tion was proposed to the people of the

had experienced the same inconveniences thire provides that a convention may be period of the year. called every seven years to amend it; but

tion to be assembled for the purposes that on umendments proposed to them by the Legislature. It is impossible to maintain a contrary position until it can be shown confer it on Conventions-until it can be his master." The path of truth is here also pointed out by experience and practice. It is a mistake if we suppose that the prin ciple of this recommendation is without precedent. The constitution of Connecticut prescribes this very mode of making alterations in that igstrument. The State of Alabama in effect, though not in words, confirms it by her own charter, whilst the States of South Carolina, Maryland and Delaware recognize the same right in substance by allowing changes to be made in their Constitution by the votes of two successive legislatures the amendments being having intervened.

Thus it is demonstrated that this plan for amending the Constitution is not liable to any objection on principle. Since our Constitution is silent as to the mode of proposing amendments to it, the People are free to adopt any course which is consistent with the principles of a popular goverument and the practice of the American States. If this mode of reform is proper. in itself, there are some views of its expediency which give it peculiar claims on off the State into forty districts in the manour consideration. Much difficulty will be nor following-every county, the white experienced in determining after what population and taxation of which added toshould be represented in a Convention called for the reform of an existing constituthat whilst this would cost nothing, a Con scation will create some charge upon the any real lears of a Convention ought not against all dangers except "the will of a population or taxation of such districts Are the people of every State in the Union pie. Here then the question arises—Did majority" and even that will be restricted Legislature, that prepares the amedments case any such districts shall contain more sacred to be touched by the sacrilegious that power? to be submitted and the rights of a majori. Ithan one county, then each of such county are sufe in their awn hands because they will not approve of amendments by House of Commons. which they will be made worse off then they are now. What then are the objec

majusty of three faurths of the people, is it without precedent in practice; the polls," duly taken by a vote at the polls that it is not so easy of execution; for our within 20 days after the adjournment of Constitution was ratified in 1776 and has the Convention."-Where, and what is not been amended since 1789. Besides. the danger of such a Convention ? But we it is proposed to quiet all such fears by the are not left without the light of experience article which prescribes a mode for future to guide us on this interesting subject. amendments. It is said however that the Biace their governments were formed, right of the People contended for by this ambthe means of conveniently providing a recommendation " is founded on the aslimit were thus furnished, it has not been sumption that all were born with equal potanussed, with the States to impose it in litical powers" and that it, ' leads to the some form. When the Federal Constitu- monstrous conclusion that a majority may impose upon the minority what govern States for their acceptance, each State ment they please; that they may abolish called a limited Convention; these Con the representative republican institutions ventions had no power to do more than to of this country and year upon its ruins the necept or reject the whole plan, as it was most intolerable despotism." But these proposed; unles it was in cases where the objections pass a sentence of condemna-Legislatures recommended that they might tion upon the Declaration of Independence exercise certain other limited powers, and and the principles of the American Revolution; and when we deny this right of the the people ratified it.

New York whose constitution was like majority of the people to remodel their goours silent as to the mode of reforming it, vernment, it leads to the much more 'mon strous conclusion' that a majority,-that from her representation that are now felt one man may perpetuate the " most intolin North Carolina, as well as other incon- erable system of tyrunny" over the rights veniences, from doubts entertained on an of the majority, may usurp all the powers rather article of her Constitution. The of the government and leave the inspority Legislature recommended and the perple with no rights but to practice the virtues of approved the calling of a convention in tame and quiet subjects. The people can-1601 to remedy these evils, but the con- not fail to reprodute a principle of opposi Vention was limited to these powers and tion that leads us to such consclusions. cuties only. When the people of Virgin | Sovereignty, a power which binds all oth is called a convention to revise their con- ers, yet is restricted by no other, and etitution, it was limited to the duty of bound by no forms, must reside somewhere. framing the amendments they deemed ex- In this country it is lodged with a major. pedient or preparing a new constitution, ity of the People. No objections can be and submitting their work to be approved fairly urged against the time at which it or rejected by these Prople at the polls, was proposed to take the vote of the pen so the convention regarded it and so they ple, for it is in the power of the Assembly acted. The constitution of New Hamp to prescribe the most quiet and convenient

