

WEEKLY COMMERCIAL.

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WILMINGTON, FRIDAY, JUNE 27, 1851.

NO. 44.

SAN FRANCISCO IN RUINS.

Our doubts about the verity of the late News said to be brought by the *Albatross* from New Orleans, on Friday week; but the late generally published it, and it is true after asking some allowance on fifteen millions. The occurrence of the terrible conflagration at San Francisco, is reported to have laid in ashes property amounting to fifteen millions of dollars! The fire commenced in Clay street, quickly crossed a dozen blocks, and spreading to other parts of the city, the greater part of which was reduced to a heap of ruins. Hunter, George, Centre, and El Dorado streets are burnt. A portion of the shipping lying at the wharves was also consumed. The Custom-House and the buildings destroyed, as were most of the National Hotels, viz: the Exchange, the National, the City, the New World, the Belmont's, &c. The most singular part of the conflagration, during the night, thousands were turned out of house and having lost their all. It was feared that thousands of lives were lost.

From the mines continues to be of a noble character. New discoveries were daily made, and the prospects of the miners are highly flattering. The quartz-crushing machinery were reaping a rich reward, and in some cases the average per man was from \$50 to \$100 per day. The law, we are sorry to say, was still in the land in some localities, and several new experiments had been made.

IMPORTANT FROM ST. LOUIS.

James Hewitt's steamer arrived last night, bringing us late dates from St. Louis. From the mouth of the Mississippi, we clip the following account:

REMEMBER OVERFLOW!

Rise of 1828 surpassed—impulse Destruction Property—Dwellings Destroyed—Disasters Effects of the Flood above and below—The Channel of the Mississippi probably changed.

It is a sad and a fearful sight to witness amid a confusion and excitement seldom witnessed. All the business portion of our town, except one or two houses, is covered with water, enough to afford passage for steamboats. The condition of affairs is beyond description, and only realized by being seen. The flood of water, as nothing in comparison with the present, is nearly as it can now be ascertained, the probable rise of 1828 failed of reaching the mark.

Thursday last the water commenced flooding the lowest portions of the flat—and the result was brought up by Captain Harris, of the barkin, of a very heavy rising coming down. Friday morning the water had risen several feet, and every exertion was made to secure grain and other property from any injury that a result from the continuation of the rise—water, however, rose so rapidly as to cause destruction of large quantities of produce. The farmers, who had grain stored here in bins, and who, in spite of every exertion, have sustained heavy losses.

Throughout the whole of Saturday, the work was carried on with renewed activity. The evening and night the river commencing more rapidly than ever, while a heavy storm, roaring and crashing around added to the already gloomy prospects.

Sunday, the town presented a scene of business activity. Families, driven from their tents by the encroaching waters, were deserting the homes, and seeking refuge in the upper part of the town—for, in this case, the Homestead notion law failed to secure them in the unbroken possession of their property.

Monday the water was still coming up, and it was necessary to remove all the household goods and considerable quantities of merchandise to higher ground. Wagons, skiffs, and were occupied all day in conveying men and household goods from point to point.

At this moment (Monday evening) the entire town presents a spectacle of devastation. From bank of where the river "used to be," to the top of the same ridge, the water is from four to five feet deep, and is standing from ten to fifty feet deep in the houses west of the east side of the street, south of including Spector Row. The whole of the flat south of the Postoffice press room the water is over twenty five feet deep. The farms along the bottom of the river are completely inundated—and many of the fences have disappeared. Several hundred acres of wood have been washed down stream, and many premises are under water, and are suspended. Messrs. Moir, will sustain a loss by damaged corn.

As we are "putting up" this hurly-burly, a man is passing up First street laden with several sacks of grain and others are loading them in wagons. Lumber yards are being inundated, or staked down to keep them from being washed away—and are wading shoulder deep from house to

Duel—Generals Freeman and Smith.

Vicksburg, Thursday, June 12. A duel came off this morning opposite the city between General John D. Freeman and General W. L. Smith. The weapons chosen were pistols with which five shots were exchanged, the last five only taking effect. General Smith received his adversary's ball in his shoulder, but the wound is slight. General Smith was accompanied by Col. J. W. Bunch, as second, and General Freeman by J. S. Yerger.

Meeting of the Sons of Temperance.

Toronto, June 18. The Sons of Temperance of North America had their Annual Festival here to-day. Fifteen thousand sons were present from Boston and other parts of the Union.

