Western Carolinian.

It is even wise to abstain from laws, which however wise and good in themselves, have the semblance of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience.

Dr. Channing.

[BY JOHN BEARD, Jr.] SALISBURY, ROWAN COUNTY, N. C....MONDAY JUNE 17, 1833. [VOL. XIV ...NO. 690.

TERMS

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ADDRESS.

ON AMENDING THE STATE CONSTITUTION.

"The People have a right to assemble together, to consult for the common good, to *instruct their representatives and to apply to the Legislature for redress of grievances.*"

[18th Bill of rights of N. Carolina.]

TO THE FREEMEN OF N. CAROLINA.

Happily we live in a country where no apology is required for addressing a free people upon subjects connected with their own government. It is an office which any one may assume without just reproach or fair censure. A recurrence to the proceedings of a meeting held in Raleigh during last winter will exempt us from the imputation of vanity in addressing you, and explain the character in which we appear before you. A large portion, we believe a majority of the People of N. Carolina are dissatisfied with the *Constitution of the State.* They complain, we believe with justice, against evils proceeding from causes which the people *alone* can remedy, and therefore they have through their representatives, determined to call for an expression of the public will upon their complaints. By the 18th section of the "Bill of Rights" the right of the people to *instruct their representatives* is directly declared, and the friends of a reform of the State Constitution, feel confident that a voluntary declaration of opinion by the People "*for or against a change of the Constitution*" will be received as *instructions* and must influence the General Assembly to accommodate in some way, the unhappy divisions of the State, and provide a remedy for the evils of a most unequal and expensive government. In order to remove the objections of some, to do it the pretence of many, and operate to a recommendation to all, the advocates for Reform have put forth for discussion the changes which are demanded. If the subject could claim that attention which its importance merits and no feelings of party animosity were mingled with its consideration there would be no difference of opinion.

UNEQUAL REPRESENTATION.

By the present constitution, the People of each *County* elect two members of the House of Commons and one Senator—and seven Borough towns are permitted to send each one member to the General Assembly. Were each county of equal population and did the people of each, contribute alike to the support of government this mode of electing the Assembly would be fair and just. Were there any near approach to equality of population and taxes in the several counties, there would not be so much room for just complaint. Surely a decent respect for the "fundamental principles" of all popular governments will not allow us to argue that *one third* of a community who pay no more than *one third* of the taxes, can rightfully make laws and execute them, impose taxes and expend them, for the other *two thirds.* Yet such is the real condition of this State. Those whom it affects may choose to deny it.—We confidently affirm the fact and challenge them to a fair, manly, and candid investigation of the subject. We may do no more than invite a careful examination of the last *census* and an honest perusal of the Revenue list made out at the Treasury of the State, and ingenuity itself, may be defied after this, to produce even a plausible appearance of equality in our Representation. The white population of the State alone being taken as a basis of calculation, *one third* govern, and tax *two thirds.* Assume the *Land tax* for a basis and it will bring us to the same result. Take for a basis the *public taxes of all kinds* and the conclusion is not more favorable to our present system. Let all or any of these be combined and it will stamp upon our present representation the same marks of inequality and injustice. The whole white population of the State is about 472,000. Thirty-three Counties contain 156,000 and the other thirty-one Counties contain 316,000, and yet these thirty three Counties elect a majority of the General Assembly. These thirty three Counties pay annually a land tax of 8000 dollars only, where they exact from the other thirty-one a similar tax of 17,000 dollars! These same thirty-three Counties—this ruling majority pay for taxes of all kinds 24,000 dollars only, and yet they levy taxes from the other thirty-one Counties to the amount of 48,000 dollars annually! The expenses of our State government (including none but such as are necessary) being about 80,000 dollars per year and the State being divided into 64 Counties, the proportion of each county in this expenditure is 1250 dollars. These same thirty three Counties—this ruling minority therefore do not contribute their own expenses to the government unless their taxes amount to 41,250 dollars! and how is the fact? They pay no more than 24,000 dollars! and nearly one half of them do not contribute taxes sufficient to pay *their own members of the Assembly!*—What! a majority of *two thirds* of the people taxed by *one third* to pay the minority for exercising this control! Incredible as it might seem to be—*It is true.* There are 10 counties in the State which do not contain an average population, and more than 40 whose people do not pay taxes equal to their average share of public necessary expenditures while they elect nearly two thirds of the General Assembly!—One of the least counties in this State contains a white population of 2,700—the largest contains 17,600, and while the former pays a tax of 600 dollars, the latter is required to pay 2000 dollars! yet both these are alike represented. Another County with a population of 3,300 and an annual assessment of only 430 dollars, elects the same number of representatives to the General Assembly with a fourth county whose white population is 16,000 and whose taxes are 2,307 dollars annually. And another county with a white population little exceeding 3,000 who pay no more than 300 dollars for taxes, is allowed to send the same weight into our councils with a sixth county whose white population is 13,000 and whose taxes exceed 2000 dollars. Comparing these six counties together what will be the result? *Forty six thousand six hundred* people who contribute a tax of 6,600 dollars are allowed no larger share in a free government than *nine thousand* members of the same community, who pay a tax of only 1,300 dollars. The smallest number and they who contribute least to the support of our government are invested with all its powers. There are in the State Twelve counties whose people pay a tax of 5,400 collectively—the compensation of the representatives they elect, exceeds this sum more than 2000 dollars! These counties partake equally with others of all the benefits of the government and they elect nearly one *fifth* of the General Assembly, yet they compose but little more than one *tenth* of the population and pay very little exceeding one *thirteenth* of the public expenses! They pay 5000 and cost 15,000 dollars! These things are so. But is it just—Is it equal? Is it republican that they should continue? Must they be endured forever with no better reason for it, than that they are evils which a patient people have already submitted to for many years? Are the maxims of freedom reversed and shall usurpation establish right!—long usage justify oppression?

