

# WESTERN CAROLINIAN.

VOL. IV.]

SALISBURY, N. C. TUESDAY, NOVEMBER 25, 1823.

[NO. 481.]

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By PHILIP WHITE.

The terms of the Western Carolinian will hereafter be as follows: Three Dollars a year, payable in advance. Advertisements will be inserted at fifty cents per square for the first insertion, and twenty-five cents for each subsequent one. All letters addressed to the Editor, must be paid for, or they will not be attended to.

## CONVENTION.

On Monday, the 10th inst. the Delegates elected to take into consideration sundry amendments to the Constitution of the State of North Carolina, assembled in the Senate Chamber. General Montford Stokes was appointed President, and John F. Brevard, Esq. Secretary.

The following Delegates appeared, and took their seats:

James—Henry W. Harrington; Buncombe—Philip Brittain; Burke—Isaac T. Avery, Wm. Dickson; Caswell—Romulus M. Saunders; Chatham—Winship Steadman, Richard Freeman; Davidson—James H. Dodge; Haywood—Thomas Love; Iredell—Geo. L. Davidson, Robt. Simonson; Lincoln—Robt. Williamson, Robt. H. Burton; John F. Brevard; Mecklenburg—Thomas G. Polk, Michael McLeary; Montgomery—Thomas Henne; Orange—Michael Holt, Willie P. Mahgbin; Randolph—Alex. Gray, John B. Troy; Richmond—Walter F. Leake; Rowan—Charles Fisher; Swain—John Bethel, Thomas Settle;utherford—Jon. W. D. Carson, James Graham; Stokes—Willie Pilkinton; Surry—Solomon Graves; Wilkes—Montfort Stokes, John Martin.

On motion of Mr. Fisher, a committee of five was appointed to make out a comparative view of the free population of the several counties in the state, distinguishing the total amount contained in the counties which have elected Delegates to this meeting, as also of those which have not elected Delegates.

On motion Mr. Saunders, the resolution was so amended, as to include, in the calculation, the taxes paid into the public Treasury by the several counties in the State.

On motion of Mr. Polk, a committee of three was appointed to propose such measures as may appear expedient to raise funds to discharge the expenditures of this Convention.

On motion of Mr. Settle, a committee of Elections was appointed, who are to report to this Convention on the Election of the members thereof.

On motion of Mr. Carson, the committee of Funds and Expenditures was instructed to employ a clerk, who shall keep a regular journal of the proceedings of this Convention.

The Convention then adjourned till 12 o'clock to-morrow.

Tuesday, Nov. 11.—The following Delegates, in addition to those named yesterday, appeared, and took their seats:

Buncombe—Samuel Chunn; Cabarrus—John F. Fisher; Caswell—Bartlett Yancey; Cumberland—John Armstrong; Guilford—Samuel Hunter; Orange—James S. Smith.

Rules of Order, for the government of the Convention, were adopted.

Mr. Joshua Lumsden was appointed Clerk of the Convention.

On motion of Mr. Mangum, it was resolved, that the committee on Population and Taxation report the federal numbers of the states, and of the several counties in the state; and that the said committee report the amount of taxes paid by the several counties of this state for the last three years, distinguishing the amount paid upon the objects of taxation, and the amount of each year.

On motion of Mr. Yancey, it was resolved, that a committee of seven be appointed to propose and report such amendments to the Constitution of this state as may be deemed necessary; and that the said committee be instructed to insert the several amendments by them proposed in the Constitution, and report the same as amended.

The Convention then adjourned until 1 o'clock, to-morrow.

Wednesday, Nov. 12.—The following gentlemen were appointed, in pursuance of Mr. Yancey's resolution, to propose amendments to the Constitution:

Messrs. Yancey, of Caswell; Mangum, of Orange; Fisher, of Rowan; Burton, of Lincoln; Graham, of Rutherford; Leake, of Richmond; Love, of Haywood.

