

holy apostle and of a blessed angel, with an intent to deceive a pious and well meaning woman, and to the scandal of religion.—They were therefore accordingly condemned to be publicly whipped, burnt on the shoulder with a red hot iron, and sent to the gallies for fourteen years; a sentence which was in a few days faithfully put in execution.

From the Raleigh Register.
ON OUR STATE CONSTITUTION.
NO. II.

*All political power is vested in and derived from the people only.—*Bill of Rights.*

To the Editors:—In my last essay, I showed that the *People of North Carolina* never ratified the Constitution of the State, either by a direct vote of themselves, or by having conferred such a power upon the Congress or Convention of 1776. This was demonstrated because the *Freeholders* elected that Congress and not the *People*, because Congress at the utmost, were clothed with no other power than to frame a Constitution, and even this limited power was never conferred by any one fair expression of the public will—and because the people were never allowed to vote for accepting or rejecting the Constitution as framed. The motives of those who usurped the power of establishing a government for the people, I have not assailed and will not impugn. I know that it has resulted well; I believe that the leaders of that day were good men, and I am sure that they acted from the most upright intentions. Obvious as they are to all who have read the history of those times, it will not be amiss to glance at some of the difficulties which embarrassed our fathers in 1776—difficulties which constrained them to usurp power for the sake of safety to the cause of the country. All of us know that in that day, there were two parties in the State, designated as *Whigs* and *Tories*; and the latter part would certainly have opposed all plans for a new Government. The *Tories* were no contemptible minority, and their numbers, strengthened by a *division* among the *Whigs*, would have defeated by a plurality of votes any Constitution that could have been "framed."—United as were the *Whigs* against the British Government, yet it could not be expected that perfect unanimity of opinion was attainable for or against a particular Constitution. Hence it was extremely desirable to avoid the necessity of putting a plan of government before the people for their direct vote. Moreover, the war of Independence had just begun, and it was indispensable to our success that there should be no delay in forming regular plans of civil government. None could have failed to perceive that delay must end in anarchy, and sink the cause of American Freedom in N. Carolina. Acting upon the maxim, that the safety of the whole was a supreme law, and impelled by the necessity that pressed them, our fathers in that venerable body did not stop to debate their powers, but "established" what they had been only deputed to "frame"—indeed, usurped the power to do either, and relied upon the *People* to acquiesce in their determination. But here they were obliged to provide against another alarming apprehension. This very attempt to usurp power might stir the spirit of jealousy into open hostility, and strengthen the hands of the *Tory* interest by a schism among the *Whigs*. It seems to me perfectly clear that the Convention had this in their view in the formation of the "Bill of Rights" and the establishment of the "Constitution."—By the immediate ratification of the "Constitution" government was established and anarchy avoided—by the simultaneous publication of the *Bill of Rights*, the unlimited power of the people was acknowledged and intended to be made secure. The former was accommodated as near as it could be to the old habits and prejudices of the people, while the latter maintained the great principles of popular government. While the *Constitution*, for example, in submission to an existing necessity and the old customs of the people, provided for the unequal representation by counties and towns, the *Bill of Rights* explicitly declared— "That all political power is vested in and derived from the *People* only." § 1. That the *people of this State* ought to have the sole and exclusive right of regulating the internal police and government thereof. § 2. That the people have a right to assemble together, to consult for their common good, to instruct their representatives and to apply to the Legislature for redress of their grievances. § 18. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of Liberty." While the *Constitution* provided for the election of Governor by the Legislature, perhaps to avoid the election of a *Tory* Governor, or probably to approximate as near as possible to the old charter of the Colony, the *Bill of Rights* secured the right and imposed no restrictions on the power of the people thereafter to resume this delegated trust. Who can believe that the people would have acquiesced in the Constitution without the *Bill of Rights*? They acquiesced in BOTH—but not in either singly. Other features of the *Constitution* might be noticed, and the reasons which probably lead to their creation, growing out of a similar necessity, but this would seem to be unnecessary when the Convention by their own acts and by their own declarations, in substance, sustain my position. In the preamble to our Constitu-

tion, it is stated that "in order to avoid anarchy and confusion, it becomes necessary that a government should be established in this State. Therefore, we the representatives of the freemen of North Carolina, chosen, &c. for framing a Constitution, do declare that a government shall be established in manner, &c. as follows."

