on the part of the Northern States, persistent violations of the constitution, denials of common right, which, if tolerated, would sink the States of the South to the condition of Provinces; and a long train of other wrongs, patiently endured by them for many years, have proven the deliberate intention of those whom we once called brethren, to make us their subjects and tributaries; until the Union has fallen asunder by its own weight.

BEFORE the bar of the whole civilized world we arraign the Northern States, their statesmen, their men of letters, their divines and their people:

THEY have changed the very nature of the Constitution, by embracing the doctrine that it is not a compact between the STATES, and that these are no parties to it, but that it is an imperative creation and enactment of a Supreme Government, by the PEOPLE of ALL the States: thus annulling all State Sovereignty and independence, and converting a Constitutional Republic and Union of States into the government of a mere popular majority; and striking down all our guards of freedom and security at once.

THEY have proclaimed that there is a law superior to the Constitution; of which each individual conscience is the judge in the last resort; which absolves them from all obligation to obey that Constitution, whenever, in their private opinion, the two conflict; and which yet permits them to swear to support it, with a mental reservation, whenever they cannot otherwise hold an office that enables them to violate it with effect and impunity.

WHILE the people of each of the United States, in ordaining and establishing the Constitution, declared that they did so, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, the Northern States and People have made that Constitution, by their habitual perversions and violations of its provisions, an instrument to alienate one section of the country from another, and so to destroy the Union; to annihilate domestic tranquility and substitute in its stead insurrections, disturbances, hatreds, and a general sense of insecurity; to provide for the defense and promote the welfare of the NORTH, at the expense of the South; and to inflict the curse of freedom on an inferior race, to the ruin of ourselves and our posterity, for whom the Constitution was made.

IN fulfilment of their determination to lower the white man to the level of the African, and in open and deliberate defiance of the solemn decision of the Supreme Court, they have



adhered to the doctrine that negroes may become citizens of the United States; by permitting them to vote by thousands for their President and Vice-President, lately elected.

THEY have in other respects refused to submit to the decisions of the Supreme Court, solemnly pronounced, whenever those decisions have conflicted with their notions of the Constitution and the higher law; and have thus leveled another barrier, reared by the Fathers, against encroachment and usurpation by popular majorities.

THEY have appointed as representatives abroad, and to offices of high trust and honor at home, a multitude of men, whose chief recommendation it is, that they are singularly and justly odious to the Southern States, and whose public acts are remarkable for little else than bitter and persistent hostility to us and our institutions.

THEY have canonized in their churches, and dared to compare with the Redeemer of mankind, a miscreant who had invaded a State of the South with an armed band, endeavored to excite a servile insurrection, and committed murder and treason; and who had been justly tried, condemned and executed as a felon.

AFTER profitably carrying on the slave-trade for many years, and while their people and their vessels are still engaged in it; after preventing its abolition at an earlier period than the year eighteen hundred and eight; after relieving themselves of their slaves, not by emancipation, but by selling them, they have, on account of the existence of slavery in the Southern States, pharisaically and insultingly assumed to stand upon a higher level of virtue, morality and social refinement than ourselves; have allowed a crusade to be organized against us, have encouraged their writers and divines to malign and defame us, and have strenuously labored to array against us the prejudices and to arouse against us the hatred of the whole civilized world.

By means of Tariffs devised for purposes of protection to their manufactures; of the monopoly of the coast-wise carrying trade; of the exclusion from that trade of vessels foreign-built, by means of which New England has been the ship-builder and common carrier for the whole Union; and of fishing boun-

ties and other devices sedulously resorted to from the very beginning of the government, they have systematically levied tribute of the People of the South, to the amount of hundreds of millions annually; until, insolent with the prosperity thus attained, they refuse longer to pay the consideration of non-interference with our property and rights, to secure which the Southern States have so long submitted to an unjust and onerous system of taxation, by which they vainly hoped to purchase peace.

FOR the purpose of compelling us through fear, to submit to the demands of their insatiable avarice, and to permit the heavy burthens laid upon us to be doubled, they have with a deliberate wickedness unparalleled in its infamy, appealed to the prejudices even of the foreigners among them against slavery, represented it as hostile to free labor, excited hatred against the owners of slaves, whom they have denounced as few in number and despisers of the poor, and converted even Religion and Philanthropy into devilish engines of malice; and while thus engaged they have shamelessly avowed their motive, by offering to quiet the passions thus aroused, if we would but submit quietly and permanently to a Tariff arranged to enrich them at our expense; thus purchasing an inglorious peace by paying dishonorable tribute.

THEY have organized a party in all their States upon the single basis of opposition to slavery, and for the purpose, sometimes concealed and sometimes declared, of ultimately abolishing it every where.

THEY have by this means, at length, placed the powers of Government in the hands of those who have for years sedulously impregnated the minds of their people with the conviction that there is of necessity an irrepressible conflict between the two systems of labor, slave and free, and that one or the other must ultimately prevail in all the States.

THEY have proclaimed the doctrine, that all men, of whatever color, are unconditionally entitled to freedom; that it is a crime, and the sum of all villainies, to hold any human being in bondage, and that every slave has a right, by the law of God and Nature, to slay his master in order to escape. They have

circulated incendiary publications among our domestics, sent emissaries to incite them to insurrection, and even commissioned ministers of the Gospel to assist in bringing upon us and upon our wives and daughters the multiplied horrors of civil war.

