

necessities as by your interest. One portion of your Representatives have been engaged in excited strife against another, and the People have been agitated by these sectional contests, until both Representatives and People seem to have lost sight of the *Financial concerns of the State*. We propose to invite your attention to this subject—to point out, if we can, the main cause of evils which will be shown to exist, and disclose the remedy that is proposed.

In a time of profound peace; without any effort deserving the name of an attempt to carry on great public works, for developing the resources and improving the internal communication of the State; without any serious loss of public funds; nay, at the close of a most profitable speculation in the Stocks of Banking corporations, you will be surprised to hear that the *Treasury is wretchedly poor*, and that, in all human probability, the next Assembly may not find *unappropriated money in it sufficient to pay their wages!* We have no desire to mislead, and no motive to deceive you; but to anticipate the attempts of those who may think it in their interest to do so, (if there be any such,)—we still present you the official evidence in our reach:

The Comptroller's statement to the Legislature of 1833, puts down the balance of Cash in the Treasury, on November 1st, 1833, at \$57,577
 A part of this, to wit: \$17,970, was the unexpended balance of \$50,000, appropriated by the Legislature of 1832, for re-building the Capitol, and which has been expended since the Report, 17,970
 Leaving in the Treasury, an unappropriated balance, November 1st, 1833, of \$39,607
 Now the expenses of the Legislature for 1833, paid at the Treasury on the 14th January, 1834, were \$42,000
 The sums paid, and to be paid, before the 1st of November next, for the salaries of Executive, Judicial, and other Officers of State, amount to 30,000
 The incidental charges of Legislation, and contingent charges of the Government, to be paid in like manner, will exceed 8,000
 The appropriations made by the Legislature of 1833, for re-building the Capitol—for defending suits—for compensating Commissioners to revise the Statute Laws, &c., to be paid in like manner, will exceed 50,000
 Making an aggregate of \$140,000

To cover these appropriations for necessary expenditures, the following sums of money will be in, or receivable at, the Treasury, on or before the 1st day of November, 1834, to wit:

Balance before stated, unappropriated on the 1st November, 1833, \$39,607
 The ordinary revenue of the State not exceeding 08,000
 The amount of 2d dividend of Capital Stock in the Bank of Newbern, being 20 per cent. on 1818 shares, payable 1st of March, 1834, 36,300
 The amount of Bonds for sale, of Treasurer Haywood's property, uncollected November 1st, 1834, 2,500
 Making together, the sum of \$146,767
 Or \$13,233 less than the amount of indispensable demands upon the Public Treasury, during the current year.*

Is this the result of accident?—It has been foreseen and foretold. The Finance Committee of 1832 and 1833—the Treasurer in his Reports to this Assembly, and the Governor by message in 1833, have called upon the Legislature to anticipate these things. The Committee of Finance proposed to submit a plan for remedying this evil by "increasing the Revenue," or, in plainer words, "increasing the public taxes." But the people, by a vote of 30,000 freemen, petitioned the same body to remove this grievance by diminishing their number and making their sessions biennial. The call of the people was disregarded, and the proposal of the Committee was never acted upon. Where will you look for the causes of results like these? The answer is not difficult to be made.

The expenses of your Government have gone on to increase with the multiplication of counties. When public convenience made the erection of a new county necessary and unavoidable in one section of the State, another has been frequently erected elsewhere without necessity, in order to preserve legislative power, among the latter. The recollection of men who have outlived their party feelings, will attest this statement, and if it did not, we are sustained by your Statute Book, and the recorded proceedings of the General Assemblies. Thus the State which was, in 1776, divided into 30 counties (including the whole of what is now Tennessee) has ceded away the better half of her territory, and the remainder is cut up into 65 counties. The Assembly which was once composed of 115 members has gone on to increase to 292. Their sessions, which were once held 3 and 4 and 5 weeks only, are now held 8 weeks. Their sessions, which once cost \$15,000, now cost the people \$50,000; and a Government which once cost less than \$40,000 annually, now costs \$80,000 and upwards. Have these increased demands on the Treasury been caused by the expense of the Judiciary? Let any one point out the addition of a hundred dollars for the expenses of the Judiciary since it was placed upon a respectable basis, and suited to the absolute necessities of the State, and we will show him, in return, the addition of twice the amount to the Legislative department; although, while the latter has been growing less suited to its purposes, the former has been improved. Have they arisen from the expenditure of money for public works? Let the humbled pride of your State answer. Not one monument of public spirit is within your borders, unless it may be your University, and for that you are indebted to the patriotism and liberality of individual contributions. Are they the result of any unprofitable speculations or visionary loss? Far otherwise is the truth. The State, by embarking credit in the three old Banks, has realized a clear profit of one million of dollars, and (as we will show presently) has thereby not hastened on, but delayed, the day of her poverty, or, we might more correctly say, has postponed the day of its discovery; and yet the greater part of it has been already squandered, and the last dollar will soon be consumed unless some salutary reform can be introduced into the Government.

