The Old North State

SALISBURY, FRIDAY, JUNE 30, 1871.

THE CONVENTION QUESTION IN TWO ASPECTS—REPLY TO HON. B. F. MOORE.

The magnitude of this question is so great, and the principle involved in it so important to the people of North Carolina, not of the present only, but of all future ages, as to justify, if not demand, a thorough and exhaustive discussion of it. Already several of the ablest and most distinguished men of the State have, in response to letters from friends, or otherwise, given their views concerning it to the public. Among these the eminent and worthy gentleman mentioned above holds a conspicuous place. Prompted by what we conceive to be a sense of duty and patriotism, as well as by the solicitations of several gentlemen in different parts of the State, we propose to review, and subject to a just and manly criticism, the recently published letter of Mr. Moore to Mr. Waring. But in doing this it will be our aim to keep constantly in mind what is due to such a discussion, as well as to the distinguished and patriotic gentleman who is our antagonist.—Apart from the many and various considerations that should stamp fairness of moderation to those engaged in controversies, nothing can be more ill judged than that intolerant spirit which, for the most part, characterizes all political discussions. For, in politics as in religion, proselytes are seldom made by fire and sword.

The friends of the present convention law claim that it is enacted in pursuance of authority derived by the General Assembly from the constitution. They deny that the convention which has been called, subject to the approval of the people at the ballot box, is to be assembled in pursuance of the inherent right of the people to act in cases of great emergency. They deny that it is based upon the natural right of the people to act in cases where there is an obvious failure in their existing constitution to accomplish the objects for which it was designed—to provide for the amendment or alteration of their fundamental law." And it is to support this claim—that the law was passed and that the convention is to assemble and act in pursuance of the provisions of the existing constitution, as contradistinguished from the inherent rights of the people in a state of nature—that the letter of Mr. Moore has been published.

Mr. Moore's views, however, can hardly be said to sustain the claim that the convention law is enacted by the General Assembly in pursuance of power delegated to that body in the constitution. In fact he proclaims that the "conclusions which he has formed upon this subject result from an undeviating recurrence to the fundamental principles of our government," rather than from a fair comparison and construction of the several clauses of the constitution in reference thereto. He was entirely too astute to fall into the absurd error of Gov. Bragg and Judge Merrimon, in claiming that in the 3d section of Art. I the people, "in express terms," reserved to themselves the right to call a convention when they were delegating powers to the General Assembly. That section is as follows.

"Sec. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law consistently with the constitution of the United States."

Every one must see that if the people have reserved to themselves, in the above quoted section, "the sole and exclusive right of altering and amending their constitution and form of government," they have reserved to themselves, in the same section, "the sole and exclusive right of regulating the internal government and police" of the State also. This no one pretends is the case, as such power, residing exclusively in the people, would render nugatory most of the remaining provisions of the constitution. The fact is that this section is not one of the *statutory*, but one of the *declaratory* portions of the constitution. It only purports to be a "declaration" of the natural and inherent right of the people to establish a constitution and form of government for themselves. It, with several other sections in the same Article, is only declaratory of the great fundamental principles upon which the government of the State is founded. It has no reference to any reserved rights, except those reserved by the people of the State when they ratified the constitution of the United States. It establishes nothing, but declares certain great fundamental truths, long since become *axiomatic* in all true representative democracies. Its omission from the constitution altogether would not have made that instrument other or different. It is, indeed, in pursuance of the natural and inherent rights declared to reside in the people that government exists, and that it does whatever it does, in North Carolina. Not a process is issued by the humblest magistrate, or executed by the most ignorant constable, that is not done in remote pursuance of said natural rights.