Fellow Citizens of North Carolina? In the powers of this convention are express- the fair exercise of a right that is common ly limited by a provise that no alterations to all freemen in a free state, and in the shall be valid until they are laid before execution of a trust, which was confided to the people and ratified by them. The us by a respectable body of the people and People of Georgia bave elected delegates their representatives; we have laid before to a convention, which is limited to speci- you, the complaints which are made against to duties and is ordered to be organized the Constitution of the State, with the by administering an oath to the members, grounds of them, and as far as the limits that they will not attempt to violate the lof an address like this would per nit, we boundaries prescribed for them. In our have also, considered of those plain and own State we have had two limited con practical remedies, which are sanctioned ventions since 1776, the one to consider of by the principles of our government, and the Federal Constitution and permanently have been confirmed by the practice of the to locate the Seat of Government-the oth people in other States. We have endeav, or to reconsider the Federal Constitution ored to do this, not only with manly plainand to give Payetteville the right of electings and pride of others. We have just the Constitution, and shall have full er. will not pursue it further. No fair mind drawn no sectional lines, none such ought will demand further proof that it is donsis. I exist, and we do not meean to be responsitent with both the theory and practice of bie for the consequences of any attempt to our government that the People may lim- create or preserve them. The People of it a convention to specific subjects of con North Carolina, ought to be one in feeling. ideration, and whether they will do so or as they are in interest. We put it to the is a question out of right but of expedi | consideration of the people, whether this The mode of altering the Constitution justice of the minority, the right of a ma-Committee in our last Legislature may be properly adopted. Why may not the General Assembly submit to the People of their a doption? If the Legislature may recommend a Convention to make a mendments for their a ment of these questions, involves the description of the State; that it will restore har mony where there is discord; that it will restore har ments, and the people by ratifying such the the means of developing the internal restorement are commendation can cause the conven. sources of the State, without any recourse of the majority must govern a State. And not to my present Bessy.). Congress fresh from the contests of liberty. Why to additional taxation; that it will econo. I should have been grieved if the old Re. assembled in 1776, early in the year, and should the industry of one class of men, are designated, it is difficult to conceive mize the government, so as to bring its publican Register of the State had been adjournment, they elsanged the plan of the than that of their neighbors? They are caues, that it will destroy the divisions of people. The friends of Reform in our civil government" in many particulars, equal by the Constitution, and by the prin-East and West, and disengage our Ropes Constitution have now begun at the right which are not material to be stated here, caples of nature, and the law which make: sentatives from the strifes of sectional par- end, and if the People want to change the further than they abolished the Committee a distinction, and confers a privilege upon that the People derived power and do not ty; that it will stimulate them to higher State Constitution, for one I say it ought of Sufety, and after defining its powers, any one class, is unjust, and against the and more promising exertions, for reviving to be done. I believe a majority do will and requiring that their session should be first principles of a free government. In

WM. H. HAYWOOD, JR. 7 R. M. PEARSON, R. M. SAUNDERS. THOMAS DEWS, JR. June 1st, 1833.

AMENDMENTS

To the Constitution of the State of North Carolina.

ARTICLE I.

So much of the second section of the Constitution, as provides that one member published and an election by the people of the Senate shall be chosen from each county; and so much of the third section, of Commons shall be chosen from each county; and so much of the third section and the ordinance passed in the year 1789, as provide for the election of borough-

ARTICLE III. So much of the constitution as entitles

All officers, except the governor, who are under the Constitution, elected by the jeft his palace, and sought a retreat in a without further interference by the people Legislature annually or tri-annually, shall hereafter be elected biennially, and the Legislature shall meet biennially; but the Governor may call extra sessions in the interim, if the interest of the State shall

onstitution, as provides that the Governor idle to elect another Assembly-for the shall be elected annually by joint ballot of same power which dissolved the former both Houses of the Legislature is hereby had the right to "nullify" their success nade void and of no effect, and hereafter sor. Wherefore, the Frecholders, at pub the Governor shall be elected for the term lic gatherings in the various counties, of two years by the free white citizens of elected Deputies, (each county choosing e State who are qualified to vote for as many as it pleased,) and these deputies

and hereafter the Legislature shall fix upon regular Army shall be appointed.