Whence, then, does it happen?—what is the real cause of this intolerable public evil?
 1. The ordinary revenue is between 12,000 and 15,000 dollars less than the necessary annual

expense of the Government, and this has been the case for many years—so say your public officers of Finance, and so have your Legislative Committees reported. The sources from which this deficiency has been supplied, (viz: the Bank Dividends and tax) are of late nearly discontinued, and will soon be exhausted. 2. The General Assembly costs, yearly, four or five-sevenths of the revenue, in consequence of their increased numbers and longer sessions. 3. These long sessions are brought about by several causes; one is, that "large bodies move slowly," and another, that sectional party strife has grown up from the demands for reform of the Constitution on the one side, and a determined resistance to it on the other; another is, that the Legislature is clothed with the power of electing Militia Officers, Justices of the Peace, and the Governor, and these elections create contests and electioneering; another is, that a system of local legislation for particular counties has become habitual, and is unchecked.

If the causes are here truly assigned, (and that they are, in a great degree, none will doubt,) can you be at any loss for the remedy of your condition? The expenses of the Legislature may be diminished more than 25,000 per annum, by reducing the number of members to 120 or 130, and by having biennial sessions. Thus, its annual cost may be reduced below one-third of the revenue. By this means, and by transferring to the people the right of electing their Governor, and by giving the appointment of Militia Officers and Justices of the Peace to some other tribunal, its sessions will be shortened. You will be relieved from the dishonor and expense which sectional controversies entail upon the State, by giving equal representation to every part of the community, according to a scale of population and taxation combined, and these together will furnish a salutary check upon local legislation.

Can you call this question a sectional question? What portion of the State—what county—is not deeply interested in its accommodation? There is no complete redress except by reforming the Constitution. The censorious may set down the evil to a want of public spirit and patriotism among your servants, but it will not be just to do it. The Legislature might, if it is true, increase your taxes, and thus alleviate the evils, by removing some of their causes; but the effect would be temporary only; and, were it otherwise, they have given the clearest proof that this would be an unwelcome remedy, by declining for two years and more to apply it. You can perceive how ineffectual it would certainly be as a relief to any, whilst it would be ungenerous to some sections, and injurious to others. Those counties who pay revenues beyond their expenses might unite in proposing a like partial remedy by requiring each county to pay its own members out of the county Treasury; but it is vain to discuss a proposition of this kind where two-thirds have a direct interest to oppose it. These, however, and all other legislative action unsectored by the sovereign will, would be tempering expedients. The evil is a great one; its cause is the constitutional organization of the Legislature; the People alone can correct it.

True, there are 117,000 dollars in the hands of the Treasurer, which we have not reckoned in our preceding estimates, because the sum has been set apart by law to accumulate as a *School fund*, and is subscribed to the New Bank by the President and Directors of that fund, under the direction of our last General Assembly. True it is, likewise, that the State owns Bank stock to a considerable amount, diminished as it has been by a regular annual drain to supply these annual deficiencies. These stocks have been the means of creating false hopes, in many respects. They who used them for that purpose, had good reason to believe that no prudent State would permit her necessary expenses to exceed the ordinary revenue, and therefore may be entirely acquitted of blame. But, it has been said, with equal truth and force, that your affairs have "come to a crisis," when all your servants are bound to lay the truth as it is before the people, and leave the result to their patriotism and intelligence. Permit us, therefore, to give you some account of these funds, to show (as we can without doubt,) that more than half the amount is already consumed by the thriftless course of public proceedings, and to demonstrate how soon the other half will follow it, unless there is some efficient reform.