For the exercise of all the natural and inherent rights and powers of the people that are necessary to good government, a constitution has been ordained and established, and laws have been enacted under, and in pursuance of, its provisions. This constitution is the fixed or fundamental law, which embodies the WILL OF THE PEOPLE, and which can only be altered or amended pursuant to that will as therein declared. In no language can the true character and nature of this instrument be better, or more beautifully and truthfully, expressed than in that of Mr. Moore himself, which is accepted and adopted by the writer of this: "The constitution or fixed law, is a letter both of authority and command from the people to their agents—the members of the general assembly. By this letter they are empowered and instructed in their action. This letter is ever-speaking and addressing itself to the agents appointed by and under its provisions; and, under the theory of our State government, is at all times proclaiming the will of the people,—not the people only who made it years or ages bygone, but the existing present people. It is this fundamental principle which inspires the fixed law with life—*present* life. If I am asked what reason I have for this assertion, I answer in the language of section 3, of the Declaration of Rights, "that the people of the State have the inherent, sole, and exclusive right to alter and abolish their constitution and form of government." And I say, that though this constitution was made by a generation of people who existed when it was made, and that generation has passed away and another succeeded, still the constitution has been neither abolished nor altered; therefore, the presumption exists, conclusively, that it is as much the will of the present generation of the people as it was of that generation of people who made it. Every rational mind assents to the correctness of this conclusion."

It is strange indeed that after laying down premises as a basis for his argument, so self-evidently true that "every rational mind assents to their correctness," Mr. Moore should utterly repudiate them when he comes to draw his conclusions. Yet such is the melancholy fact. He virtually admits that the constitution confers upon the Legislature no express power to enact such a law as the one we are discussing; but he argues that if the people "have an inherent right to change their constitution and form of government there must be some mode of imparting practical life and vigor to that privilge and securing its fruits"—that "in every code of laws, where a right is proclaimed and no special remedy is provided one is allowed by implication." As a proposition of law we suppose no intelligent man can be found who will attempt to controvert the correctness of this principle. If, therefore, no special provisions can be found in the constitution for calling a convention, or otherwise altering or amending the constitution, we will be compelled to assent to Mr. Moore's conclusion—that the Legislature might rightfully enact the present convention law. Under the constitution of Massachusetts as it existed previous to 1820; under the constitution of this State as it existed previous to 1835; under the constitution of Rhode Island, as it existed previous to 1844, it is conceded that the Legislature was competent to enact such a law. Those constitutions, as they existed previous to the dates mentioned, made no provisions whatever for altering or amending the same, and, of course, Mr. Moore's principle applied to them. Such a law was enacted by the Legislature of Massachusetts in 1820; by that of North Carolina in 1834; and by that of Rhode Island in 1841. And the right of the Legislature of Rhode Island to pass such a law, *under the then existing Constitution*, was conceded by the bar and the court in the Dorr case, as Mr. Moore says. The court held that no change could be made in the constitution of the State without the assent of the existing government. As the constitution had made no provisions for the ascertainment and expression of that assent, it was held that it might be given by the administration of the different departments of the government. If there is no special provision made in the present constitution of North Carolina for calling a convention of the people of the State, or otherwise altering or amending the constitution, then it is admitted that the Dorr case is authority for Moore, and the friends of the present convention law. In that event it is also admitted that the precedent of 1834 in this State, and the speech of Judge Gaston, quoted by Mr. Moore, would be authority. If, on the other hand, there is such a provision in the constitution, then any law to call a convention must have the sanction of that instrument; for in that case the constitution is THE GOVERNMENT. It now becomes necessary to enquire, whether there be any such special provision in the existing constitution of the State, for calling a convention, or otherwise altering or amending the constitution thereof. If any such provision can be found in that instrument for calling a convention Mr. Moore's argument falls to the ground, and, as will presently be shown, no man is more sensible of this than Mr Moore himself.

The first section of the XIII article of the constitution is in these words:

"No convention of the people shall be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of the General Assembly."