A recurrence to the proceedings of that body, will prove that they first passed the *Constitution* and subsequently framed and ratified the *Bill of Rights*. They did not fix upon the great principles of freedom and then proceed to organize a government that should accord with them—but they seem rather to have framed a Constitution that was expedient and necessary for the present emergency, and afterwards established the general principles of popular right. The *Constitution* was made to suit the prejudices of some—the *Bill of Rights* was adopted to secure the acquiescence of all. It might well do it, for it maintains the unlimited sovereignty of the *People*, and puts no bonds on the majority's rights to reform the government. It cannot be amiss to remark in connexion with this view of the subject before us, that in 1776, the Convention was composed of *Delegates* elected from 36 Counties and 7 towns—that by a rule of the Convention it was ordained that in all questions before them, each county should have but one vote for its four or five *Delegates*, and each *Town* one vote for its one *Delegate*. This serves to prove how much of the principles of popular right was conceded for the sake of unanimity. Seven members balanced by their votes the voice of 34 others! Seven towns of the State had the same weight in settling the *Constitution* "for the people" as seven *Counties*! A borough, which did not probably contain 50 voters, counteracted the will of the largest county containing thousands. Except upon the grounds I have taken, how shall we be able to account for the glaring inconsistency between the 19th section of our *bill of rights*, which declares "that all men have an unalienable right to worship Almighty God according to the dictates of their own consciences," and the 32d section of the *Constitution*, which excludes men from public trust on account of their religious creed? Inform me if you can, how else we are to find a reason for articles already quoted from the *Bill of Rights* which assert the unlimited sovereignty, and the undoubted purity of the people, while the *Constitution* excludes them from electing any of their own *Chief Officers*? It cannot be denied, that the main object of the Convention of 1776, was to avoid anarchy and secure the right of self government to the whole people. They could not have been indifferent to the first principle of the revolution, that each one who endures a full share of the public burdens, shall have an equal voice in the levying of taxes. For this, they were then waging battle—to this, they had subscribed in the *Declaration of Independence*, and if it was not attained by the *Constitution*, it was not abandoned by that *Instrument* but only suspended to secure the establishment of a popular government—and afterwards to reform their temporary plans of freedom.

This experiment of self government by the people most happily succeeded, and very soon after it, we find the authors of the *Constitution* ready to extend it. As early as 1787, a proposition was made in the Senate of North Carolina to raise a joint select Committee who should consider of and report what alterations were necessary to be made in the *Constitution*, so as to equalize representation and economize the expenses of the government, and give stability to legislation, clearly indicating that the first object was to be effected by abolishing the *County and Borough town system*—the second by diminishing the number of members in the Assembly and the last by making the meetings of the Assembly less frequent. Now one-fourth of that Senate was composed of the very men who had been members of the Convention of 1776, and they passed this resolution without any recorded dissent, although no other instance can be found in that day wherein an important measure was acted upon in the Legislature without a call for *Ayes and Noes*. True it is, that this proposal was rejected in the House of Commons by a majority of 5, but the fact is remarkable, that only one member of that body who had been in the Convention of 1776, voted against it. Away then with the pretext that this work of our fathers is too sacred and venerable to be reformed of its errors and defects. We but follow their example in endeavouring to amend it. Let us show our veneration for their principles—for the fundamental principles of all popular governments—for the principles of political justice and freedom—for the principles established by the *Constitution* itself, by making the plan of our government conform to them.

The *Constitution*, as it is, was framed hastily to avoid anarchy—was the fruit of usurped power—was a compromise of equal and popular rights to a temporary necessity. It is rather to be wondered at, that it has so few defects, than that any should exist. The authors of this charter saw it had faults, and soon after peace, they attempted to cure them, but new prejudices had grown up to oppose them. These defects, by the changes of time and circumstances, have magnified, and the

people are not true to their rights or just to themselves if they do not demand a Reform.