The State owns 2708 shares of Stock in the State Bank, which this Bank is now dividing among the proprietors. The Stockholders valued it, by authority of law, at \$80 per share; but the State received last year \$50 upon the share at the 1st division of Capital. It is expended—not re-invested. Hence, the residue of Stock will be \$30 per share, or \$83,040.
 The State owns 1818 shares of Stock in the Bank of Newbern, in the same condition—valued by the Stockholders at \$85 per share, (worth \$79) but the State received last year, at 1st dividend of Capital, \$25 on the share, and receives this year, at 2nd dividend thereof, \$20 on the share. The former is expended, not re-invested—the latter is included in the preceding estimate. Hence, there is a residue of Stock in the Bank of Newbern, equal to \$25 on the share, or \$45,450

The aggregate of these two values of Stock is \$128,490
 But there is a deficiency already shown of \$13,233
 There are about \$70,000 Treasury notes receivable at the Treasury, (including 10,000 which we have understood are redeemed and burned, but which come into next year's Treasury Reports) which notes were issued to pay for the Bank Stocks, 70,000

The Legislature have directed the whole State Laws to be digested for publication, and, at a very moderate estimate, it will cost \$10,000 more to publish them, 10,000

These, added together, will make 98,233
 And being deducted from the above balance of \$128,490, the difference is the real amount of your State Bank and Newbern Stocks, which will be on hand at their close, viz: \$30,257

A sum barely sufficient to meet the deficiency in your ordinary revenue for two years; but which may not be received in time to answer that object for the present year.

We wish to put the whole case before you. The State owns also \$200,000 worth of Stock in the Bank of Cape-Fear, not taken into view by us, because the charter of that Institution is extended, and therefore the Stock cannot be used unless it is sold to meet the wants of the Government, and gradually consumed by the same operations that have wasted the other Stocks. This Stock is all that will be left in a few years, (with the addition of a few Bank shares belonging to the School Fund,) of the Capital and profits derived by the State from Bank Dividends, and taxes, and Bonus for charters. The amounts of these profits are thus stated in the official report of a Committee raised by the Legislature of 1832, viz: Dividends of profits to 1832, from the three Banks, \$500,000
 Taxes paid by Bank of Newbern and Cape-Fear, 1832, 240,000
 Bonus paid by ditto ditto 30,000
 Together, equal to \$1,130,000

But, besides this, the State owned \$125,000 in Government stocks, which the economy of earlier days had provided, and which were invested in these Banks, and it is sunk with the rest. Mark it! Here are one million and a quarter reduced to a fifth of that sum, and though the latter is diminishing every year, by the necessary expenses of the Government—by the expensiveness of legislation—you will be urged to withhold the instructions by which alone this can be effectually checked. Fellow-Citizens, will you listen to the counsels of mere sectional party spirit under such circumstances? Or will you heed the calls of sacred justice, and enlightened patriotism, seconded as they are by the warnings of self-interest? Let not passion nor prejudice answer the inquiry.

This subject presents a forcible appeal to such among you as desire to see the State embark upon a scheme of Internal Improvements suited to her necessities, and calculated to elevate her character. Were a loan taken by the State, sufficient to commence operations in such a work, the funds must be under the control of a Government whose necessary expenses exceed the ordinary revenue \$15,000 per year; and who does not know that the system would be a "scape goat" to the sin of all other expenditures, and become odious? Would the people at large be taught to discriminate, when it is notorious that few among you possess or have sought after any knowledge of our finances for many years? Depend upon it, you will never command money for the expenditure, or enterprise to pursue a system of great public works, if you are to rely upon an increase of taxes equal to the present deficiency of revenue for governmental purposes, added to the enlarged demand on it for the interest of a State debt. Far be it from us to damp the ardor of patriotism in the pursuit of an object so worthy of the State, so necessary to her prosperity and her character. But these are not times for concealing facts. The occasion requires of us to state without fear what we believe to be true. If, however, the State expenses can be diminished by a judicious reform, and harmony restored to her counsels, then the proceeds of your Western Lands, when disposed of, and your remnant of Stocks, will leave you the means to meet the interest of a loan for Improvements; and there cannot be a doubt of success, unless North-Carolina is destined to occupy in history the chapter of exceptions forever.