ARTICLE VII.

So much of the thirty second of the constitution as provides that no person who shall deay the truth of the Protestant religion, shall be capable of holding any office or place of trust or profit in the civil department within this State, is hereby made void and of no effect.

ARTICLE VIII.

No part of the Constitution shall hereafter be amended but in the manner folthe Constitution,

fect and velidity;

FROM THE RACKTON REGISTERS! ON OUR STATE CONSTRUCTION

NO L. A. W. "All political power is saited forived from the peoper one

fore send them to you in a series.

counted against this measure of reform, are not informed of the injustice that is inflicted on the majority-they do not know Thow rumous to the whole State our predent system is. I say if with all proper

it. A temperate discussion of public new name of "Concention," and framed the cup of concord was in our handssession and every ten years thereafter, lay in our country it never fails to give success This sire, is a short, but true history of of the Union, I did not wish to present the manner and upon what basis the People gether, as equal to the foreign part of the to do right to a majority until men indulge their catification, I do not question. All peace-makes us countrymen, indeedwhite population and taxation of the State no hope of redress from the well regulated logislative bodies (have according to the brethren in affection and principle, but beadded together; wand every county, the good sense and judgment of others, and re- theory and practice of popular governtution, and it is not unworthy of our notice white population or taxation of which se- sort to their own passions for counsel in ments) a right to recommend to the people parately is equal to the fortieth part of the their course. Does any feel a perfect con- a change of their plans of government, unthe other districts shall be so formed, that in trusting men with their own siburs ! of reform in the Constitution itself. The to object to this plan, upon the ground of the white population and taxation of the His fears belie his professions—if his fears fact is beyond doubt, that our Constitution expediency as they will be thus shielded State, added together; or that the white are sincere, his confidence is pretended, never was ratified by any vote of the peoseparately, may be equal, as near as may fit to be trusted with their own Govern- the people even authorize the Convention to an aye or no: upon whatever the ruling be to the fortieth part of the white popula- ment, excepting North Carolina? Were of 1776 to do this act for them? The minorty shall consent to put forth for pub- tion or taxation of the State separately, - the old Constitutions of the other States of preceeding Congress did not, by ordinance he sanction. The rights of the minority, and each of such districts, shall be entitled the Confederacy ull imperfect, and yet confer this power, or recommend that it will be protocted against encromenment by to one member in the Senate, and to two that of North Carolina too pure to be should be vested in their successors. Did hand of a free people, and too perfect to In its terms there is none such. It only ties shall be entitled to one member in the require at this day such reformation as declares that it will be 'incumbent on the ed the administration. shall make it consistent with the plainest next Congress to frame a constitution.'equity! Perhaps a little insight into its The people did not confer this power .-

ny, alarmed by the spirit of independence country, still fast bound in union with her -still attached to the British Constitution found themselves without a legitimate body So much of the fifteenth section of the of representatives. It would have been

