

The Star, & North-Carolina State Gazette.

No. 30.

RALEIGH, (N. C.) FRIDAY, JULY 25, 1823.

Vol. XIV

THE STAR,

And North-Carolina State Gazette,
Published, weekly, by
BELL & LAWRENCE.

Subscription, three dollars per annum.—No paper will be sent without at least \$1 50 in advance, and no paper discontinued, but at the option of the Editors, unless all arrears are paid. Advertisements, not exceeding five lines, inserted three times for one dollar, and twenty-five cents for each continuance. All letters to the editors must be post-paid.

COMMUNICATIONS.

FOR THE STAR.

To the freemen of North-Carolina.
FELLOW-CITIZENS:

A free citizen of your state takes this method of submitting a few, out of the many weighty reasons, which demonstrate the justness, & absolute necessity, of the amendments contemplated in the constitution of North-Carolina. First, then as respects representation: the 2d and 3d sections of the aforesaid constitution declare that "each county shall be entitled to two representatives and one senator, to be chosen annually by ballot," without regard to the relative population of the different counties; while it was evident, even at that early period, that a great inequality did exist between some of the counties in point of population. This inequality from length of time, & many other operative causes, has grown into an alarming magnitude; and now presents the anomaly in republican government of a minority of citizens electing a majority of the members of the General Assembly of this state. Our General Assembly is composed at this time of 196 members. If we take one county, say Rockingham, as affording a sufficient population for three delegates, and apportion the representation in the other counties, agreeable hereto, we should only have 162 members in the legislature, 34 less than there are at present. There would be a saving to the state by the reduction of this number of members, \$5,600 annually. The federal population of North-Carolina, agreeable to the census of 1820, is 556,695. One hundred ninety two thousand two hundred and ten souls compose the population of 82 counties, which send 96 members—a majority of three in both houses, viz. two in the commons, and one in the senate. The consequence is, that they engross to themselves all the momentous power of legislation. Such for instance as those of passing laws to affect your lives, liberty, and property. Also the power of conferring appointments, both executive, judicial, and military. And as respects the latter, of promoting through all the gradations from a captain up to a major general. Neither should the primary power of deputation our senators to the United States Congress be omitted in enumerating the formidable prerogative exercised by a mere handful of the people of North-Carolina through their agents in the General Assembly. Besides the counties above spoken of, there are 31 others in the state that contain a population of 364,485, but represented under the present constitution by only 93 members in the legislature. Then 93 members are the representatives of 172,275 federal numbers more than the 96, to whom they stand opposed. In other words, it is obvious that a minority of something like one third of the population of the state governs a corresponding majority of two thirds. As regards the revenue paid into the public treasury by the 32 counties that are represented by 96 members, it amounts to only \$20,825 65 cents; while, on the other hand, the remaining 31 counties that have a minority of 93 members pay \$45,763 63 cents, which is \$4,112 33 cents more than double the amount of the contribution of the former. To continue the contrast which we are drawing between the political immunities, we discover one county paying a revenue of \$1,936 12 cents on lands and polls, at the same time that five others together pay the inconsiderable sum of \$1,377 10 cents on the like property. Notwithstanding which vast disproportion between the five separately, and the one large county, in regard to the revenue contributed by them, the former are aggregate represented by 15 members, and the latter only by three. The citizens of the five small counties must consequently possess five times as much power in governmental affairs as the citizens of the large county. And when the freemen of North-Carolina are called out to fight the battles of their country, the one county that pays an excess of revenue over and above five others, must, in addition to other intolerable grievances, furnish a much larger quota of militia than the five together. Neither can the present mode of representation be defended on the principles of territory; for we there find as great a difference