Tediums as we have been on this point, we feel constrained to add, that the expensiveness of your Legislature is not the only objection to its present organization. At an early period of our history as a State, the annual meeting of your Representatives was perhaps wise and necessary; but now it afflicts the country by too much legislation; it engenders two evils where it corrects one. The statute book is laden with laws which three men were permitted by courtesy to pass for the county represented by them, without debate among the rest of your representatives, merely because they were local. Unless some prudent check is applied, a few more years will give each county a code of its own. Local legislation "has increased, is increasing, and ought to be diminished." We may be deceived, but we think it proceeds from County representation in both branches of the Legislature. The people are not informed of the acts of one Assembly, before another Assembly has met, and may have repealed or modified them. They are never able to test the sagacity of their Representatives by the results of experience, under the laws they have been the instruments for making, before a new election. Even the Sheriffs of the State are not unfrequently ignorant of material alterations made in the laws for collecting the revenue, until after they have incurred the forfeiture of neglecting their provisions. These, we confidently assert, are some of the legitimate fruits of annual Legislatures.

We have anticipated, by the preceding remarks, the statement of that basis of representation which is demanded, and the reduction of members, which is proposed. If there be any more just and republican standard, let it be offered. It is to regulate the scale of representation according to Tax and Population. It is not proposed, by any, that your representation should be based on either of these separately. Such charges, are the pretenses of a prejudiced opposition to reform. But to most, in a spirit of conciliation, even the prejudices, and to accommodate the habits and views of the minority, the majority, who ask this measure of justice, have pledged themselves that each County, no matter how small its population or taxes, must have the election of one member, whatever the ratio shall be which is fixed on. It is more than strict equality required of them, but we do not believe that any human power will induce this majority or their Representatives to disregard the privilege, if it is acted upon by the minority. The very small Counties in the State are peculiarly interested in embracing this conciliating offer, unless they have resolved to hazard the effects of additional exasperation, notwithstanding the certainty of ultimate success which awaits a cause resting upon the immutable principles of justice, and supported by a clear and unequivocal expression of the public will.

By the present Constitution, the election of your Governor is vested in the General Assembly, and it is proposed to transfer the exercise of this power to the people. It ought to be a sufficient reason for this change, that the Chief Executive is the officer of the People, and they desire to make the election themselves. Are you prepared to admit that this would be unsafe or unwise? The Governor has no power or patronage by which he can control or corrupt the election. According to the theory of free governments in this country, he is intended to act as a salutary check upon legislative encroachments. This is the great axiom of freedom, which your Bill of Rights affirms when it declares that the "Legislative and Executive De-

partments of the Government ought to be kept forever separate and distinct from each other;" and yet it is remarkable, that your Governor is kept in a state of absolute dependence on the Legislature. They elect him annually, and regulate at will his salary.

The Legislative Department of this State's Government, is, in practice, subject to little or no control. The Judges elected by them, 'tis true, hold their office by a permanent tenure, but even they are paid according to legislative pleasure, and the very nature of the judicial office excludes their interference with questions that are merely political. And if the public will were so effectual a check as political theorists say it is, the causes which have impelled us to address you would never have continued long enough to make this appeal necessary.

We have now laid before you the grievances which are complained of—the proof that they exist—the necessity for their cure by your own action—and, in part, the hazard of delaying it longer. The other parts of your Constitution which the advocates for Reform have proposed to alter, might give little cause for complaint, if these evils were removed. But the scrupulous performance of our trust requires that we should notice all.

The proposition upon the subject of Slaves and Slavery, as it exists in this State, requires some explanation. The opponents of a Convention had repeatedly charged the advocates of the Reform of our Representation with a design to impose unequal burdeas upon the Master, and, perhaps, interfere otherwise with his rights. The charge might have been repelled by a bare denial, and the absence of all proof to sustain it—or by the fact that all parts of your State contain a large Slave population—but the Representatives of a majority, determined to remove even a pretext for hostility against their just claims, consented to accept this modification, to put these things beyond the reach of ordinary contingencies.

It is also proposed to abolish Borough Representation, in whole or in part. If there be any towns in the State whose peculiar interests require, and whose population justifies a continuance of this privilege, it will be preserved by the Convention.