Section 2 of the same Article provides a special mode of amending the constitution by Legislative enactment—by the consent of three-fifths of all the members of one General Assembly, two-thirds of the succeeding one and the subsequent sanction of the people. [illegible] of the constitution by which amendments may be made to that instrument. Here Mr. Moore and those who hold with him, may find "WHAT LAW" it is "in pursuance of" which "the natural and inherent right of the people to alter and abolish their constitution and form of government" must be exercised. It is to be found in that "fixed law, which is a letter both of authority and command from the people to their agents—the members of the General Assembly"—"the law of the land." And when it is remembered that what is now the XIII Article of our present constitution was inserted into the amended constitution of 1835 under special instructions from the people to their delegates,—that the convention of 1835 was called for that special purpose, among others—to supply an acknowledged defect in that of 1776, well might the great Chief Justice Ruffin, in a letter never intended for publication, say: "It is obvious that in prescribing these two all other modes of amendment are excluded by irresistable inference." And this seems to have been strongly felt, if not actually acknowledged, by Mr. Moore himself. How, then, does he meet the argument? Almost incredible to relate, by simply declaring it as his "opinion, deliberately and much considered," that this provision of the constitution, if it is to be construed in the only way in which it can be construed—so as to exclude all other modes of calling a convention—is "destitute of all obligation." And whatever else may be said of this argument of Mr. Moore's it seems to be entitled to the distinction of being the *only* one that can be made to sustain the validity of the present convention law.

It now becomes necessary to inquire into the soundness of this "deliberately and much considered opinion" of Mr. Moore's. He takes the ground that the people cannot bind themselves in a constitution or permanent law for their government—that a mere majority of the people is *the people*, and cannot be restrained by constitutions—that a majority of the people have the right to govern, *not under* and *subject to*, but in *spite of*, all constitutional restrictions. If this be true then the people have no power to govern themselves, and all republican government goes down with the establishment of the principle. If the people cannot bind themselves in a governmental and social compact then they are not sovereign. Where is the power above the people which says they cannot thus bind themselves? If there be such power sovereignty is there and not with the people. Tell the people they cannot bind themselves! They are no freemen if they cannot. You treat them as if they were infants, as if they were lunatics, as if they were imbeciles. You put them under guardianship. To whom? Men may go into partnership and bind themselves for a term of years, or for life, to carry out some arrangement of minor importance, but when they come to grave matters of government, where stability is most needed, and wherein their highest and most sacred rights are cared for and deposited, then, according to the theory of Mr. Moore, though freemen, they have no power to bind themselves. Others, and among them Messrs. Bragg and Merrimon, while questioning the power of the people to bind themselves of the present, hold that they cannot bind succeeding generations. The answer to this is that the life of a people is not divided into ages and generations that come and go, leaving a *hiatus* between. The people—the *life* of a State—is an ever-flowing stream, the sources of which never fail—the same last century, this century, next century and forever. The individuals, indeed, are continually passing away, but the volume is constantly swelling in its onward course to the mighty ocean of futurity. No argument can more fully expose the fallacy than this simple statement of the case. The doctrine that one generation can not bind another is not original with the Executive committee; it was first suggested by Mr. Jefferson, in a special letter from Paris in reference to the public debt of the Revolution. To this letter Mr. Madison replied with such convincing and unanswerable logic as to cause even the author of it to repudiate the false and immoral principle. This, it was hoped, had disposed of the foul heresy forever; but another demoralizing period of revolution comes, and again the monster rears its unsightly head. All good men not infected with the fanatical proclivities of the times, hope that this appearance will be its last.