in the different counties as there are in the revenue and population. But should any one be of opinion that the 32 counties, with a population of 192,210 federal numbers, are entitled to 96 representatives, their present number, I would ask if the remaining 31 counties, with a like population of 364,485, are not, on the same principles of equity & justice, equally entitled to 182 members, in place of 93, their present number? Or, in other words, if Washington county, with a population of 3,319 federal numbers, is entitled to 3 representatives, Rockingham, with her federal population of 10,284, is, on the same principles, entitled to 9 in place of 3, her present number. There are moreover 5 or 6 counties whose revenue does not pay their immediate representatives. The deficit, consequently, comes out of the pockets of the citizens of the larger counties. So that, Fellow-Citizens, a majority of you are compelled to compensate, by way of taxation, a portion of legislators who are not your immediate servants, who know but little of your interest and sentiments, and care still less about them. In fact, you are made, in a moral point of view, to acknowledge your own impotence, and legislate against your own sovereignty. Upon the whole, after maturely contemplating the defects in our existing constitution, have with high reverence for the consecrated merit of the authors of that instrument, and with a due sense of the dangers consequent upon innovation in long established institutions adopted the solemn and unequivocal belief, that as respects one feature in the constitution of North-Carolina, viz. annual sessions of the legislature, they are of no adequate benefit to the state, and should be abolished. The various reasons for this deliberate conclusion, I will not attempt to give within the limited compass of an address like the present. Suffice it to say, that the mind of man is too active to remain unemployed; that to afford it a useful and dignified development, you must, both in private and public life, restrain it within a sphere, whose objects of its attention are neither too numerous, nor too familiar. As regards legislation, a multiplicity of subjects are too well calculated to beget embarrassment in adopting measures; and a proportionate unfitness in their operation. A perpetual or familiar recurrence of the same matters leads to supererogation, or disposes an assembly of legislators to tamper excessively with every thing that has already been accomplished. Such are the effects of multiplying and rendering too familiar the objects of a legislator's attention. In my estimation, annual sessions of the General Assembly infallibly lead to the evils just intimated, and therefore it is that I deprecate them, and greatly prefer biennial sessions. I prefer the latter because I think that legislation under such a system would keep pace with, and not outrun the necessities of the state; I prefer them because I am convinced that with biennial sessions the legislature would be beneficially employed in making laws for the actual necessities of the community, as they really and successively presented themselves, instead of wasting their time and the public treasure in an endless round of enacting, repealing, and reinstating the same—as is the case under the present constitution. As one argument in favor of biennial sessions of the legislature, look at the expense of that body in its session during the year 1821. That session cost the state \$83,419 98; which expense may be safely assumed as the average expense of the legislature every year hereafter, as long as annual sessions shall continue to be held. Let the legislature be convened once in two years, instead of every year, and the making of our laws will cost but half what they have heretofore done.—For example, the session of 1821 produced, by way of compensation to the members, and printing the laws enacted by them, an expenditure of \$33,419 98. Taking this expenditure as the annual cost of the legislature for ten years only, the session of that body, for that length of time, would, under the present constitution, sink to the state the sum of \$334,199 85. If there be certainty in arithmetical calculations, and no additional extravagance of official compensation were to follow a change of the constitution, (an event by no means to be anticipated,) biennial sessions would cost just half of the above named sum, in ten years, and leave the other moiety as a handsome surplus to be vested by the government in any one of the laudable projects now on foot for advancing internal improvement.

Again, if we make population the criterion for apportioning representation, and allow two commoners and one Senator to every 10,284 federal numbers, which comprise the present population of Rockingham, we should so curtail the present number of representatives