The present Constitution makes it imperative on the Legislature to elect Field-Officers of the Militia by joint ballot, and to nominate Justices of the Peace. It is believed that these powers might be more judiciously exercised, and certainly they would be more economically performed, by such tribunals as the Convention may think it best to invest with either or both. Whatever the theory of this provision may seem to be, the General Assembly is, in practice, a very unfit depository of these powers. The Officers of the Militia are elected without any previous knowledge of the qualifications of candidates, and a recurrence to the period at which your Constitution was framed, will show why it was then thought expedient to give your Legislature the exclusive right of electing these Officers. This was then a sovereign State, in the largest sense—maintained its own army, and organized its own forces. The war of the Revolution for Independence had begun and was urged, with fury within your borders, and neither the Constitution of the United States, nor the Act of Confederation, had been ratified. As to Justices of the Peace, each county delegation do in practice make the nomination for their respective counties, and before the County Courts were divested of all their patronage this privilege was not unfrequently abused.

In the ninth section of the Preamble to the Bill which is appended, there is some obscurity in the words "to make some change in the requisite qualifications of Members and Voters." It is to be regretted that these changes had not been specially pointed out. If, however, the measure meets with your sanction, your Representatives having entire control of it in the next Legislature, can make it more explicit. We are warranted in saying that nothing more was intended by these words, among the advocates of Reform, than to clothe the Convention with power to give to individuals, not owning 300 acres of Land, a right to be elected Senators, if they own a freehold of less extent, though of equal value, and to clothe them with authority to divest free negroes of the right of voting at elections, or else to restrict this right to such of them only as have interests at stake in the country, and a character to deserve the privilege; and also to establish some constitutional rule by which these may be designated. It is not designed to limit the elective franchise of free white men, in any way, nor to alter the Constitution on these subjects, except as we have here explained to you.

The 32nd Article of the Constitution, excludes from civil office all who may deny the truth of the Protestant Religion. This has no practical effect, for the plain reason, that there is no tribunal established by the Constitution to determine a man's faith. It is an odious badge of prejudice; which the enlightened liberality of the present day should seem to wear. It is an unjust imputation against the Catholics of this State, to attach to them any such disqualification. The patriotism, personal virtues and ability, and the disinterested public services of a single individual, in the State, brand with falsehood the idle fears that are implied by this paper restriction. How far it is consistent with the spirit of Protestantism itself—how far it is compatible with the Bill of Rights, which declares "that all men have a natural and unalienable right to worship God according to the dictates of their own conscience," we leave to that bigotry which would perpetuate this stigma.

Experience has taught us that some mode of amending the Constitution ought to be pointed out by the instrument itself. To prevent disorder, by a recurrence to fundamental principles, the mode of reform should be made practicable, and, to exclude a mere spirit of innovation, it must not be rendered too easy. This is all that the friends of the measure ask.

We have been necessarily prolix in the consideration of this important subject, and it is a source of regret with us that the compass of an Address like the present will not allow us to discuss the modes in which these amendments to your Constitution might be effected. Let some, however, deceive you by his idle fears of a Convention. The delegates of the people, when elected, will have no unlimited powers; none such are desired. The act which your Legislature may pass, will be their sole warrant, its validity will be derived from the sanction of the People, who alone are sovereign. The act of the Legislature will become the act of

the people whenever it is ratified by them, and is only a form by which the specific delegated powers are embodied and expressed. Delegates, clothed with like limited authority, have assembled in every State of the Union. They have assembled twice in this State—and an instance cannot be found in the history of the States, where they have undertaken to disregard the powers that were vested in them, or to pass the boundaries which a sovereign people had marked out. The indulgence of a suspicion which excites alarm at the organization of such a body, would subvert all the principles of action which arise from observation and experience, and would seem to be a mere pretext for opposition, really intended to mask a secret apprehension that an intelligent people are not competent to govern themselves.

We all claim to be Republicans—we profess to believe that the principles of a free government are established by the practice of the American States, and that they are no longer mere abstractions. But if injustice like that which we have shown to exist, if public evils like those we have pointed out to you, will not move into action the Legislative powers of the Government to provide some safe method of reforming the Constitution, so as to redress these grievances, to remove this injustice, to heal our divisions and give peaceable effect to the will of a majority of the People—then that Constitution is unalterable except by a Revolution. It will be thus divested of the only criterion which distinguishes laws from dictators, rightful government from usurpation, freedom from servitude; and you, at least, will in effect declare that the great principles of a popular government are too dangerous to be practical—that they are no more than the mere ornaments of government—deceptive and useless in its administration.