A continuance of the inquiry renders necessary a very brief disquisition on the origin and history of republican government. The earliest attempts of the people to govern themselves that we are acquainted with, is to be found in the pure democracies of ancient Greece. The fundamental principle of these governments was that "the majority must rule subject to no restraints but their own will." Their whole constitution was embraced in these words. All legislation was done by the people *en masse*. The result was the very worst form of government that ever existed for a day among a civilized people. All that was settled by a very brief existence was frequently swept away by some popular paroxysm, and the best citizens of the State banished for no other reason than that they were so superior to most of their countrymen in patriotism and intelligence as to excite their envy. Minorities were often left helpless at the mercy of infuriated majorities, which were little, if any, better than frenzied mobs. It was this that caused the great and good Judge Gaston to say, in the convention of 1835, while discussing this very question of a too easy mode of amendment, that "he would rather live under the most Despotic Government on earth, than under an unlimited Government of numbers. He might escape one Tyrant, but there would be no escape from a multitude of Tyrants." These are the words of wisdom and mature statesmanship. And a greater American statesman still, and one who has ever commanded the highest respect of Mr. Moore, in speaking of them while the Federal constitution was under discussion in 1787, said: "The pure Democracies of ancient Greece did not possess a single feature of good government; their very nature was tyranny, their figure deformity." Yet these are the governments, so much disliked by Mr. Moore in years bygone, that he now seems to be falling in love with—under the inspiration of his hatred of the Code, it is feared—and to which he appears to be so anxious to return.

All efforts of the people to govern themselves subject to no fundamental law but their own will having failed, the happy expedient of the government of a majority subject to a constitution, or great *permanent* fundamental law, was devised. This device has proved successful, and has furnished one of the best forms of government ever invented. *Constitutions were invented for the express purpose of imposing restraints upon the* [illegible] *provisions of* [illegible] This will hardly be denied, by intelligent and thinking men. But Mr. Moore has suddenly made the discovery that constitutions are powerless to do the very thing they were made to do—that the majority can not be bound by any such instrument. Yet, allowing full force to the broad and comprehensive sense in which the word "people" is used, we suppose that even Mr. Moore can be brought to admit that there may be some restraints imposed upon the power of the majority. Suppose the majority should consist of women, and infants between the ages of 18 and 21, must they be permitted to change the fundamental law at will, in spite of all restraints? Mr. Moore will hardly contend for this, yet it legitimately follows from his teachings. The fact is that Mr. Moore's theory, carried out to its legitimate consequences, is destructive of all constitutions and all good government. It hands all the sacred rights of minorities over to the tender mercies of majorities—often infuriated and exasperated majorities—subject to no law but that of their own uncontrolable will. It is more radical and dangerous by far than the theory of Thomas W. Dorr. Mr. Dorr only taught that, in the absence of any constitutional provisions, the people might amend their constitution without the forms of law. Mr. Moore teaches that the people may amend their constitution in *defiance* of positive provisions of the constitution, or fixed law, itself.

But it is alleged that if the principle that the majority can be bound by the fundamental law be admitted "there will be no end to the intolerable grievances which may continually spring up in new States, forming their first constitutions." They might possibly, it is said, provide that no convention should be called unless *nine-tenths* of the registered voters should assent thereto. In that event, it is argued, if the constitution should happen to be a bad one the people might never be able to rid themselves of it. Is it to be supposed that any people capable of forming a constitution would be so inconsiderate and unwise? Yet it can hardly be denied that a bad constitution is better than no constitution at all; for the necessary sequence of Mr. Moore's doctrine is that it makes the so-called fundamental law depend for its existence upon the same power as ordinary statute law, and reduces them to the same level. If the grievances of such a constitution, as Mr. Moore imagines might be made, should become intolerable, and there should be no other remedy, the people have what Judge Gaston called the "sacred right of revolution." But no one pretends that the emergency in this State at present justifies a resort to that remedy in advance of the trial of the special remedies provided in the constitution. And whether intolerable evils are likely to result from a constitution which requires a much larger number of the constituent body than a mere majority to change it, is a question worth considering in the light of past history. When the people of the United States formed the Federal constitution, they ordained that no amendments should be proposed to that instrument, except "by two thirds of both Houses," or by a convention called on "the application of the Legislatures of two-third of the States," and that in neither case should they become valid as parts of the constitution unless ratified by *three-fourths* of the States. Here a combination of Rhode Island, Vermont, Delaware, Florida, and enough of the other smaller States to increase the number to more than one-fourth, might defeat the most important alterations or amendments, though favored by "*nine tenths*" of the people of the United States. Yet this feature of the Federal constitution, so far from being regarded as a great defect, has always been considered at the South as one of its chief excellencies. It was inserted for the same wise purpose that Article XIII was inserted in our state constitution—to protect the rights of minorities against the aggressions of temporary fanatical majorities. It was this great principle of the Federal constitution that protected the institutions of the South against the opposing majority for more than half a century. And the only real danger the Southern people had to fear in 1860, that can be cited in justification of their attempted secession, was the fact that at no great distance of time the five States would number more than three-fourths of the whole, and thus enable them to abolish slavery by an amendment to the constitution. For no eminent lawyer or statesman at the North, who possessed any influence as a party leader, ever advanced the doctrine that the constitution was not binding upon a majority of the people, or the States, and that, therefore, slavery might be abolished in spite of its provisions. Such a doctrine may, *possibly*, have been advanced by some fanatical preacher, but not as a political principle by any party leader of influence. Radical as many of the Northern people were, they were not radical enough for that. To Mr. Moore belongs the doubtful distinction of being the first eminent public man to advance the most odious and dangerous political doctrine ever advanced on this continent—a doctrine at which he would have shuddered had it been advanced by any other public man ten years ago. Examples might be cited from the constitutions of other representative governments, but this is deemed sufficient, it being, in the language of the illustrious Rollin, "level to the apprehensions of every one."