ACCIDENT AT A LAUNCH, &c.

Newburyport, (Mass.) June 18. The clipper Race was launched to-day at this place, when the staging gave way, and five or six persons were injured, but none fatally.

RIOT NEAR PHILADELPHIA.

Philadelphia, June 17. A riot occurred at one o'clock last night at Red Bank, several miles below Philadelphia, on the Jersey bank of the Delaware. A German ball was given at the house of J. A. Diver, which was attended by a number of respectable characters from the city, who commenced an assault upon a number of Germans present. From the ball-room they made a descent upon the bar-room, assaulting Mr. Diver and his assistants. The fight continued till near four o'clock, when the neighbors collected in force, rushed in and seized seventeen of the rioters, who were taken to Woodbury jail. Mr. Diver was badly stabbed, and several others much injured. During the fight the jail was broken open and robbed of seventy dollars. The females were shamefully treated.

SOLDIERS' WIVES.

A Judge of Probate in Minnesota territory, to whom a United States soldier at Fort Snelling recently made application for a discharge, on the ground that he could not find suitable quarters at the Fort for his wife, granted the discharge, and held that if the Government enlist a husband it must provide suitable accommodations for the wife; also, that every enlisted soldier may have a wife provided for.

AN ADDRESS.

To the People of North Carolina, on the subject of Constitutional Reform.

RALPH, Jan'y 1st, 1851.

A meeting composed principally of Western Members of the Legislature was held in the Capitol, on the evening of 1st Jan'y, instant, to take into consideration the various propositions to amend the Constitution.

On motion of Mr. Bynum of Rutherford, George F. Davidson, Esq., of Fred-II, was called to the chair; and A. H. Caldwell, of Rowan, and A. G. Foster, of Davidson, appointed Secretaries.

On motion, it was Resolved, That the only proper Republican mode of amending or altering the Constitution is by the People themselves in Convention assembled.

On motion of Mr. Erwin, of Buncombe, it was Resolved, That a committee of ten be appointed to prepare an Address to the people of North Carolina; and that said committee submit it to an adjourned meeting to be called by the Chairman.

SENATE CHAMBER, July, 27th, 1851.

The adjourned meeting assembled in the Senate Chamber; when Mr. Bynum, from the Committee appointed to prepare the Address, reported the same, which was read, adopted, and ordered to be printed.

On motion of Mr. Haughton, of Chatham Resolved, That the members of this meeting feel themselves bound to use all honorable means to promote the object of this Address.

On motion of Mr. Caldwell, of Guilford, Resolved, That all newspapers friendly to the call of an open Convention are requested to publish this Address, and use all honorable means to effect the object in view.

GEORGE F. DAVIDSON, Chm. A. H. CALDWELL, Secretaries. A. G. FOSTER, Secretaries.

ADDRESS.

A Meeting composed principally of Western Members of the Legislature, without distinction of Party, was held in the Capitol on the evening of the 1st of January instant, to consider what measures were necessary to be adopted to secure to the People of North Carolina the right to amend their State Constitution in so fully to answer the great ends for which it was originally established; and to maintain that equality of rights which lies at the foundation of all free and popular Governments.

It is a remarkable feature in the history of our State, that the Free People of the State never have had a voice in the formation of that instrument by which alone their lives, their fortunes, and their personal liberty is protected. The first Constitution was formed at Halifax, 18th December, 1776, immediately after we had thrown off the British yoke, when our ancestors were not fully alive to the interests of the people—but still retained a reverence for British usages, where property was always more respected, and had more political weight than the rights of the people. The Delegates to that Convention, in consequence of that natural deference to their ancient customs, were elected only by Freeholders and Householders; and that Convention made the Constitution so formed, the Organic law of the State. The people who formed neither of these classes, and who constituted a much larger mass of

the population of the State, had no voice in the election of Delegates; and the Constitution was not submitted to them for their approval or rejection.

At the time this Constitution was formed, all the Counties in the State, except eight, lay East of Raleigh, which has been regarded as the dividing line between the Eastern and Western portions of the State. By its provisions, each County, without regard to its wealth or population was entitled to send one Senator; and two members to the House of Commons; and the Town of Wilmington, Newbern and Halifax, to which was added, in 1788, Fayetteville, in the East; and Hillsboro' and Salisbury, in the West; each one member in the House of Commons. Under this Constitution we lived, suffering grievances the memory of which has not yet left us, constantly struggling to amend it, until 1835,—when the Legislature, in the plenitude of its mercy, granted to the people of the State the privilege to say whether they should amend the Constitution in some few points. The Delegates to that Convention were required to swear not to transcend the limits prescribed to them by the Legislature, itself but the servant of the people.