THEY have, in most of their states, by a legislation that involves perjury as well as violation of a solemn contract and forfeiture of honor, wilfully annulled that provision of the Constitution which bound them to deliver up persons held to labor or service, on claim of the party to whom such labor or service is due: making it, in many states, a felony, infamous, and punishable with penalties that involve infamy, for such party to reclaim his slave, if he can establish his right by such testimony only as by the act of Congress in that behalf is sufficient; so that this essential condition of the Union, without which it would never have been formed, has virtually been stricken out of the Constitution.

THEY have denied to our citizens the right of even passing through their States, carrying with them their domestic servants.

THEY have permitted riotous assemblages of negroes to defeat by violence and terror the process of the United States, and to murder our citizens who have entered their borders, peaceably and in accordance with law, to reclaim their slaves; and their juries have promptly acquitted the murderers.

THEIR governors have refused to cause to be surrendered, upon the legal demand of the States aggrieved, persons guilty of crime, who have taken refuge among them, when those persons were also slaves.

THEIR courts have begun to set at defiance the Supreme Court of the United States, descending to the base service of shielding those who have broken the laws resisted the process, and done violence to the officers, of the United States.

THEY have claimed and exercised for thirty years, the right, by Congressional legislation, virtually to exclude the people of the Southern States from the common territory, purchased with the moneys or blood of the South and the North alike.

THEY have permitted the occupants of the public lands in a



new territory to enact laws destroying the rights of property of our citizens therein, and making it a felony for the owner of a slave to claim to be entitled to his labor and service, and have refused in Congress to annul those laws; by which, if they were valid, every fugitive from service, entitled to be reclaimed, if he escapes to a STATE, becomes free at the moment when he plants his foot on the soil of a TERRITORY.

THEY have allowed the Southern States to be defamed in the Senate, as the Barbary States of the Union, and the whole people of these States to be charged there, by one immense indictment, as by means of the existence of slavery necessarily inferior in respect to individual decency, private honor and private virtue; and this hideous arraignment, not dissented from by any Northern Senator, has been formally adopted as its own, by the State whose Senator uttered it, in order by this unusual formality to make the insult more gross and deadly.

WHILE they are rapidly creating new States in the north-west, at a rate of progress dangerous to the South, and continually accelerated by improper inducements held out to emigrants at our expense, they determine to forbid our extension to the south-west; intending thus to confine slavery within narrower and yet narrower limits, as it disappears from the Border States; and so attempting to repeal a law of God, by which growth is a necessity for young and vigorous nations, in order to impose upon our children the hideous danger of an overflowing and unprofitable servile population, forbidden an outlet, and becoming a danger and a curse.

WE ARRAIGN THESE INSOLENT AND AUDACIOUS STATES AT THE BAR OF THE CIVILIZED WORLD:

FOR declaring it to be treason and rebellion on the part of seven States to withdraw peaceably from the Union for these repeated, deliberate and long continued infractions of the Constitution on the part of their Northern Confederates.

FOR persisting in holding forts and arsenals in those States, after they had, with a unanimity, a wisdom and an order unexampled, formed a new Confederacy, and when they were proposing to their late associates relations of peace and friendship, and interchange of good offices.

FOR endeavoring to re-inforce those forts, after repeated promises and pledges to the contrary; thus provoking and compelling hostilities, by treachery and falsehood.

FOR attempting to blockade the ports of the Southern States and so to cut off their trade with all parts of the world.

FOR attempting to collect duties in the South, in accordance with a law intentionally framed and enacted for the benefit of individuals, and to enable a few to grow rich by plundering the many.

FOR calling out large bodies of the militia, contrary to the Constitution and the laws, in order to make war upon the Southern States.

FOR threatening to excite domestic insurrection among us; and for endeavoring to array one portion of our people against the other.

THEY have abdicated government in these States, by declaring them in rebellion, and waging war against them:

THEY are at this time marching large armies to the frontiers of the Southern States, in the hope of reducing them to subjection by arms, and are threatening to occupy with a great force of troops the Indian country upon our border.

NEVER eager to defend the honor of their country against a foreign foe, they have hastened, with indecent swiftness, to tender men and money to the National Government, and to offer to aid in subjugating the Southern States; thus proving their hatred of us, and that continued union with them is equally impossible and undesirable.

WE have not acted hastily or in anger. We have waited patiently, hoping that the patriotic efforts at reconciliation made by the Border States, might possibly be crowned with success; and that a returning sense of justice would relight in the Northern heart the flame of a generous and noble patriotism.

WHILE our sister Southern States of the same blood and lineage, the same manners and institutions, as ourselves, appealed to us to unite our fortunes with theirs, and warned us that we had nothing to expect from the generosity or justice of the North, we still paused. Devoted to the Union established

by the Fathers, we still hoped that a final separation might be prevented, and harmony restored.

THAT hope has disappeared. We are forced to elect whether we will draw the sword with or against our sister Southern States; and Honor and Decency alike forbid us longer to hesitate. Suffering under the same wrongs, and having identical interests, we elect to share their fortunes, and must acquiesce in the necessity which compels us to separate from the Northern States, and to hold them enemies in war, in peace friends.

WE, THEREFORE, THE DELEGATES AND REPRESENTATIVES OF THE STATE OF ARKANSAS, IN GENERAL CONVENTION ASSEMBLED, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by the authority of the good People of this State, solemnly publish and declare, that the State of Arkansas is, and by right ought to be, a free, sovereign and independent State; that her people are absolved from all allegiance to the United States of America, and that all political connection between them and the States known by that name, and continuing in that Union, is and ought to be totally dissolved: and that as a free and independent State they have full power to levy war, conclude peace, contract alliances, establish commerce, unite in a new Confederation, and do all other acts and things which independent States of right may do.

AND for the support of this declaration, with a humble but firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.









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