Every important principle, affecting the welfare of a whole people for generations, as does this, should be subjected to the severest tests. Would Mr. Moore, and those who agree with him, stand by this principle were its application made against them? Let us bring it to this test, and see if it will stand it. Suppose the present constitution was just to our liking—the old constitution with only such alterations as the changes in the times and the wisdom of experience have shown to be necessary. And suppose under these circumstances the opposite party had temporarily obtained a bare majority in the Legislature, and a majority of three or four thousand of the popular vote. And suppose they had then passed a law, *exactly* like the present one in principle, to call a convention for the purpose of overturning the existing constitution and establishing the one we now have. How many, you think, of the able conservative and Democratic lawyers of the State would see it just as they see it at present? Would they then look at it through the same glasses which they are now using? Would they then fail to claim that what is now Article XIII of the constitution was made for just such emergencies, and admit that it afforded no protection to the "intelligent and respectable" minority, against the "Scallawag, Carpet bag and Negro" majority, who proposed to overthrow and destroy so excellent a form of government? Upon the answer to these questions it depends whether the principle is sound or not. Or, take the case of South Carolina, would they admit that any feature of the constitution of that State, which protected the rights of the intelligent white minority, against the rapacity of the ignorant colored majority, was of no binding validity? This is the crucible in which the principle should be tried. Who believes that it would stand this test? Yet it is not meant to say that Mr. Moore, and those who sustain him in his present views, are not perfectly honest and conscientious in their belief. Nor would their honesty and sincerity be doubted by any charitable and fair minded man in the hypothesis stated. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on questions of the first magnitude to society. This circumstance," says the opening No. of the Federalist, "if duly attended to, would always furnish a lesson of moderation to those who are engaged in any controversy, however well persuaded of being in the right."

The fact is that the XIII Article of the constitution is as sacred and binding as any other portion of that instrument and vastly more important to the great principles of *constitutional liberty*: it is the great CONSERVATIVE balance wheel of the system. It distinguishes our constitution and form of government from those of the pure democracies of ancient Greece, to which the great and good Judge Gaston, and other wise and able American statesmen had such a "righteous" and well grounded horror. And the tendency of its destruction is to carry us back to those vicious forms of government. If the present party in power in North Carolina should, by the aid of the vote of the people, succeed in practically and virtually destroying it, ere long they will find the poisoned chalice commended to their own lips. The next change in popular sentiment, from whatever cause, will set them and their constitution afloat, and the result will be that good government will be at an end, and Mexicanization will follow. And the danger is rendered ten fold greater by the recent incorporation of the colored element into our voting population. In view of all the dangers that beset and the magnitude of the principle involved in the present convention movement, it seems almost incredible that men of great intelligence can support it; and it is believed that if they could be brought to consider it entirely free from all political prejudice or partizan bias many of them would change their course.