as to dispense with 54, and thus realize an additional saving to the state of about \$5,600 each session; which in five sessions, would amount to \$28,000. The latter sum, added to \$167,099 98, the gain in ten years by exchanging annual for biennial sessions of the legislature, presents a most flattering picture to the mind, of the economical and salutary results, which would certainly attend an alteration of the constitution in the particular features above exposed, according to the mode suggested. I am of opinion that I may assume, without the least temerity, that the framers of our constitution never intended it to operate as it does. I would ask if it be possible for a rational mind to suppose that such a constellation of republican sages could have wished or designed to revise in practice those great fundamental maxims of government, which they helped to seal with their blood, and have proclaimed with such solemnity in the bill of rights, as well as the constitution itself? Were it not impious to suspect them of ever having in the least inclined to "the damning heresy" which would aggrandize a few at the expense of the many? Or of having intentionally laid the foundation for the crying evils which have actually resulted from their sublime, though human, and necessarily imperfect labours? Were it not the grossest sacrilege, in a word, to impute to those great and good men any prospective assent to that odious result of our constitution (altogether unforeseen to them) which has finally raised a minority far above the majority of the people, and invested them with unlimited control over life, liberty and property? If one American can here either think or feel differently from me, I would blush for his hardihood, and lament his degeneracy; and proclaim, of the shameful enormity, "tell it not in Gath, publish it not in the streets of Askelon!" I repeat, that no man of ordinary comprehension, whether he has ever seen the bill of rights or not, can be deluded into an idea that the illustrious framers of our constitution at all intended that a minority, however organized, should govern a majority. Such an idea is at war with the genius and character of that instrument, is wholly irreconcilable to the dictates of common sense, and imports a monstrous libel upon the sages of '76. The proceedings of the Legislature immediately, and for some time after the adoption of the constitution, when that body was composed principally by the identical men who framed the constitution, satisfactorily shew a solicitude on their part to establish the principle of equal representation at the earliest period, upon a conspicuous and firm foundation. For, at its first session held under the constitution, in 1777, we find that body dividing and subdividing many of the original counties, so as to make them more equal in population and representative weight. This equitable policy was pursued session after session, up to the year 1789, when a resolution passed the General Assembly, recommending the calling a convention, with limited powers, to adopt the Federal constitution, locate the seat of government, and allow the town of Fayetteville a representative, on the same principles with other representative boroughs in the State. But when we reflect upon the inauspicious times in which our constitution was framed—when we call to mind that it originated in 1776, at the commencement of American Independence, it is matter of great wonder and admiration that such an instrument, drafted amidst similar perils, amidst the agonies of revolution, and the turmoils of a then hopeless contest, should be as perfect in structure as it is, and marred by so few practical defects. Nevertheless, from the causes mentioned, and the absence of appropriate lights, in both ancient and modern history, to guide our ancestors in modelling the plan of the constitution, it has failed to answer some of its important ends, and does, unquestionably, to a great extent, operate with evil & oppression. But the framers thereof wisely engrafted the 21st section of the bill of rights in the constitution, to wit: that a frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty. This they did from a conviction, that after the storm of war had subsided, the various changes in the condition of the people, consequent upon the reign of peace and prosperity in our land, would demand a modification, at times, of their fundamental charter; and no doubt from a persuasion that when amendments thereto became necessary, the people would always be blessed with public men well qualified for recurring to first principles, and framing those amendments. But, when peace succeeded the toils of revolution, the minority of North-Carolina, in consequence of their superior facilities for acquiring dominion, actually did take all power into their hands, and have uniformly retain-

ed the same. To the stern, uncompromising, arbitrary pride, created by this power, may we attribute, without hesitation, the melancholy fact of our General Assembly's having heretofore passed no resolution for calling a Convention. By a convention, this power would be laid prostrate. As long, therefore, as it triumphs in the Legislature, it will ever oppose the convening of a political body, before whose indignant frown it would be unable to stand an instant, without certain annihilation. The effects of a convention, if one had seasonably been called, would have been the putting down the minority, with all their appendages of aristocracy, many years since, and the restitution of the majority to their inherent rights, and due influence, in the great concerns of government, if, as has been fully demonstrated, that our existing constitution is vitiated by serious defects which call for efficient and speedy correction.

It must be the wish of every patriotic and generous mind to see the necessary remedies applied; to behold the constitution renovated; its primitive elements once more brought into action, tempered and meliorated by the genius of reform. If the citizens of North-Carolina have not lost a proper regard of equality for political rights, from long and habitual acquiescence in their suspension, what, but the strangest folly, timidity or prejudice, will indispose them to sanction the grand undertaking now on foot for their political regeneration. Our present system of representation is altogether repugnant and subversive of those sacred principles, upon which alone it can be legitimately graduated. It is exclusive, not inclusive in its benefits; nay, it is downright monopoly of privilege, rather than a compound of justice and fair equality.

I am also conscientious that North-Carolina would be as much justified by precedents as by necessity, in altering her constitution. As a proof of which, I would refer you both to ancient and modern history, and particular examples which have been afforded her by a host of her sister states, touching the rationality and the safety of modifying their respective local constitutions, by merely designating the states which have actually amended their constitutions. I do hope, without additional reasoning, to dissipate all prejudice which may exist among my fellow-citizens, against renovating our own constitution on account of the imaginary novelty and sacrilege of the undertaking. According, then, to a compilation of the American constitutions, extending, in point of time, up to the year 1818, which is now before me, and to documents touching the subsequent convention in New-York and Connecticut, furnished by the public prints of the day, it appears that Connecticut, N. York, Delaware, Maryland, Georgia, South-Carolina, Pennsylvania and New-Hampshire, eight out of thirteen of the original states, have respectively changed their constitutions; that the change in each of these states has been for the better.

I cannot, for a moment, question that their enlightened example will have its proper weight with the free men of North-Carolina, in deliberating upon the contemplated changes in their own constitution. I will not despair of success until my hopes are sadly frustrated by the event.