The committee to whom was referred the resolution requiring a comparative view of the free population, &c. of this state, made the following report:

As regards that part of the resolution which relates to the population, your committee have ascertained:

That the free population of all the counties in this state amounts to	433,912
That the free population of the counties which have elected delegates to this convention amounts to	233,933
That the free population of the counties not represented amounts to	199,979
Difference of free population contained in the counties represented over those not represented, is	\$3,934
The federal population of all the	

counties in this state amounts to 535,693

That of the counties represented, amounts to 272,431

The federal population of the counties not represented, is 263,263

Making a difference of federal numbers in the counties not represented above those represented, 11,832

Your committee, in making the statement, have excluded from the number represented in this convention, the two western counties of Ashe and Person, which, if retained in the calculation, and added to the numbers of the counties represented, would make a difference of 11,736 in favor of the counties represented.

As respects that part of the resolution requiring the amount of taxes paid by the several counties of this state for the last three years, distinguishing the amount paid upon each object of taxation, your committee have considered that it would facilitate their inquiries on this part of the resolution, to give the comparative amount of the taxes paid by the counties represented, and those not represented, distinguishing the objects of taxation.

The amount of taxes paid by the non-represented counties, is, upon land, town property, polls and stores, for the year 1822, \$33,798 87

The amount paid on the like objects in the counties represented, is 23,908 66

Making a difference in the amount paid by the counties not represented over those represented of 9,886 21

Your committee, in making the calculations upon the amount of taxes derivable from the foregoing objects, for the years 1821 and 1822, find the difference to be inconsiderable, and believe that in the foregoing statement they have met the object of the resolution; but, for a more particular and detailed account of all the objects of taxation, and their respective amounts, beg leave to refer to the accompanying reports of the Comptroller, made for the before mentioned years.

Respectfully submitted,  
GEO. L. DAVIDSON.

Nov. 12, 1823.

The above report was referred to the committee appointed to report amendments to the Constitution.

On motion of Mr. Saunders, it was Resolved, That a committee of seven be appointed to inquire into the most advisable plan of submitting the amendments of the Constitution agreed upon by this Convention to the people, for their ratification and adoption.

The President appointed the following committee on Mr. Saunders' resolution, viz.

Messrs. Saunders, of Caswell; Smith, of Orange; Gray, of Randolph; Avery, of Burke; Williamson, of Lincoln; Brittain, of Buncombe; Henne, of Montgomery.

The Convention adjourned until to-morrow morning, 10 o'clock.

The following are the old constitution and the amendments made thereto, as finally adopted by the meeting, and agreed to be submitted to the consideration of the people of the State.

### PRESENT CONSTITUTION.

The Constitution, or Form of Government of North-Carolina.

1. That the legislative authority shall be vested in two distinct Branches, both dependent on the people, to wit, a Senate, and House of Commons.

2. That the Senate shall be composed of Representatives annually chosen by ballot, one for each county in the State.

3. That the House of Commons shall be composed of Representatives, chosen by ballot, two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.

4. That the Senate and House of Commons, assembled for the purpose of legislation, shall be denominated the General Assembly.

5. That each member of the Senate shall have usually resided in the county in 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 county which he represents, not less than three hundred acres of land in fee.

6. That each member of the House of Commons shall have usually resided in the county in which he is chosen for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

7. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and possessed of a freehold, within the same county, 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.

8. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons, for the county in which they reside.

9. That all persons possessed of a freehold, in any town in this State, having a right of representation, and also of all freemen, who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons: Provided, always, that this section shall not entitle any inhabitant of such town to vote for members of the House of Commons for the county in which he may reside; nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

10. That the Senate and House of Commons, when met, shall each have power to choose a Speaker, and other their officers: be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills to be passed into laws. The two Houses shall direct writs of election, for supplying intermediate vacancies; and shall also jointly, by ballot, adjourn themselves to any future day and place.

11. That all bills shall be read three times in each House, and before they pass into laws, be signed by the Speakers of both Houses.

12. That every person who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State; and all officers shall also take an oath of office.

13. That the General Assembly shall, by a joint ballot of both Houses, appoint judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney-General, who shall be commissioned by the Governor, and hold their offices during good behaviour.

14. That the Senate and House of Commons shall have power to appoint the Generals and Field Officers of the militia, and all officers of the regular army of this State.

15. That the Senate and House of Commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a Governor for one year, who shall not be eligible to that office longer than three years in six successive years; that no person under thirty years of age, and who has not been a resident in this State above five years; and having, in the State, a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as a Governor.