The result of their labors was the Constitution under which we now live. By it, the number of members in the Senate is fixed at fifty; and in the House of Commons at one hundred and twenty. Each County is entitled to elect one Member at least; and the remainder are elected by the Counties in proportion to their Federal population;—that is to all whites are added three out of every five slaves; and the sum total constitutes the Federal Population. In the Senate, the Counties elect Senators in proportion to the taxes paid into the Public Treasury without regard to the sources whence these taxes originated, whether from the permanent wealth of the county, or from those taxes imposed to restrain the vices of the community.

The clause prohibiting any one from voting for Senator unless he was the owner in fee of fifty acres of land, contained in the Constitution of 1776, was still retained. To this clause in our Constitution public attention has been directed for the last two years; and its anti-Republican and aristocratic character severely denounced as a remnant of the Feudal times, when the people were mere serfs or servants of the Landholders.

In consequence of this denunciation of one particular feature of our Constitution, public attention has been directed to its other provisions. Our People in 1835, when called upon to decide upon the amendments submitted to them only had to decide between the old and new; and they naturally preferred the latter, as it gave, in one branch, more political weight to the mass of the people of the State. It was the first instance when they were regarded at all by their own State Constitution. Being naturally lovers of peace and order, and always obedient to the laws of the land, they raised no clamors against them, until they were called upon to look into their charter of Liberty, and see that it contained one feature wholly repugnant to Republican equality. In this opinion we all concur. It is right and proper that the people who are governed, should elect those that govern them; and directly at war with that sacred principle contained in the Declaration of Independence, "that all men are free and equal," to exclude from this valued privilege any freeman because of his not being a landholder.

Equally opposed to this principle is the rule by which political power is measured by the basis of representation in the Senate.—To place it in its most favorable light, the Senate represents property, and not persons—money and not man—matter not mind. But its admissibility does not stop here. You are all familiar with the subject of taxation; and these taxes are represented—not you, and the people. All white males between the ages of 21 and 45 are subject to a poll tax; and all slaves male and female, between the ages of 12 and 60 are subject to the like tax; so that three-fifths of the negroes are represented in the House of Commons, and all the negroes between the ages above designated, are represented in the Senate; your wives and children have no political rights. Pedlars, Billiard tables, Bowling Alleys, Circus Riders, Playing Cards, Retailers of Spirituous Liquors, Brokers, Merchants, Watchmen, and Carriages are all taxed. They have their Senators in the State Legislature. But your wives and your daughters; your old men who have served their country; your young men who are rising up to be its hope and its stay; and your poor men upon whom misfortune has laid its heavy hand; have no one there to plead their cause and protect their rights. Is this Liberty?—Is this Freedom?—Is this Republican equality?

Your Bill of Rights says "That political power is vested in and derived from the people only." Is power in the Senate of North Carolina derived from "the people only"? Let it not be said that taxation and representation go hand in hand. That principle has no application here. It is true that our ancestors fought the battles of the Revolution upon the principle that they were not to be taxed by a body in which they were not represented. But who represented? certainly the people—those who paid the taxes—not the taxes themselves. Our ancestors never claimed that their property should be represented. They claimed, and justly too, that they should be represented. In the Senate property is represented and not the people; and the same principle which prompted our ancestors to that glorious contest, and sustained them in it, which terminated in the achievement of our Liberties, should prompt us to war against this most odious anti-republican remnant of feudal aristocracy by which

the people are taxed by a body in which they are not represented.

Apply the principle, and see its injustice. Ten men in any one county, own as much property and pay as much public tax as five hundred men in another county. They all own the same species of property. Each of the five hundred is equally interested in the preservation of his little mite as either of the ten. Each one has perhaps made it by the labor of his hands, by the sweat of his brow. It is all he has, by means of which to maintain and provide for his family. It is the dependence of his children for education—for sustenance. And yet by the present system, the ten are equal to five hundred. Is this justice? Is this Liberty? Let war break out—let civil commotions arise—whose lives are exposed for the protection of this property? Who are sent forth to fight the battles of your country? The five hundred go forth to fight the battles of your country; to vindicate its honor; to maintain its glory; leaving their wives and little ones to struggle in poverty and indigence—while the ten stay at home; enjoy their wealth; and boast of the honor and glory of their country, the bravery, the freedom, and equality of citizens. Save us from such freedom—save us from such equality? It is no freedom—it is no equality. It is downright tyranny in its most odious form. The few grating in the dust the many, under the iron heel of power—power under the pretence of being derived from "the people only."