nembers of the House of Commons, but no assemble at Newbern, and call themselves person shall be eligible to the Office of a "Congress of Deputies." Under this Tovernor for more than two terms in suc- new name, they defied the power of the Governor, and after declaring the mea sures of the British Government, oppres The fourteenth section of the Constitu- sive and intolerable, and yet professing at ion is hereby made void and of no effect, ardeut attachment to the king, that body adjourned. Their duties had been dis he manner in which the general and field charged, and they returned to their homes officers of the Militia and officers of the In 1775, the cause of America gained new interest,-the arms of the British nation were turned against the colonies-North Carolina received no new Governor from the King-and the old one was still afraid to trust his precious person among such a free people. He was assured that there was danger; but he could not confide in this assurance, and continued only in reach of his colony, and spent his time and his master's money in purchasing and dissemmating Fory pumphlets The frecholders again elected Deputies from the several complex to legislate for them-each one lowing: Any amendment may be proposed sent three-probably in compliance with in the Senate or House of Communs; and their habits under the colonial government I such recordment be agreed to by two in electing the Assembly, and sundry Bo thirds of each House, it shall be entered roughs who had sent delegates to the Briton their Journals, and be published for ish Assembly, elected each one-member three months previous to the election of to Congress. This "Congress" assemembers of the General Assembly; and if bled also, finding the cloud of war was such amendment shall be agreed to by two: thick and ready to burst on the Colonies thirds of each House of the next General they firmly met the necessity they distri Assembly, then it shall be the duty of the buted whig papers to commerae: the Gov General Assembly to submit such proposed ernor's mochinations—they proudly refus mendment to the people, and if w majori- ed to accept any communications he sent, of the free white citizens qualified to but ordered them to be burned, and no vote for members of the House of Com vestige of them is left, nor any evidence mons shall vote for such amendment; then beyond the solemnalectaration of the Con such amendment shall become a part of gress that they were scandalous and fibel lous in their terms towards the people of this Golony. And this Congress adopted that the Erceholders, and Land rolders,

proved " that the creature is greater than the hopes and advancing the prosperity it, and as one of that, I hope you will give lished a "Council of Safety" composed of ard, or the wants of the government, it ister" my reasons. Though they may be thirteen-clothed them with powers in the appeared to me that no injustice was done plainly written, I persuade myself they recess, except that they should not abolish, to any class or section of the community; are too good to stand in need of incretricious after or change any act, ordinance or re- and that, by doing so, the discontents of ornaments to give their consideration solve of the Congress, and should not the country would be appeared. Governamong honest people. They are too many draw for money beyond a specified sun, ment was instituted for the benefit of all there. This Council of Safety being in session the people, and it appeared just and propin 1776, and having received intelligence or to attend to the wants, complaints, and The mobile of North Carolina who are that Independence was declared, they did oppressions of all. resolve that notice should be given to the at the regular election, and the towns, one, fields of Camden and the Eutaw Springs-

(who wone not mere tenants, but possessed

should amually elect three Deputies from

each county, and the towns therefore enti-

proved grounds and had families.)

of theirs shall be valid and binding easy in its execution. We have shown mons, is hereby made void and of no effect.

Acout 1774, the Governor of this coloalready that it is not novel in principle nor

Agricus IV. which manifested itself among the whigs, government is to establish and settle it, British man of war then anchored on our in what manner does it appear that they coast. He took care before his flight to mean to confer on that Congress any pow dissolve the Colonial Assembly, and the er of the kind ! Mark ye ! By the then ex-People not yet separated from the mother usting plan of Government, the regular an nual election would come on in October, 1776, and in August preceeding, this Resolve of the Council of Safety, was passed, Now by the election of Delegates, the people manifested no free assent to this re solve, and it was not praticable to make dissent effectual. How would they set about it? A refusal to vote would no have availed them, because ten votes in a County would make an election, and open. rehistance would have destroyed the cause of freedom and indepedence. - The leaders of the people offered only a choice to them between anarchy and this Constitution, and the friends of liberty had no difficulty in making the selection. The *Council of Safety' were then, what our Governor is now, and if his excellency should make proclamation to the people that it would be incombent on the next General Assembly to make a new Constitution, and recommend to them to elect 5 metead of 3 Members from each county,' will any af firm that an election of Members to this Assembly would of itself, be conferring any lower to do what the Governor had prolaimed? Must the people refuse to elect any Members, and put a stop to their oresent plan of Civil government on the one hand, or be taken to have assented to this grant of power on the other ! I admit that ong acquiescence is to be regarded now a implied assent; but when we are told that nstrument is so sacred and inviolable, it is but just to 'look truth in the face." Don't misunderstand me. Our fathers were plaeed in peculiar difficulties they acted the sure. part of Patriots, and the necessity of the times obliged them to act in some degree upon the maxim 'salus populi suprema est lex.' The reasons which controlled them is obvious enough, and their motives I do not assail. I propose to speak of these in dispute. But the laws must be expounded my next. They did not submit the Constitution to the People. The people did not frame it-it was framed 'for them.'-They did not establish it -it was restub lished for them,' and at a time when resus tance to it would have brought them to anarchy, and however objectionable it night be, the Constitution was preferable. pledge you my word, that all the facts have are true, unless I have fallen into error unwillingly-if so, let those correct tou, the United States' Government is me who know better, and I will cheerfully submit to it. But my facts are well attes ted history, the deductions from them will go before intelligent men.

