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AMENDMENTS TO THE CONSTITUTION OF N. C. Adopted by a Convention which assembled in the City of Raleigh, on the 4th of June, 1835.

Whereas, the General Assembly of North Carolina, by an Act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "an Act concerning a Convention to amend the Constitution of the State," and by an Act supplemental thereto, passed on the 8th day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North Carolina that there should be a Convention of delegates, to consider of certain amendments proposed to be made in the Constitution of said State; and did further direct that, if a majority of all the votes polled by the freemen of North Carolina should be in favor of holding such Convention, the Governor should, by proclamation, announce the fact, and thereupon the freemen aforesaid should elect delegates to meet in Convention at the City of Raleigh, on the 1st Thursday in June, one thousand eight hundred and thirty-five to consider of the said amendments; And whereas a majority of the freemen of North Carolina did, by their votes at the polls so opened, declare their will that a Convention should be had to consider of the amendments proposed, and the Governor did, by proclamation, announce the fact that their will had been so declared, and an election for delegates to meet in Convention as aforesaid was accordingly had; Now, therefore, we, the delegates of the good people of North Carolina, having assembled in Convention at the City of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session from day to day until the eleventh of July, one thousand eight hundred and thirty-five, for the more deliberate consideration of said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say:

ARTICLE I. Section 1. The Senate of this State shall consist of fifty Representatives, biennially chosen by ballot, and to be elected by districts; and such districts shall be laid off by the General Assembly at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its first session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off of

the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: Provided, That no county shall be divided in the formation of a Senatorial district. And when there are one or more counties having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excesses aforesaid shall be added to the taxation of the county or counties deficient, and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district. 2. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population. 3. This apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are herein before directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the census which may be taken by order of Congress, next preceding the period of making such apportionment. 4. In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population of the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Federal population aforesaid, by the number of representatives less than the number assigned to the said counties. To each county containing the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and the remaining Representatives, shall be assigned severally to the counties having the largest fractions. Section 2. 1. Until the first session of the General Assembly which shall be had after the year eighteen hundred and forty-one, the Senate shall be composed of members to be elected from the several districts hereinafter named, that is to say; the 1st district shall consist of the counties of Perquimans and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, of Gates and Chowan; the 4th district, Washington and Tyrrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecombe; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; 26th district, Sampson; the 27th district, New Hanover; the 28th district, Onslow; the

30th district, Brunswick, Bladen and Columbus; the 31st district Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42nd district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Mgeon; and the 50th district, Mecklenburg; each district to be entitled to one Senator. 2. Until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be composed of members elected from the counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes and Wake shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecombe, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne and Wilkes shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macan, Moore, Martin, Nash, Onslow, Pasquotank, Perquimans, Tyrrell, Washington and Yancy shall elect one member each. Section 3. 1. Each member of the Senate shall have usually resided in the district for which he is chosen for one year immediately preceding his election, and for the same time, shall have possessed and continue to possess in the district which he represents, not less than three hundred acres of land in fee. 2. All free men of the age of twenty-one years, (except as is hereinafter declared) who have been inhabitants of any one district within the State, twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate. 3. No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive, (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons. Section 4. 1. In the election of all officers whose appointment is conferred on the General Assembly by the Constitution, the vote shall be viva voce. 2. The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia officers. 3. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case. 4. The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime: but shall have