Having finished now the short history of our Constitution which I promised you, and thence shown that there is no such real sanctity about it as should deter us from changing its unequal and defective parts, I shall proceed to point out the evils which exist, and discuss the necessity for Reform, as well as the mode of effecting it. I must however, defer these grave matters to another time and for future essays.

SENEC.

May 23rd, 1833.

ADDRESS
Of Mr. EDWARD EVERETT to the PRESIDENT, on Bunker Hill.

Mr. President: I have been directed by the Committee of Arrangements, on behalf of themselves, of their fellow-Citizens, and of the vast multitude here assembled, to bid you welcome to the ancient town of Charlestown and its famous heights.

The inhabitants of a small and frugal community, we cannot, like our brethren of the metropolis and of the other great cities through which you have passed, receive you in splendid mansions and halls of state: but here, sir, upon the precious soil once moistened with the best blood of New England; with nothing above us but the arch of Heaven, we tender you the united, respectful, and cordial salutations of our ancient town.

There are many interesting historical recollections, connected with this immediate neighborhood, which I will not take up your time in recounting. I will only say that on yonder gentle elevation, the first company of the settlers of this Commonwealth, a little more than two centuries ago, laid the foundations of the ancient colony of Massachusetts—and upon the hill on which we are now assembled—upon the very spot upon which we stand—on the 17th of June, 1775—beneath the thunder of the batteries from the opposite heights of Boston, from the vessels of war on the bay beneath us, and from the head of the columns of the advancing army of five thousand chosen British troops; (while the entire town of Charlestown was wrapped in flames, and every steeple, roof, and hill top of the surrounding country was crowded with anxious spectators of the dreadful drama,) Prescott, Putnam, Starke, and their gallant associates bravely fought, and Warren, with his heroic comrades, nobly fell, in the cause of American Independence. You, Mr. Secretary Cass, may well cherish the memory of that day, for your father bore his share in its perils and its glory. Starke's regiment, where he fought, was stationed not very far from the spot where you stand.

We bid you, Mr. President, who, like those our fathers, have exposed your life in the cause of your country, and more favored than they, have been permitted to enjoy the fruit of your toils and dangers—we bid you welcome to the precious spot. Most of those who have preceded you in the *Chief Magistracy*—Washington, Adams, Monroe, and your immediate predecessor, have trod it before you; and but a few years since, the Nation's Guest, the great and good Lafayette, made his pilgrimage also to the same venerable precincts. To you, sir, who, under Providence, conducted the banners of the country to victory, in the last great struggle of the American arms, it must be peculiarly grateful to stand upon the spot immortalized as the scene of the first momentous conflict.

We have thought it might not be unwelcome to you, to possess some just memorial of those two eventful days, and such an one I now hold in my hands—a grape shot dug up from the sod beneath our feet, and a cannon ball from the battle-field of New Orleans, brought from the enclosure, within which your headquarters were established. They are preserved in one casket; and on behalf of the citizens of Charlestown, I now present them to you, in the hope that they will perpetuate in your mind an acceptable association of the 17th of June, 1775, and the 8th of January, 1815—the dates of the first and last great battles fought under the American standard.

To designate, in all coming time, the place of the first of these eventful contests, the gratitude of this generation is rearing a majestic monument on the sacred spot. We invite you, Sir, to ascend it, and to behold from its elevation a lovely scene of town and country; a specimen not unfavorable of this portion of the great republic, whose interests have been confided to your care, as chief magistrate of the U. States. We rejoice that you have taken an opportunity of acquiring a personal knowledge of its character. Less fertile than some other portions of the Union, its wealth is in its population, its institutions, its pursuits;—its schools and its churches. We doubt not that you will find, in your extensive journey, that the great springs of its prosperity, are in harmony with the interests and welfare of every other part of our common country.