16. That the Senate and House of Commons, jointly, at their first meeting after each annual election, shall, by ballot, elect seven persons to be a Council of State for one year; who shall advise the Governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent. And such journal shall be laid before the General Assembly when called for by them.

17. There shall be a Seal of this State, which shall be kept by the Governor, and used by him, as occasion may require; and shall be called the Great Seal of the State of North-Carolina, and be affixed to all grants and commissions.

18. The Governor, for the time being, shall be Captain General and Commander in Chief of the Militia; and, in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the militia for the public safety.

19. The Governor, for the time being, shall have power to draw for and apply such sums of money as shall be voted by the General Assembly, for

the contingencies of Government, and be accountable to them for the same. [He also may, by and with the advice and consent of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the General Assembly;] and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other executive powers of government, limited and restrained, as by this Constitution is mentioned, and according to the laws of the State. And, on his death, inability, or absence from the State, the Speaker of the Senate, or the Speaker of the House of Commons, shall exercise the powers of government, after such death, or during such absence or inability of the Governor, or Speaker of the Senate, or until a new nomination is made by the General Assembly.

20. That, in every case, where any officer, the right of whose appointment is, by this constitution, vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power with the advice of the Council of State, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

21. That the Governor, Judges of the Supreme Court of Law and Equity, Judges of Admiralty, and Attorney-General, shall have adequate salaries, during their continuance in office.

22. That the General Assembly shall, by joint ballot of both Houses, annually appoint a Treasurer or Treasurers for this State.

23. That the Governor, and other officers, offending against the State, by violating any part of this Constitution, mal-administration, or corruption, may be prosecuted, on the impeachment of the General Assembly, for presentment of the Grand Jury of any court of supreme jurisdiction in this State.

24. That the General Assembly shall, by joint ballot of both Houses, triennially appoint a Secretary for this State.

25. That no persons who heretofore have been, or hereafter may be, receivers of public monies, shall have a seat in either House of General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for, and paid into the treasury, all sums for which they may be accountable and liable.

26. That no treasurer shall have a seat, either in the Senate, House of Commons, or Council of State, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the monies which may be in his hands at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding treasurer.

27. That no officer in the regular army or navy, in the service and pay of the United States, of this State, or any other State, nor any contractor or agent for supplying such army or navy with clothing or provisions, shall have a seat either in the Senate, House of Commons, or Council of State, or be eligible thereto; and any member of the Senate, House of Commons, or Council of State, being appointed to, and accepting of such office, shall thereby vacate his seat.

28. That no member of the Council of State shall have a seat either in the Senate or House of Commons.

29. That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

30. That no Secretary of this State, Attorney-General, or Clerk of the Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

31. That no clergyman or preacher of the gospel, of any denomination,

shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of his pastoral function;

32. That no person who shall deny the being of God, or the truth of the protestant religion, or the divine authority of either the old or new Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office, or place of trust or profit, in the civil department, within this State.

33. That the justices of the peace, within their respective counties in this State, shall in future be recommended to the Governor for the time being, by the representatives in General Assembly; and the Governor shall commission them accordingly: And the justices when so commissioned, shall hold their offices during good behaviour, and shall not be removed from office by the General Assembly, unless for misbehaviour, absence, or inability.

34. That there shall be no establishment of any one religious church or denomination in this State, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: Provided, that nothing herein contained, shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

35. That no person in the State shall hold more than one lucrative office at any one time: Provided, that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

36. That all commissions and grants shall run in the name of the State of North-Carolina, and bear test, and be signed by the Governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective courts. Indictments shall conclude "against the peace and dignity of the State."

37. That the delegates for this State to the continental congress, while necessary, shall be chosen annually by the General Assembly, by ballot; but may be superseded, in the mean time, in the same manner; and no person shall be elected to serve in that capacity for more than three years successively.

38. That there shall be a sheriff, coroner, or coroners, and constables, in each county within this State.

39. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, bona fide, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law.—All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great.

40. That every foreigner who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or, by other just means, acquire, hold, and transfer land, or other real estate; and after one year's residence shall be deemed a free citizen.

41. That a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and, all useful learning shall be duly encouraged and promoted, in one or more Universities.

42. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the General Assembly.

43. That future Legislatures of this State shall regulate entails, in such a manner as to prevent perpetuities.

44. That 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.