FELLOW-CITIZENS: We know that these efforts to arouse the public mind to a consideration of State affairs will provoke a suspicion of motives among some, of censure from many, and a sneer of pretended scorn from others. In defiance of such obstacles, we have ventured upon the duty assigned to us by a respectable portion of your Representatives.

We are not sectional partizans. We "go for the State and the whole State." But we have seen her Legislature distracted by party spirit, and councils divided by sectional interests which are supposed to be different, but are in fact the same, until her name has become a bye-word of ridicule, and her own citizens become startled at the inculcation of principles asserted in their Declaration of Rights, and are growing too timid to advance one step in the race for honorable distinction and the fear of party reproach shall not drive us from the attempt to rescue her character, and re-animate her spirit.

We are not Alarmists! But we have observed the progress of causes calculated to stir into action a storm of popular indignation. We have seen the petition of 30,000 freemen, for redress of an admitted grievance, rejected by the Representatives of the people; and we have witnessed the excitement under which their immediate Representatives have returned among them—we have ascertained, by impartial examination, the utter ruin which an uncorrected action of the present state of things must entail on our prosperity, and we will not timidly renounce the right to speak, or uncautiously conceal the furious agitations which threaten the peace and quiet of the State, in order to escape the passing censure of those who we think are misled from the course of true policy by their prejudices; or of those who are really indifferent to the condition of the Republic, while they flatter themselves that this cause is the fruit of a virtuous courage. We hold, that in a free State, the will of the majority ought to be supreme. But we are not the advocates of licentiousness. It is because we would avert its evils, because we most sincerely deprecate its approach, that we invoke the people of every section and of every county to give this subject a dispassionate consideration—to remember that we can have no more wholesome legislation until it is determined—to recollect that it is not a sectional question, when properly regarded—to bear in mind that it has been pressed upon the Legislature for more than 30 years, without any abatement of zeal or determination among the people who have urged it—and then to decide whether a cause resting upon clear principles of truth and justice—which is commended by the interest of the whole State, and enforced by her necessities—which is advocated by the decisive voice of a majority of the people which concerns with it the great subject of State Improvement—whether such a cause will not oblige them to instruct their Representatives in the next Assembly to give to it their sanction, so as to make us one people in feeling as we are already one in interest, and so to do justice to a majority of the people, and remove the grievances of all. For ourselves we have so much confidence in the straight forward integrity of the people, as not to hesitate in believing that a fair, candid, free discussion, will lead to this happy result in every county; and, in our judgment, they will assume a heavy responsibility, who shall impede it by withholding correct intelligence, or by appealing to the prejudices, or alarming the fears, of a minority.

WM. H. HAYWOOD, Jr.
 WM. A. GRAHAM,
 R. M. SAUNDERS,
 WESTON R. GALES,
 JAMES SEAWELL,
 WM. R. HARGROVE,
 Committee.

Raleigh, January, 1834.

A BILL, to provide for ascertaining the sense of the People of North-Carolina, relative to a Convention for amending the Constitution of the State.

- Whereas, it has been represented to this General Assembly, that a large portion of the citizens of this State are desirous of reforming and remodelling the Constitution thereof: And whereas, while the General Assembly disclaims all power to alter the fundamental law of the land under which it has derived its own existence, it feels itself bound to provide for carrying into effect the will of the people in relation thereto, whenever the same shall be expressed by a majority of those qualified to vote for members of the House of Commons: And whereas, it has been suggested, that the people are desirous of so altering and amending the Constitution as to provide,
- 1st. That the Legislature shall meet only once every two years. The Senate to be elected for a longer term than the Commons.
- 2d. To change the manner of appointing Justices of the Peace and Field Officers of the Militia.
- 3d. To fix the basis of representation in the Legislature upon population and taxation.
- 4th. To provide for the election of Governor in a manner different from the present one.
- 5th. To abolish Borough representation wholly or in part.
- 6th. To amend the 32nd section of the present Constitution.
- 7th. To provide that future General Assemblies shall