One other argument of Mr. Moore's demands a brief notice. He quotes Judge Gaston as saying that the authority conferred in the 3rd section of Art. XIII "was not intended to limit the power of the people call a convention by their own votes" in pursuance of an act of Assembly. Nothing can possibly be farther from the meaning of Judge Gaston than that attributed to him by Mr Moore. Every thing he said on the subject of amendments in the convention of 1835 proves this. Of all the members of that body none showed such a prejudice hostility to the unrestrained rule of mere majorities. What Judge Gaston really meant is not at all obscure; even when considered independently of his other speeches in the convention.

"Mr MEARES proposed *as an additional safeguard against the efforts of a bare majority*, to uproot the fundamental principles of the Government, to [illegible] the Article, so that NO convention of the people should hereafter be called, EXCEPT *by a concurrent vote of two thirds of each House of the General Assembly*."

"Mr. GILES asked if it was possible that this body would assume to control the fair action of the people by adopting such an amendment," &c

Mr GASTON, of Craven, thought the sense of the convention had been so distinctly ascertained, the other day, when the question was discussed"—the convention having on that day declared *against the majority principle* by a vote of 107 to 17—"that no further obstacles would be thrown in the way of carrying out the principle agreed upon. But we are now met by the popular cry, that we are about to limit the power of the people. It was not the people, but the creatures of the people, that the amendment proposed to limit. * * * * * * It is to impose a check upon the Legislature that *that it may not avail itself of an incidental majority to disturb the repose of the people by* FREQUENTLY calling them together in convention. We are called on by every consideration *not to sanction the principle that a bare majority may* AUTHORISE—not call—*a convention; if we do we shall be exposed to continual fluctuations*."

From the above extract from the debates it will be seen that Judge Gaston was speaking on a proposition that provided in the most *positive* and *express terms* that no convention should be called EXCEPT by *two-thirds* of each House of the General Assembly. He declared that such a provision in the constitution would not *alter* it the *power of the people*," but only prevent them from being too frequently convened. What Judge Gaston meant was, that it would in point *limit the sovereign power of the people* WHEN *convened*. How any one can doubt that this was his meaning seems almost incomprehensible. He never uttered a single sentence during the whole session of the convention that does not go to prove beyond the possibility of a doubt that Mr. Moore is utterly mistaken in the meaning which he attributes to him.

The validity of the second section of Article VIII has not been attacked by Moore or any one else, and, it is believed, will not be. This fact, in connection with Mr. Moore's denial of the validity of Section 1 of said Article, and the construction put upon it by others, suggests an argument against the constitutionality of the present law that, of itself, ought to be conclusive to every candid and intelligent mind. The section is as follows:

"Sec. 2. No part of the constitution of this State shall be altered, unless a bill to alter the same shall have been read three times in each House of the General Assembly and agreed to by three fifths of the whole number of members of each House, respectively; nor shall any alteration take place until the bill so agreed to shall have been published six months previous to a next election of members to the General Assembly. If after such publication the Legislature proposed by the preceding General Assembly shall be agreed to in the first session thereafter, by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days in each House, then the said General Assembly shall prescribe a mode in which the amendments may be submitted to the qualified voters of the House of Representatives throughout the State and if it shall appear that a majority of the voters voting thereon have approved thereof, then, and not otherwise, the same shall become a part of the constitution."

The journals of the Convention of 1835 show that the above quoted section was offered by Mr. Meares as a substitute for the report of the committee on amendments, which report provided that a bare majority should be sufficient to pass the bill in each instance. The substitute gave rise to a lengthy debate which does not leave the slightest doubt in the mind of any intelligent man as to the object which the convention had in view in its adoption, as the following extracts will show:

Mr. MEARES "was unwilling to leave in the power of a bare majority of the Legislature to *bring about* another convention. He thought there would be more safety in the provision which he offered; and if there were any real necessity for a convention at any time there would be found no difficulty in obtaining it."