> in and might elect one delegate to Congress, and speech, delivered before his constituents at the celebration of Jesteron's high speech, delivered before his constituents expressly disclaims jurisdiction of political as the celebration of Jefferson's birth questions. They must thoref

The people of South Carolina are sin-Freeholders and Landholders, and heads gled out as an exception in the minds of of families in the counties, that they had many-they are my countrymen and yours better elect five Delegates in each county -- bound to me by the recollection of the respect for them and for their representa- for it "would be incumbent on the next by many a gallant fight and name, in the tives, but it is true. No man can deny that Congress to frame a Constitution for the camp of liberty, and my country and the people are ignerant of this great sub. now independent State of North Carolina." yours. I wish to allay even their disconas provides that two members of the House ject. The press has been too silent for Whether this was acted upon throughout tents, not by the blood of my own countryyears. Those Editors who have been op. the State, cannot be certainly known, but men, spilled out on its soil, but by the noposed to a change in the Constitution have it is a fair presumption it was not, for in bler sacrifice of justice and conciliation. not ventured to debute the matter. The that day much difficulty would arise in dis- The modification of the tariff laws receivpeople want light, and all whose leisure seminating such a notice, and certainly ed the assent of the whole south—was ac members, is hereby made void and of no will permit, and whose opportunities ena. very little time was allowed the people. — cepted as a peace offering, to restore tran ble them to furnish it; are bound to give The Congress of 1776 met, assumed the quility to the country. When, therefore, The General Assembly shall at its next measures no man can fairly censure, and and established the present Constitution, when we were burnishing anew the triks to the cause of Truth and Justice,-More the origin of that instrument. The right bayonet to southern bosoms and say, this over, it prevents that which is alone dan- of the Convention to frame the Constitu. cup of peace and union, which you now perous in a free State, a stubborn refusal tion and recommend it to the people for accept, restores harmony, tranquility, and cause you dared to throw up your caps and talk of liberty, this bayonet is presented to show that we are your masters. I wished tirely suspend them in any collection diswhite population or taxation of the State fidence in the capacity of the people for less the Constitution has expressly forbid to make no idle parade of the terrors of trict, which the President may choose to Public Treasury. Those who entertain separately, shall form one district; and self-government, and yet halt are tile fears denter mode the Constitution; but to unfold its power designate and substitutes in their stead a of union and peace by means of mutual new rule, which consists wholly of the reason, forbearance, and justice, and thus will, the sic volo, of the collector of the win for it the affections of the people its port, sole judge, timpire, and autocrat, surest guaranty and support.

I, therefore, voted against the enforce ment bill. It was altogether unnecessary. The settlement of the tariff question had more effectually allayed all opposition than laws, shall commit any offence, murdet a hundred thousand bayonets could have the over balancing power they have in the members in the House of Commons, but in trusted "for whom" it was made—too the Resolve of the Concil of Safety confer done. Its passage could only irritate the Instead of strengthening, it only weaken