The spot on which we are gathered is not the place for adulation. Standing over the ashes of men, who died for liberty, we can speak no language but that of freemen. In an address to the Chief Magistrate of the United States, there is no room for one word of compliment or flattery. But with grateful remembrance of your services to

the country;—with becoming respect for your station, the most exalted on earth;—and with UNANIMOUS approbation of the firm, resolute, and patriotic stand which you assumed, in the late alarming crisis of affairs, in order to preserve that happy union under one constitutional head,—for the establishment of which those streets were wrapped in fire and this hill was drenched in blood;—with one heart and one voice;—we bid you welcome to BUNKER HILL.

To the foregoing Address the PRESIDENT made the following reply:

Sir—For the kind reception you have given me, in behalf of the citizens of Charlestown, and for the friendly sentiments expressed on this occasion, I return you my sincere thanks.

It is one of the most gratifying incidents of my life, to meet my fellow-citizens upon Bunker Hill, at the base of that Monument, which their patriotism is erecting; and upon the sacred spot hallowed by so many interesting recollections;—A spot rich in the various national objects which it presents to view, and richer still in the associations, moral and historical, which belong to it.

The earlier incidents of the revolution;—the high-toned patriotic declarations;—the stern determination to meet the coming events, and the vigorous preparations to resist them successfully;—the great battle, which opened the revolutionary contest, whose full results upon human institutions are yet to be disclosed, and in which, if your sacred Mount was lost, and if your devoted town was consumed,—imperishable glory was acquired;—the services, the sacrifices, and the sufferings of this generous and enlightened State, and the memory of the renowned men she has furnished for the field and the cabinet; all these recollections crowd upon the mind, and render this one of the high places, where the American citizen will ever repair, to contemplate the past and indulge in the anticipation of the future.

And when to all these are added your moral, social, literary, and religious institutions—your happy equality of condition—your charitable establishments—your foundations for education—your industry and enterprise—and when we reflect that most of this is common to the New-England States, you may well be proud of your native land, and our country may well be proud of New-England.

I have seen much to admire and emulate—nothing to excite regret—and if my journey be attended with no other result to myself, I shall feel amply repaid, by witnessing this fair prospect of human comfort; and by finding that, however high I had rated the moral and intellectual character of the Eastern portion of the Union, I had yet to learn, that I had not done it justice. I do not speak of the personal kindness I have met with: I cannot—but the impression is on my heart; it will only leave me when life departs.

I accept with gratitude the interesting relics you have presented to me. I am sure I speak the sentiments of my fellow soldiers upon the plains of New Orleans, when I say, that to be associated with the memory of that band of patriots who fought with Warren, when he sealed his principles with his life, is the highest meed of praise which our country could bestow. I am sensible that we owe it to a too partial estimate of our services. It was my good fortune on that eventful day to lead an army composed of American citizens, appreciating the value of the prize they contended for, and determined upon exertions proportioned to its magnitude; and it was theirs to expel a superior force, and to preserve an important section of the Union.

Accept, sir, for yourself, my acknowledgments for your personal kindness.

Nothing made in Vain.—A chap from Vermont who had "hired out" in Boston as a kitchen colonel, wished to ape the city dandies, by the cultivation of a pair of huge whiskers. In a few weeks he might be seen with a basket on his arm, following his master to market with an important strat, his cheeks covered with a pair of whiskers of the color and configuration of a squirrel's tail. Not long after, his sweetheart, a fat corn-fed lass from the same place, came to hire in the same family. As soon as she recognised her lover, she exclaimed, "O, Bill! what do you wear them are greatly whiskers for?" "Why, darn it, Sal," replied the swain, "the fellers all have 'em down this way for the gals to warm their noses in!"

Ancient Apples.—In excavating the basin for the Canal in the rear of Messrs. W. & R. Hoyt's store, a few days since, the workmen found two apples, eighteen inches below the surface of the meadow. When they were first taken out they had every appearance of primitive freshness. They had not, however, been long exposed to the air before they were entirely decayed.

Stamford Sentinel.

Anguish of mind has driven thousands to suicide; anguish of body, none. This proves that the health of the mind is of far greater consequence than the health of the body, although both are deserving of much more attention than either of them receive.

