



Administrator's Notice. The undersigned having qualified as Administrator upon the estate of John M. Lawrence...

D. A. DAVIS, BROKER AND BANKER. Corner Main and Bank streets, SALISBURY, N. C.

Time Table - Western N. C. R. R. TAKES EFFECT 5TH SEPT 1870.

Table with 4 columns: Time, Location, and other details for the Western N. C. R. R. schedule.

R. W. BEST & CO., AUCTIONEER AND COMMISSION MERCHANTS.

MANHOOD. How Lost, How Restored. A treatise on the various diseases of the male sex...

Graves' Warehouse DANVILLE, VA., FOR THE SALE OF Leaf Tobacco.

Raleigh National Bank, OF N. C. RALEIGH, March 20th, 1871.

DR. SIMMONS' LIVER REGULATOR. A preparation roots and herbs, warranted to be strictly vegetable...

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The Old North State

PUBLISHED WEEKLY BY LEWIS HANES, Editor and Proprietor.

RATES OF SUBSCRIPTION. ONE YEAR, payable in advance, \$2.00.

Table with 4 columns: SPACE, One Month, Three Months, Six Months, One Year.

Constitutionality of the Convention Act

OPINION OF HON. R. F. MOORE.

Robert P. Waring, Esq.: I have received your request regarding my opinion upon the question, whether the people can have the right power to assemble in convention...

My opinion upon the same point has been requested by many others of my fellow citizens. Under such circumstances, and in view of a matter so deeply involving the great political rights of the people...

Under the present form of our State government, I hold, with the "Declaration of Rights," that all political power is vested in and derived from the people.

All laws made for the government of the people of the State, are properly divided into two great classes. I. Those which are made by the people in their primary capacity...

The constitution of fixed law, is a letter both of authority and command from the people to its agents—the members of the general assembly.

by a generation of people who existed when it was made, and that generation has passed away and another succeeded...

To this it is answered, that this proposition is a demerit, and cannot be questioned in the abstract, but that those people, who, in a generation ago, asserted these golden truths as the rights of man and gifts of God...

They made it (says this answer) a part of the fixed law, that "no convention of the people shall be called by the general assembly unless by the concurrence of two-thirds of all the members of each house of the general assembly."

It is equally manifest, and is an undeniable sequence of this doctrine, that if a convention should ever become as much pleased with its fixed laws, as was Lycurgus with the institution framed by him for Sparta...

I can see no end to the intolerable grievances, which may continually spring up in new States with small populations, forming their first constitutions with such restraints imposed on the will of a majority of the people...

With all proper respect for the opinions of those who may differ from mine, I am constrained to say, that the alternative involved in such a construction with the guarantees of a government according to the popular will, is often repeated in the constitution, forbid me to entertain a doubt, that the privilege of the people to exercise their inherent right of self-government remains unaffected by the first section of article 13 of the State constitution.

I do not intend to assert that this section of that article is imperative. I shall turn to its consideration presently. But I freely declare it is my opinion, decidedly and much considered, that even if that article had been so worded as to remove all cavils as to its operation, the provision would have been destitute of all obligation.

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government of their will. To hold otherwise, is to maintain that the people may be deprived of their right of self-government, under the pretence of protecting constitutions from changes by the popular will!!!

It has been suggested that the convention of 1868 has conferred on the legislature an express power to provide ways and means for ascertaining the will of the people to have a convention.

In this light section 1 of article 13 is viewed by the convention of 1835. If, as argued by some, this section was intended to deprive 80,000 voters of the privilege of changing their constitution because other 40,000 of their political equals would not consent...

Although it be true, in contemplation of the constitution, it would be unwise to conclude, therefore, that when ever a bare majority of the representatives may desire a convention, the people desire one also, and to call it without consulting them...

Why, such law as might be provided for that purpose by the legislative authority, if the framers had intended to limit the power of altering it to the specific mode prescribed in article 13 of that instrument...

Doublets, the framers of this section (before 1868) had in mind the celebrated "Wolf's Head" attempt to change the Rhode Island constitution...

In my judgment I might here rest the argument in support of the power of the legislature to provide the means, whereby the people may express their will in regard to the proposed changes of the constitution...

While settling a woman's estate at Worcester, Massachusetts, the other day, a sum of \$6 was allowed her daughter for attending the funeral.

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JESUS WEPT. How tender and gentle was the great heart of the world's Redeemer. Sorrowful, and always grieving for the woes and sins of the people.

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For the Old North State TO THE YOUNG.

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