> We have this day assembled to do honor to a mean, whose memory is adorned with common law. There is no act of Congress history and the act of our fathers, may re- This is clear from two views of the subject: that noble glory which accompanies the defining the crime, or declaring the punish-

if they shall attempt to do more, then so vel in practice and principle and far too of the Senate, and of the House of Com- votion above the instrument itself to the link it, are two distinct things—a legisla- ing happiness and peace to their only have been a plan of Govern lines between the legisla of the House of Covern lines between the legisla of the House of the legisla of the House of the legisla of the House of the leg ment to their own fame. His name has been vouched as authority for this law. wish to secure it from that reproach. In the close of the year 1808 the emission

go law had been violated in the eastern States, by armed then, without color of gal process. A ship would be loaded and equipped for sea, and when she was stopped by the custom house officers, unless ha owners would give bond, that she would not go to any other part except one beling to the United States, a lawless armed force rescued her, and she sailed whose she pleased. To remedy this forcible winpression of the law, Congress, early in Juv. 1809, passed as act, supplementary to the embargo, authorising the President to employ the militia and the land and masal force, to assist the custom house officersia detaining vessels, until they complied with the embargo laws. As soon as this lair was passed, the Legislature of Massichy. setts resolved that it was unconstitutional and not obligatory within ber limits; and transmitting a memorial to Congress of the subject, she informed them that, if the law was not repealed, she would be compelled to resist it by force. Mr. Jefferson, rather than bring the United States into conflict with a State, recommended the repeal, not only of this law, but of the embargo itself; and the very same Congress. in six weeks, (the law was passed about the middle of January and repealed about the nucidle of March,) repealed the same law, which they had pasted, for no other reason than tl one of the sovereigh States of the Cons leracy had declared that she would resist it by force. Heave it to your camfor and sense for say whether this is not a precedent directly against the law of lest session, and whether it does not array the whole of Mr. Joth room's authority, and that of the Congress of 1809, against the mea-The Constitution of the United States, and the acts of Congress made in purms

ince thereof, are the supreme law of the land, and the Judger, in every State, are bound thereby. Of this there can be no and enforced, in the mode which the Constitution authorize. One of the great dee fects of the old confederation was, that there existed no power in the General Government to operate upon individuals, in the States; and; therefore, when a State did not choose to obey, and enforce an act of Congress, it remained a dead letter, unless Congress resorted to military coercion upon the States By the present Constitute enabled to operate upon individuals of the States, and enforce it's laws upon them, through the judiciary of the Umted State and the civil magistracy. But, between the United States, and a State, the matter rests precisely where it did under the are ticles of confederation. The Constitu makes no umpire. The Supreme tled, either by the law of force, which would be war in fact and form, or by tion. In a contest of force the enigthe recumint State could not be pure for treason, because the State had the culty of sovereignty to compel his obasdieuce, and because, by the Constitutes of the United States, every person mas be tried for an offence in the State with it

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was committed. I do not belong to the school of shiplers would not involve my country in a cryl was to maintain a theory, whether of the ich church, or the low church, in pasues. I admiré practical republicanos We all admit, however, that the Stated have certain reserved rights, with which Congress cannot, or ought not to interfers. The State Legislatures, in passing line for the benefit of their respective States, all proceed upon the rights reserved to the States; and the people of the States, when they assemble in convention to after of amend their constitutions, proceed upon the rights reserved to the States. But if the doctrine of Mr. Weister, in supporting the enforcing bill, is correct-that Congress is the sole judge of the reserved rights of the States, except in controversies which assume a judicial characterthen the State Legislature proceed under favor, and subject to the discretion of Congress, and the people of the States themelves cannot form a State constitution, without its being subject to the supervision of Congress. As a citizen of the State of Pennsylvania, I do not admire the notion of a member of Congress from Passamoquoddy, or the bay of Sera, regulating my municipal rights, and controlling the distribution of what little property I have They are not my representatives for that purpose. But, gentlemen, it was on such assumptions as these, that the enforcing bill was predicated. I have not time, my deed I have little inclination to examine its features: I never looked upon it but with abhorrence.

The first section, instead of providing means for the execution of the revenue laws, does effectually, and in terms, enbacked by the military and naval power of the country, as his orators and executors

The third section provides that any person, who, under the color of the revenue not excepted, shall not be tried in the State courts, but in the United States court, for south, without doing any good to the north. an offence, I suppose, against the United States. The United States' courts have no common law power; they, therefore, cannot punish under the principles of the cions urged against is? It is said to be not free persons of colour to vote for members move these scruples, and elevate our destitution and to estab. names of illustrious men, who, by secure ment of murder. This prevision of the