

Martin's North-Carolina

G A Z E T T E

PROS TYRIUSVE MIHI NULLO DISCRIMINE AGATUR. VIR.

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Mr. MARTIN.

I HAVE read the five numbers of the Independent Citizen, in your useful paper. Independent of the Gentleman's learning, his letters contain a great deal of sound sense, and I must confess have awakened me from my dream. I had always thought that the House of Assembly were the Lords and Governors of the State, and superior to every other power; but when the Independent Citizen talks of the Majesty of the People and the Voice of the Constitution the Assembly appears in fact to be but a secondary body in the scale of government.

The Constitution, the supreme law of the State, has said in the 44th section "the Declaration of Rights is hereby declared to be part of the Constitution of this State, and ought never to be violated on any pretence whatever." Now, in the Declaration of Rights, section the twelfth, it is said, "No Freeman shall in any manner, be deprived of his life, liberty or property, but by his Peers." And in the fourteenth section, it is said, "In ALL controversies at law the trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable."

When on the one hand, I look at these three articles of our sacred Constitution, which we have erected in blood; and after, on the other hand, observe several late acts of our Assembly, the members of our legislature appear, either to have forgot that there ever existed any such a thing as a Constitution, or to have wilfully trampled it under their feet. And, here I must cordially agree with the Independent Citizen that every such violation of the Constitution, is treason against the state. The gentleman need not have quoted any autho-

rity upon the occasion, common sense and the Constitution tell me so. Luke Day and Shays in Massachusetts, openly dared to disturb the public peace and to create insurrection—these men no doubt were guilty of treason—they complained of grievances which were not redressed and they took up arms—while I hate the traitors I love the traitors for their openness and generosity. But here, under the mask of sound policy, under the name of authority our legislators damn the Constitution, and trample the Bill of Rights under their feet. With the Independent Citizen, I must agree it is rank treason.

The Independent Citizen appears to be a man possessed of warm and enlightened notions of freedom: but when he says that the legislature cannot be sued, that damages cannot be recovered of them, that they cannot be beheaded (alluding to Charles the first) I disagree with him so far, for in the the twenty third session of our glorious Constitution, it is said, "That the Governor or other officers, offending against the State, by violating any part of the Constitution, maladministration or corruption may be prosecuted on the impeachment of the General Assembly, or presentment of the Grand Jury of any court of superior jurisdiction in the state." From hence thought a plain, unlettered man, I would infer three things.

First, That every member of the Assembly is liable to be impeached by a future Assembly, or, secondly presented by the grand jury, for infringing an article of the Constitution, or, thirdly, amenable to any hereafter convention of the people.

The Independent Citizen says in his fifth number, that he will not allow himself to be adupe of opinions; or so far tied down