Gov. BRANCH "was in favor of the amendment offered by the gentleman from Surry. The constitutional Law ought not to be too easily affected. He would *not give a stage* for a constitution that could be altered by the bare will of a majority. He would rather depend on the Legislature alleged or than on such a constitution."

Judge DANIEL "did not wish amendments to the constitution to be too easily obtained; and therefore, further, the proposed obstacles in the way."

Judge GASTON closed the debate in a speech of great power. "This" he said "is one of the most important questions that had come before the convention; for whatever benefits we may have promised ourselves from our labors in this body, in laying the foundation of our constitution on fair and equitable principles, if we put it in the power of bare legislative majorities to upset them all, then indeed have we toiled in vain." "He would rather live under the most despotic government on earth, than under an unlimited government of numbers." The provision which the gentleman from Surry now offers as an amendment to the report, puts the matter on a proper footing. He points out the manner in which amendments to the constitution may *hereafter* be made." "He wished gentlemen seriously to consider the difference there was between amending a constitution and the passing of acts in the Legislature. It is necessary that the people should revere the constitution under which they live—if they do not, they can never heartily support it. Can they revere it if it be constantly changing?" The constitution of a country ought never to be altered, but when it becomes absolutely necessary."

Immediately upon the close of Judge Gaston's great speech Mr. Dockery moved to amend the amendment of Mr. Meares by striking out the word *two thirds* and insert *three-fifths*, which was *negatived* without a division. The amendment of Mr. Meares was then carried without a division, and the report as amended was reported to the House. The convention then considered the amended report, when Mr. Hargrave moved the motion to strike out *two-thirds* and insert *three fifths*. Negatived, 99 votes to 24. Another motion was made by Mr. Guion that two-thirds of *"the members present"* should be sufficient, which was also negatived. The question was then taken on the Resolution as amended by Mr. Meares,—in the very language in which it now stands as Section 2 of Article XIII of our present constitution—and carried, 107 votes to 17.

These proceedings cannot fail to convince every intelligent reader that the great object of the convention was to hedge in with difficulties and hindrances all future attempts to amend the constitution; and certainly no body of men of equal numbers ever more nearly approached unanimity in the establishment of a great principle. Afterwards what is now section 1 of Article XIII was adopted "*as an additional safeguard against the efforts of a bare majority to uproot the fundamental principles of government.*" The great object which the wise statesmen of the convention of 1835 had in view is not only perfectly clear, but—as Mr. Gaston, Gov. Branch, Mr. Meares, and the hundred other gentlemen who agreed with them as to the principle to be established, thought—they did their work well. All admit that under section 2 of Article XIII, which, it is said, was intended for making simple alterations, not changing the general character of the instrument, no amendment, however unimportant, can be made except by the concurrence of three-fifths of all the members of one General Assembly, two-thirds of all the members of the succeeding one, and the subsequent sanction of the people at the ballot box.

This, then, reduces the friends of the proposed convention to the necessity of maintaining the absurd and ridiculous proposition, that *with singular unanimity*, the convention of 1835, for the avowed and wise purpose of giving *permanence* and *stability* to the fundamental law, provided that no alteration or amendment, however simple in its provisions, and working no change in the character of the instrument, can be made therein without the concurrence of three-fifths and two thirds respectively of all the members of each House of two consecutive Legislatures and the subsequent approval of the people; BUT LEFT IT IN THE POWER OF A BARE MAJORITY OF A BARE MAJORITY OF THE MEMBERS OF EACH HOUSE OF ONE GENERAL ASSEMBLY WITH THE ASSISTANCE OF A BARE MAJORITY VOTE OF THE PEOPLE—*less than half, it may be, of the voters going to the polls*—TO BRING ABOUT THE ENTIRE ABOLITION OF THE CONSTITUTION AND FORM OF GOVERNMENT, and the substitution therefor of another as different as can be to conform to the requirements of the constitution of the U. States.—Who can be found to declare it as his opinion, deliberately and much considered," that the statesmen of the convention of 1835 have done any such ridiculous and foolish thing? It will not do, for whatever else they may or may not have been, the members of that body were not an assemblage of FOOLS.—If this does not dispose of what is called the historical argument" in favor of the constitutionality of the present law, then men would not be convinced, even if Gaston, Daniel, Macon, Meares, Branch and the elder Fisher were to rise from the dead and testify against it.