The interest of the whole State REQUIRES and her necessities DEMAND REFORM in our Legislature.

The General Assembly is bound by our present constitution to meet *annually.* When the Constitution was ratified the State was divided into 36 counties and the General Assembly was composed of no more than 115 members, but the number of counties is now increased to 64 and the members of the Assembly to 199. The annual expense of the Assembly alone is now 40,000 dollars and this sum falls very little short of what the whole government of the State once cost the people. By the proposed amendments to the constitution it is suggested that the assembly shall not be required to meet oftener than once in *two years,* and that their number shall be reduced from 199 to 127.

In the early period of our independence, before the States of America had formed their "more perfect Union" before the people had become settled into habits of self-government, the annual meeting of the Legislature was both wise and necessary; but in our day it is a most unnecessary tax upon the publick, and a serious obstacle to wholesome permanent legislation; for the people are barely informed of the acts of one Assembly before the succeeding law makers have repealed or modified them. The reform that is here proposed will diminish the expenses of the State more than 25,000 dollars annually. A clear saving of 25,000 dollars per year is equal to a reduction of the taxes *one third,* and yet some have put their resistance to a reform of the constitution upon the real or pretended apprehension of an increase of the taxes. It is astonishing with what tenacity, men will sometimes adhere to power in opposition to their own interest as well as against the just rights of others. The minority are now striving to maintain it in North Carolina while its exercise is subversive of the rights of two thirds of the people and costs that minority infinitely more than it is worth. Under the influence of some cabalistick party phrase they are deceived into apprehensions that this majority are demanding their rights for the mere purpose of practising oppression on others. But it is impossible that this majority in a State shall oppress the minority of the people by taxation. If *two thirds* impose a burden of one hundred dollars on the minority, it will be a tax on themselves at the same time of two Hundred dollars. And a reform of our constitution must diminish the expenses of the government and of necessity reduce the publick burdens of the people.