May we not, moreover, most sanguinely hope, from the lights of the age, and the resistless march of liberal sentiment over the horizon of the civilized world, that the proud era is at hand when the people of North-Carolina, yielding to the celestial influence of reason, will stand up in all the erectness and decision which they should assume, and proclaim their determination to be really free, and universally honored.—Give us a few amendments to the constitution, such as have been particularized; give to the body of the people the same immunities indiscriminately, and North-Carolina, among the other facilities of her new destiny, will no longer drain herself of wealth and inhabitants to augment the prosperity of other states. On the contrary, her resources of every kind will infinitely magnify—her wealth and population will soon arrive at an enviable pitch—in fine, the arts and sciences, carrying with them every spur to physical and intellectual improvement, will speedily exalt this state from comparative obscurity, to the pinnacle of national grandeur. Under the influence of the above employed reasoning, and deeply impressed by various other considerations, which the compass of the present communication has excluded from notice, I am bound to be of opinion that all the enlightened citizens of the East will unite in sending delegates, equally representing the freemen of this state, to meet those of the like kind from the West, at Raleigh, on the second Monday in November next, for the purpose of proposing

amendments to the constitution, to be submitted to the people for their ratification, &c. *A Catha Observer.*
Rockingham Co. June 21.

FORRIGN.

LATE FOREIGN NEWS.
Received by the ship New-York, commanded.

From the N. Y. Commercial Advertiser.
Since the happy perusal which we were enabled to give the foreign papers yesterday, we have carefully and diligently re-examined them; and regret that we can find nothing to warrant a different opinion from that which the reader must necessarily form from a perusal of the intelligence at first communicated. It is not positively known that the defection of Count d'Abisbal was a matter of mutual understanding and arrangement among the principal Constitutional Chiefs; but he declares that such is the fact, and this seems to be the general impression among all parties in England and France. And not only this, but it is further intimated, that Mina is also in the plot, which, if true, the English Editors say, accounts for the little fighting that has taken place in Catalonia.

The information from the south of Spain, moreover, is not as favorable to the cause of freedom as we had been led to believe. Indeed, the letters from Seville, published in the Morning Chronicle; a liberal journal, represent that the country about the new capital is not attached to the constitution, and that a majority of the Cortes are likely to behave as bad as Abisbal has done. Again it is said, in the Morning Chronicle, that most of the Spaniards are sensible that the existing constitution contains defects, and that it would be expedient to remedy them. They see, at the same time, that the last Ministers had not made those preparations which might have been expected; that the national finances are not in a flourishing condition; and that the removal of the seat of government from Madrid to Seville, has paralysed the efforts of government in such a way, that a considerable portion of time has been lost. One thing, we think is certain: the central division of the army need never have been permitted to enter Madrid, had the Spaniards been disposed to prevent it. The defiles of Samosiera and Gaurarrama are most formidable, and would have afforded the Spaniards easy means of success against almost any superiority of numbers. Ballasters might have manoeuvred in conjunction with Mina and Abisbal, had they all acted in good faith, instead of flying nearly 200 miles distant from the former, and about 150 from the latter. As to Mina, it is really vexatious to see how completely the fond hopes which the friends of the good cause have been building upon his fancied exploits, have ended in smoke.

As to the reported battle and defeat of Marshal Moncey, we have at length ascertained what was the transaction upon which the story was founded. An article from Fernigian, published in the London Sun, on the 24th of May, furnishes some details respecting an affair which took place on the 10th of the month, in the Lluasnes, between the division commanded by Gen. Donadieu and the troops under the orders of Mina. The light troops of that division were attacked in the mountains of Borreda. The Spaniards were received with vigor, and, after a long combat, victory remained undecided. We have seen no official account of this affair; but some skirmishes may have taken place at the time, and such was, probably, the origin of the reported victory.

On the 17th of May, there was a battle near Vich, in Catalonia, between the detachment of Gen. Donadieu and a division of 3000 of Mina's troops, which had been stationed in his way, to favor the retreat of Mina to Barcelona. An official account of this affair, in the true Bobadil style, is published. The French General represents his troops as fighting with indescribable courage and fury, against a superior force, having every advantage of position. The loss of the French was 50 wounded and a few killed—the General did not know how many. The Times says, "A precious triumph! We would lay an equal wager that Donadieu has been beat." Mina is supposed by the French commanders to have retired within the walls of Barcelona; and on such supposition, they readily arrive at a conclusion that resistance in Arragon and Catalonia is at an end, with the exception of the fortresses yet held by the Spaniards.

A report was circulated, that King Ferdinand had been removed to Cadiz, with a view of transporting him to one of the Canary Islands. This report occasioned the presence of a French squadron off the mouth of the Guadiana. By what means the French government were apprized of the supposed intention