☞ His Excellency Governor Caldwell has appointed special terms of the Superior Courts, for Cabarrus and Mecklenburg Counties. The first to begin on the 31 Monday and the latter on the 4th Monday in July. His Honor Judge Mosely, of the second district will preside over both.—*Telegram.*

SALISBURY MARKETS

JUNE 30, 1871.

REPORTED BY J. A. McCONNAUGHEY & GRIDER.

Bacon,	per pound,	10 to	13
Coffee,	per pound,	20 to	28
Corn,	per bush, of 56 lbs.,	85 to	90
"	Meal, bush. 46 "	90 to	95
Copperas,	per pound,	10 to	0
Cotton,	Fallow, "	20 to	24
"	Adamantine, "	25 to	30
Cotton,	per pound,	14 to	18
"	Yarn per bunch,	1.25 to	4.35
Eggs per dozen,		10 to	12
Feathers,	per pound,	40 to	50
Flour,	per sack,	3.35 to	3.60
Fish, Mackerel,	No. 1,		$21.00
"	" 2,	20 to	22
"	" 3,	to	
Fruit dried,	apples peeled	3 to	4
"	" unpeld,	2 to	5
"	" Peaches, peeled,	9 to	13
"	" " unpeeled,	5 to	9
Leather,	upper, per pound,	62 to	75
"	sole, "	30 to	38
Iron,	bar, "	6 to	9
"	castings, "	8 to	15
Nails,	cut, "	6 to	9
Molasses,	sorghum, per gal		50
"	West India, "	68 to	75
"	Syrup, "	1.00 to	1.25
Onions,	per bushel,	60 to	75
Pork,	per pound,	10 to	12
Potatoes,	Irish per bushel,	75 to	1.00
"	Sweet "	80 to	1.00
Sugar,	Brown per pound,	12 to	15
"	Clarified "	16 to	18
"	Crushed Pulverized	20 to	25
Salt,	coast per sack,	1.40 to	2.00
"	Liverpool, "		2.25
"	Table "	5.50 to	6.00
Tobacco,	Leaf per pound,	8 to	14
"	Manufactured,	37 to	1.50
"	Smoking "	40 to	1.50

DIED.

In this city, on the 27th inst., SALLIE, wife of A. Judson Mason, Judge of Probate for the County, and daughter of James E. Kerr.

In this county, on the 24th inst., of congestion of brain, Vance John Munroe, son of E. A. and Amelia E. Propst, aged 1 year, 9 months and 17 days. "But Jesus said unto them, suffer little children to come unto me, and forbid them not, for of such is the kingdom of heaven."

OBITUARY.

DIED.—In this city of a short illness, on the 19th inst., [illegible] Robinson, aged 19 years, 5 months and 13 days.

In the death of this estimable young lady, her parents have lost an affectionate and affectionate daughter, and the Church and Sabbath School a faithful and zealous member. Her uniform kindness and cheerfulness had gained for her many friends, who will cherish her memory as a precious legacy. Four years ago she made an intelligent profession of religion, and connected herself with the Presbyterian church. The consistent and earnest christian character, illustrating her profession, begets a well grounded assurance that she had chosen that good part which shall never be taken away from her.—The sympathies of many friends are extended to the family of our departed christian sister.

J. R.