We wish an intelligent people to mark these facts: that for 25 years, our General Assembly has cost 40,000 Dollars per year. Here is an expenditure of one million, when half the amount might have been saved!—that for 25 years to come, this expenditure must again be incurred; and yet, a prudent foresight will enable us to diminish it one half; that the Treasurer of the State in his last annual report, states, "that for many years, the ordinary public revenue of the State, has not been adequate to the purpose, of defraying the *necessary expense* of the government, but the deficit has varied from 12,000 to 17,000 Dollars per year; that the sources, which have supplied this deficiency, have been fluctuating and temporary in their nature, and of late, are nearly discontinued." What Statesman? what intelligent man will say, that this can be prudently allowed, or safely continued in a State? But it has been allowed, and must be continued, unless the expenses of the Legislature, are decreased, or the taxes of the People increased. We may leave it for you to determine which course is to be preferred. Unless the people shall do the one, their Representatives, must do the other. Policy may induce them, to put this burden on the people, in some disguised form, and to conceal the application of *their* only remedy for the disease that has been hidden for so many years, but that it must be imposed, is inevitable, except by a reform of the Constitution. The *necessary expenses* of a wise government, should be met by her *ordinary revenue.* A people who are properly vigilant of their rights, cannot permit it to be otherwise. Assuming that these "*many years*" include no more than 25; then what have been the fruits of our thriftly policy? We have consumed over and besides, the whole ordinary revenue, 400,000 Dollars in the necessary expenses of the government. Had we adopted this reform 25 years ago, the funds of our State Treasury, would now, exceed a million of Dollars. Defer it 25 years longer, and the end of that period, will find the State yet more depressed than she is. We are not complaining of extravagant compensation to our public officers; they are faithful workmen, "worthy of their hire." The true evil is that the laborers of the vineyard are too many—the work of the people may be better done, and much more economically performed by 127 laborers, than 199! The responsibilities of Legislatures for this State, are too much divided to be felt properly, and the honor of successful public exertion is unwisely diminished by a partition among 199. Who has not heard complaints, that our laws are fluctuating, that our General Assembly sets too long, and our public expenses are increased? These evils exist, and have been falsely attributed to a want of virtue in the people of the present generation, and a defect of talent among those who serve them. We have no hesitation, in saying that they will be removed by diminishing the number of representatives, establishing a fair basis of equal representation, and making the Assemblies less frequent.

In the 22d Article of our Constitution, there is an odious Restriction upon Conscience.

By excluding from public trust, all persons who deny the *protestant faith.* We are protestants and therefore we can have no personal interest in the abrogation of this restriction. But will it be expected of us at this day to offer arguments in favor of *religious toleration!* we hope and believe not.

It is a disgrace to any free people, to tyranize over the consciencies of others. It is a gross oppression, and an undeserved imputation against the patriotism and public virtues of the Catholicks of North Carolina, to preserve any longer, this badge of our father's prejudices. The article itself, is in conflict with our Bill of rights, when it declares "That all men, have a natural and unalienable right, to worship Almighty God, according to the dictates of their own consciences."

The friends of reform, have also proposed an amendment to the Constitution, which will put the election of GOVERNOR, into the hands of the People.

The Executive chair of this State, ought to be the highest post, that the people can offer to the most patriotic of her citizens! It is not so esteemed! But make the station independent, by putting the election with the people, and we shall have done much towards it. Custom has now made it a reproach to the Governor, not to be re-elected after his first appointment, and hence, the high independence which properly belongs to a co-ordinate branch of our government, is sacrificed to a desire for popularity among the members of the Assembly. We do not affirm that it is always so, but it has that tendency; for he must be more or less than a patriot, who is not afraid to incur public disgrace. Is the office of Governor, oftener coveted for its own honor's sake or as a stepping stone to other stations of preferment, in the gift of the Legislature? Does it comport with the dignity of the office, that the incumbent shall be forced to win it by personal electioneering, among the members of Assembly? Our fathers have wisely thought, that the "executive and legislative departments of the government, should be kept separate and distinct," and what evil can arise, from not observing this fundamental principle, that has not been felt in our own State? Moreover, the time of the Legislature is unnecessarily consumed, in canvassing for the office, and the harmony of our councils is disturbed by the frequency of this contest. *And why may not the People elect their own Governor?* He is *their* servant, and should be *directly* accountable to them for the faithful execution of his trust. They have not clothed him with patronage, that he can use to corrupt their elections—they have not invested him with power, the independent discharge of which can be, in any way, incompatible, with their right to pass upon his course.