power to pass general laws regulating the same. 5. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law. 6. If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor under such regulations as may be prescribed by law. 7. The General Assembly shall meet biennially, and at such biennial session, shall elect by joint vote of the two Houses, a Secretary of State, Treasurer and Council of State, who shall continue in office for the term of two years. ARTICLE II. 1. The Governor shall be chosen by the qualified voters for the members of the House of Commons, at such times and places as members of the General Assembly are elected. 2. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years. 3. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly. 4. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law. 5. The Governor elect shall enter on the duties of the office on the first day of January next after his election, having previously taken the oaths of office in presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who in case the Governor elect should be prevented from attendance before the General Assembly by sickness or other unavoidable cause, is authorized to administer the same. ARTICLE III. Section 1. 1. The Governor, Judges of the Supreme Court, and Judges of the Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia Officers) may be impeached for wilfully violating any Article of the Constitution, mal-administration, or corruption. 2. Judgment, in cases of impeachment, shall not extend farther than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party convicted may, nevertheless, be liable to indictment, trial, judgment and punishment according to law. 3. The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments: no person shall be convicted upon any impeachment, unless two thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation truly and impartially to try and determine the charge in question according to evidence. Section 2. 1. Any Judge of the Supreme

Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two thirds of both branches of the General Assembly. The Judge against whom the legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon. 2. The salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office. Section 3. Upon the conviction of any Justice of the Peace of any infamous crime, or of corruption and mal-practice in office, the commission of such Justice shall be there by vacated, and he shall be forever disqualified from holding such appointment. Section 4. The General Assembly, at its first Session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; But if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices, they shall have power to extend the term of office of the Attorney General to the same period. ARTICLE IV. Section 1. 1. 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. 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 new election of members to the General Assembly.—If after such publication, the alteration 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 by which the amendment or amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereto, then and not otherwise, the same shall become a part of the Constitution. Section 2. The thirty-second section of the Constitution shall be amended to read as follows: No person who shall deny the being of a God, or the truth of the Christian religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State. Section 3. 1. Capitation tax shall be equal throughout the State upon all individuals subject to the same. 2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty

years, shall be subject to capitation tax; and no other person shall be subject to such tax; provided that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity. Section 4. No person who shall hold any office or place of trust or profit under the United States, or any other State or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the Militia or Justices of the Peace. Ratified in Convention, the 11th day of July, A. D. 1835. NATHANIEL MACON, President. EDMUND B. FREEMAN, Secretary of the Convention. JO. D. WARD, Assistant Sec'y. Important from Mississippi.— It will be seen, by the subjoined extract of a letter, from Mississippi, to a gentleman in this place, that a servile insurrection, headed, and doubtless instigated by villainous white men, was recently extensively organized in that State, and detected just on the eve of the period fixed for its commencement. Are these whites emissaries of the Northern Abolitionists? If they are, and the fact can be established, would not the Governor of that State have a right to demand the incendiary employers of these emissaries, and arraign them before the courts as accessories before the fact? Whether, however, it shall turn out that these white wretches, (whose summary punishment not even Mercy can deplore,) were emissaries of the Northern abolitionists or not, it is not at all improbable that the Emancipation Societies have sent and will continue to send this description of persons throughout the Slave holding States, disguised as steam doctors, pedlars, and even preachers—for religion, now, as in other days, engenders fanaticism and bigotry, and is made the convenient cloak of crime.—Lynchburg Virginian. Extract of a letter from a gentleman in Clinton, Mississippi; to a gentleman in this place, dated 5th of July, 1835. Our community is in a state of excitement on the subject of an insurrection of the slaves. It seems probable that they contemplated it pretty generally, and that last night was the time fixed on for the purpose. In Madison county, they have hung two white men (both Steam doctors) and seven negroes at least. About Livingston, the excitement was greatest—the summary justice, however, of Mississippi, his probably quieted the spirit for years. Acting on the principle of 'salus populi suprema est lex,' the good people of that place and its vicinity appointed a committee to pass on the guilt or innocence of the accused, and they acted accordingly. The two whites were pronounced guilty on yesterday, and after the sentence was announced, an hour was allowed them for preparation, when they swung off. One of them, under the gallows, acknowledged the justice of his fate, and stated the plan was for a general rising that night, from Beatie's Bluff in Madison, to Natchez; that the discovery there would probably defeat it as to this part of the State, but that there would be a rising that might so sure as the night should come, &c. The whites appear to have been at the head of it, and with the foolish hope of getting and carrying off plunder.