From the N. Y. Journal of Commerce.

The following Anecdote was related at the Philadelphia Temperance meeting in Philadelphia, by Rev. Mr. Hunt of North Carolina, as reported for the New York Observer.

Of all reforms in the world, (said Mr. H.) that of a confirmed drunkard, though not absolutely impossible, was certainly the most hopeless. When once the habit of drinking had been formed, and the appetite for liquor fixed in the system, it required little less than a miracle to eradicate it. If it was true that men carried into the eternal world, the lusts and vices they had indulged in this, it was not too much to say, that even in the world to come, could the means be had a drunkard would be a drunkard still. In illustration of this remark Mr. H. related another anecdote. In one part of Virginia, there were certain abandoned coal pits, which had been formerly worked to a great depth, and which presented a series of dark and dismal caverns; well calculated, if any thing in this world could be, to exhibit a visible representation of the regions of despair. A certain man of respectable connections and good education, resided not far from these pits, who was in the habit of constant intemperance, inasmuch that his friends told him, if he did not desist, he would certainly die in one of his fits of beastly excess. The man however, thought there was no danger, he should not die; they were only a parcel of fanatics, and wanted to destroy all his joys. He continued to drink, till in one of his frolics, he became what is called dead drunk—totally unconscious and insensible to every thing around him.

In this situation his friends conceived, as a last expedient, the design of alarming him, if possible, by a near prospect of death and eternity. They accordingly provided a coffin and arraying him in grave clothes, placed his body in it and lowered him down in one of the deepest of those pits. One or two of them accompanied him, to witness the result of the experiment. The place was perfectly dark, and profoundly still. After a considerable time the fumes of the liquor began to evaporate, and the drunken man came to himself. He opened his eyes, and after a few moments they heard him exclaim, "what's it so?—am I dead?—am I really dead?" They answered in a feigned voice— "Yes, you are dead and buried." After some time a glimmering light was seen at a distance, men in disguise approached, and taking him out of the coffin, commenced the application of a pretty heavy bastinado. The man now believed himself in the regions of sorrow, and began to beg very hard for mercy. They told him that he had been condemned as a drunkard, and that there was no mercy for him. They then laid him down again and retired. As they were going away, intending to try the result of military reflection on his mind, they heard his voice calling suddenly and loudly after them, "Hallo! Mr. D.—! how you are dead and buried!"

[Shouts of laughter, and it was some minutes before the company became composed.]

Mrs. ROYALL says that Dr. COOPER is an Englishman by birth, was formerly a resident of Philadelphia, and was engaged in the whiskey insurrection of that State.

She gives the following description of the Doctor:—"He is about the most seemingly lump of flesh wished to look upon; his head round and bald as a pumpkin, and his face about as expressive as a mud-miner oyster. In short he is just the oddest sight that ever was, an accurate description of him would be a burlesque on humanity, short legs, stooping, hump back, slovenly dressed, wearing an old fur hat. He rides a small hobtail, pacing horse, and when they are under weigh it seems as if the devil was making off with his last load."

The Emperor of Russia.—An American gentleman on a visit to St. Petersburg, in a letter to a friend in this country bears the following very favorable testimony to the personal character of the Emperor.

"The Emperor of Russia, whatever may think of his conduct towards Poland, is a sovereign to whom his subjects are devotedly attached. His private character is without blemish. Indeed his example, and that of the Empress, have already done much to reform the manners of their Court.

He is by far the most able and energetic sovereign in Europe. I am convinced it is his policy to avoid war for the present. I cannot foresee any change in the nature of the Belgian question which would induce him to assume a hostile attitude. Besides, the character of the King of Prussia is a guarantee for a general peace. Yet it cannot be denied that Europe at present is a magazine of powder, and any accidental hand may apply the spark."

That which we acquire with the most difficulty we retain the longest; as those who have earned a fortune are usually more careful of it than those who have inherited one.

Mental pleasures never cloy; unlike those of the body, they are increased by repetition, approved of by reflection, and strengthened by enjoyment.