In obedience to the real, or supposed wishes of the people, they have been allowed to assume the right of electing their Sheriffs and Clerks, and why should they be refused the power to elect their Governor? No good reason can be assigned for it.

It is further proposed, TO ABOLISH BOROUGH REPRESENTATION.

This privilege is no blessing, but rather a curse to the towns which possess it, or to most of them. It is a public burden, from which the people derive no corresponding benefit. And it is grossly unjust that a hundred people, because of the mere circumstance, that they reside within the bounds of a *village,* should be permitted to send a Representative to the Assembly, who may out vote the organ of *thousands* residing in the country. *Commercial* cities may have a population, that would, when taken in connexion residing with their peculiar interest, justify this exclusive right. But in some of the Borough towns there are not many more than 100 voters, and as they enjoy no commerce, they cannot lay any claim to the peculiar right.

Experience has demonstrated that some mode of AMENDING THE CONSTITUTION, should be pointed out by the Legislature.

All will agree that this should be made certain, and economical, and few will assent from the propriety of so modelling it, that while it does not invite a spirit of *innovation* it may not exclude the hope of *Reform.* Such considerations recommend the amendment that has been proposed, viz. that amendments to the Constitution, shall first be sanctioned by two thirds of both houses of the General Assembly, and subsequently ratified by a majority of the People. Other States have adopted it, and it has been found to be, neither mischevous nor defective.

While few men, FELLOW CITIZENS can be found who have the temerity to deny, that our representation is unequal, and the legislation of the State extravagant and unwholesome, yet, some will seek a retreat behind the position, that it is impossible to arrive at perfection in any government. This is a position that we do not deny. It is true, of the exertions of human creatures in their lives, as well as their governments, that they cannot attain perfection. But shall this prevent them from coming as near to it as they can? It may very satisfactorily account for the gross inequality in the government, which has arisen from a change of circumstances that it could not be certainly foreseen; it does excuse the infliction of this injury upon the rights of a majority, but it cannot be successfully urged as a reason for its continuance. Is he regarded with approbation by good men, who withholds the acknowledged right of another upon the sophistical subtilety that he cannot do him *perfect* justice, and therefore, he must be excused from attempting to do him *any at all?* Are bad laws to be tolerated without change, upon the pretext, that no system of human laws can be perfect! Are all governments abolished because men cannot frame one without a fault!

But it has been said, that the objections against our present Constitution, are *theoretical* only—that the State labors under no *practical* evils—that the majority suffers no *practical* inconvenience. And is it no practical evil to the State, that her councils are divided by sectional strife!—that by the form of her Constitution, the expenses of the Legislature have *doubled,* and that our expenditures exceed the *ordinary* revenue? Is it no practical evil, that in 25 years, she has expended *one million of Dollars* for her annual assemblies, when a prudent economy, would have saved more than half the sum—and that for all time to come, the same exhausting operation, must be experienced, and yet endured? Is it no practical evil that a majority of the People are disaffected towards the Constitution—that they are complaining, and will continue to oppose a system, which is ruinous to the whole State, and obliges *two thirds* of the people to submit to a taxation imposed on *one third?* Is it no practical evil that those taxes are and must continue to be expended, not for the common good, but mostly in paying the delegates of a minority for exercising this control over the rights and property of a majority? If indeed, these are not *practical* evils, it will be difficult to find them in any free government. They are those evils which have mainly contributed to keeping us back in developing the internal resources of the State, and shall we put forth no efforts to cure them? They are those evils which have destroyed the harmony of the State, and if not remedied by liberal concessions of power to the just demands of right, must probably, rend the peace of North Carolina. And will not moderate men, in all sections, come forward in a spirit of amity and conciliation, and help to remove them? They are evils similar to those which induced our Sister States to revise and reform their Constitutions, and do we feel that we are more happy, more prosperous, more free than they are? Alas! it is, but too melancholy a truth, and but too evident to the senses of us all, that WE ARE NOT.

They are evils which a MAJORITY of the PEOPLE have a RIGHT to REMOVE.

To deny this right is to argue against the very foundation principle of all popular governments. It is retained in the front rank of our own Declaration of Rights, and in that of every other State in the Union, that in the concerns of this life all power and sovereignty reside and of right ought to reside in the *People.* They can alter their government when they please, whenever indeed the happiness and prosperity of the larger number imperiously demand a change. Herein they are the sole rulers and sole judges. No limit has been set to their authority but that which the *Almighty* has imposed, that they shall exercise it in *Justice and Equity.* They may be denounced—but it is the doctrine of free American Institutions. It is the doctrine of the Revolution—It is the *Republican doctrine of this country.* When ever the People shall consent to repudiate it they will cast away the great check they have retained against the usurpation of their rulers. Let us not be misunderstood or misrepresented. Whilst we earnestly maintain this "fundamental principle" we heartily deprecate licentiousness, we would rather invoke a speedy co-operation of all parties in our beloved State to settle the causes of agitation which [illegible] are now too justifiable to be contemned, and too potent to be harmless. And why may it not be hoped for? We profess to venerate the fathers of the the Revolution and the principles they established, and shall that great leading principle of the Revolution that "representation and taxation shall go together" be excluded from the charter of our own government? We have demanded of Congress an abandonment of the Protective tariff system, because it infringes the great, principles of political *Justice,* and shall we be deaf to the calls of a majority of our people for *Justice at home?* We triumphed at the advancement of free principles when the question of Reform in the English parliament—*of a reform of the unequal representation* of the people, was sustained and sustained by the KING of England against his House of Lords; and can a demand for *equal representation in North Carolina* be denied? When Ireland had won a partial restoration of her rights by the removal of an odious restriction upon her Catholick people we witnessed a flow of generous gratulation from the hearts of North Carolinians; and will they turn from us with indifference when we remind them that the same hated tyranny over the consciences of Catholicks is sanctioned by the very charter of their liberty?

Unless we choose to indulge a degree of suspicion that is alike dishonorable to ourselves & subversive of all those principles of action which arise from observation and experience a remedy for these evils is neither difficult nor dangerous. By your votes at the Elections in August, pronounce your determination upon the question "*whether a change is needed in the Constitution*"—that expression of your will being sent to your Representatives, they will be bound to provide a remedy, or to pass a law by which you shall be enabled to effect it yourselves. If this obligation does not arise from that article in the Bill of Rights which secures to you the right of "petitioning the legislature for redress of grievances" then it was a privilege far too trifling to be retained in so sublime a charter. This expression of your will, will be instructive to your representatives and if they do not obey it, then indeed a period has arrived in the history of the Institutions of this country, when the People are bound by the Constitution and their servants alone are exempted from its obligations. But you need not fear such a result. The right of representation—of a fair and equal representation of the People has become in our day, but another name for civil freedom and success has crowned the exertions of those who have struggled for it, in the other free States of America. There is not less republicanism, nor less justice, nor less liberality among the people of North Carolina than all others.—Let but the voice of a decided majority speak and the work is done. It is not possible for the most zeal us and eloquent partizan to force from the minority of North Carolina a denial of the great democratic republican principle that a *majority must govern.*

The general practice of the States has determined that the most ordinary and therefore perhaps the most appropriate remedy for Constitutional evils—(where the existing constitution contains no provision for its amendment) is through the medium of a State CONVENTION, authorized and in its incipient steps regulated by law. Whether this convention shall be *limited* and to what bounds, is a mere question of *expediency* for the previous determination of the people. We do not stop to argue with those who feel or affect to feel great fears of a Convention *without limit* to their powers. The friends of reform are not the advocates of revolution or disorder—they are as solicitous to maintain the great *principles* of the old Constitution as any others, they only desire to see a change of our system of Representation which in the lapse of more than 50 years has come in conflict with these *principles* to restore to the people the right of electing their Governor—to diminish the expenses of the Legislature down to that standard of economy which is commended by the practice of our fathers,—to reconcile the Constitution with our declaration of Rights by removing restrictions upon conscience—and to establish a safe plan of future reform. Hence they meet their objections on this point with a distant avowal that no *unlimited convention* is asked. If a *convention* shall be deemed indispensible let it be limited to these subjects and the advocates for reform ask no more. Let them be even restricted to these specific amendments and the friends of reform will be satisfied and the people will be so like wise.

CONVENTIONS MAY BE LIMITED!

They possess no *inherent* power, they exercise that only which is *delegated,* they are servants of the PEOPLE who only are sovereign to whom alone all power belongs, who, and who only can confer power at their pleasure and to the extent they may will it. A *Convention* is nothing but an assemblage of delegates elected by the people, and how can it be affirmed that a sovereign may not create a *limited delegation?* Have the whole people less power even than each individual? A man may create a *limited agency* for the transaction of his business and may he not necessarily clothe their agents with "*all power*" for the performance of their business?

The General Assembly, is composed of Representatives, to whom certain powers are delegated by the people, and their limits are prescribed by the written *Constitution,* under which they assemble—this is their power, it Attorney, and they are sworn to maintain it. Experience has proved, that this affords a reasonable security to the rights of property and of persons. So the People may convene any other body of their Delegates, define the boundaries of *their power,* and impose on *them,* the same solemn sanctions for their strict observance of them. The Constitution derives its authority from the *people,* it is expressly declared in that *character,* "*that all political* power, is vested in and derived from the people only." They therefore created a limited delegation when by that charter, they elected the General Assembly with the power of making laws, unquestionably, the sovereign power may originate any [illegible] with any other delegation [illegible] discretion may suggest, and their wisdom approve. To argue that it must of necessity, be unlimited, is to confound the sovereign power, itself, is but [illegible] is absurd, and is to affirm that the General Assembly was not rightfully constituted. The fact that our first and earlier conventions were not usually limited, militates nothing against our position. For let it be remembered, that the people were then, without any organized government, and in electing Delegates to deliberate on the subject, and to devise the best forms, they might not have believed it *expedient* to limit them. The aim they had, was to avoid anarchy, not merely to correct governments, but even if they had desired to instruct their delegates, it was not conveniently practicable, to impose a limit, for the want of a body of representatives, through whose intervention it might be marked out for the sanction of the people. Does any one deny that it comes within the province of a Legislature, to prescribe the means of enabling the people to call a Convention? Upon what principle is this, except that they may, as the people's representatives, make recommendations for the sanction of the people? If they are limited and sanctioned, then by what process *can* it be demonstrated, that if recommendations bestow *unlimited* power, when in their *terms they are specific only?* Say that the Legislature has recommended to the people, a Convention *without limit,* and they refused to sanction it, that immediately after it, they recommend a Convention, with power only, to abolish the 32nd Article of the Constitution, and this recommendation is confirmed by the people, and a convention accordingly assembled? Can there be a doubt, that the Convention is strictly *limited,* and that they will not—cannot exceed their bounds? Say that those who penned this recommendation, timid and jealous of power, superadded that upon the questions submitted to the Convention, their vote shall be final, but