Under the operation of this principle, there are some startling facts. According to the census of 1840, and the appointment of Senators made under the provision of the Constitution by the Legislature of 1842, seventeen Western Senators represent a majority of the white inhabitants of North Carolina. At the apportionment which will be made in 1852, a still greater discrepancy will be found to exist. The improvements which have heretofore been made, and are still in progress in North Carolina, tend to a great increase of the value of property and of the subjects of taxation in Eastern Carolina.—The Wilmington Rail Road, to which the State has contributed so much, has added greatly to the value of property of every description near it, and the amount of taxes is proportionally increased. The Raleigh and Gaston Road; the Cape Fear improvements, the appropriations to Neuse river to Tar river, to the Weldon Railroad, all have the same tendency. And the immense money, therefore expended heretofore in North Carolina, will have the effect directly, under the present Constitution for the next twenty years, to cause us in the West, where we have the majority of the free white people of the State, to have in the Senate only THIRTEEN MEMBERS; while in the minority of the white people will have THIRTY-SEVEN MEMBERS!

We do not desire to be understood as opposing in the least a proper system of Internal Improvements; nor as making any complaints against what has heretofore been done by our Legislature. Nor are we to be regarded as taking ground against the proper protection of property. We should be pained to see the day come in North Carolina when a system of Agrarianism would be predominant; when our people would be less the servant of law, less regardless of right. The true theory of free Government is the proper protection of its citizens in the enjoyment of life, liberty and property. The right of property is a right attached to the person of a citizen, and he is to be protected in its enjoyment. Taxes are uniform; and he who possesses a little is as deeply interested in its enjoyment as one possessing a greater share; and equally, —nay, more opposed to the imposition of high taxes.

Property has no rights independent of persons. You can give it no rights, nor privileges, nor immunities which affect it alone.—It is matter and cannot feel, nor enjoy rights but in consequence of its possession, you may give its owner political power and privileges. If, then, you protect citizens in the enjoyment of property, is not the possessor of hundreds equally entitled to protection as the owner of thousands? Is his enjoyment the less? Do you measure enjoyment by the quantity enjoyed? Suppose you take from the rich man his thousands—it is only his all. If you take from the poor man his hundreds—it is his all too. Which will cling to his all with the more pertinacity? Which will surround it with more guards; use it sparingly; and more carefully provide that it shall not be consumed by profuse and lavish expenditures of Government? It is notorious that the poor complain most of high taxes, and it is natural; it is harder for them to pay them. It diminishes the aggregate of each more, although the amount taken away is less, and every poor man hops and expects to improve his condition, and one day to become rich. Hence it is in Western North Carolina we are more interested in the preservation of slave property; because, although we may have fewer slaves, we have more slave owners; and, of course, a greater number of persons to watch over any aggressions upon it. The same is true of land. We have more land owners; and owners of every other species of property; and fewer of that class of persons who have nothing to enjoy, and nothing to protect or defend, but their rights of person.

Equally opposed to this principle is the rule by which political power is measured. To connect together the people of the State one common bond of interest, it is only necessary that they should possess the same kind of property, and that taxes should be direct and uniform. Indirect taxes are seldom representatives of the wealth of the community where they are collected. The amount of public revenue collected in the City of New York is no sure test of the

wealth of the city. And many of our taxes are indirect, and furnish no index of the wealth of the counties in which they are paid.

It is idle, then, to say you must give more political weight to the rich than the poor—the owner of thousands than the owner of hundreds. A thousand owners of the particular species of property will afford it much more effectual protection, than one owner of the same amount and species, under any form of government that would be tolerated for a moment in a free country.

If the West has less capital, fewer slaves, and land less valuable; they will guard their little more carefully than the East; and in guarding their own, they will guard and protect that of their Eastern brethren. We are one people, and God grant that the time may come when we may feel that we are not common enemies, but that our interests are the same. The struggle that has heretofore existed has not resulted in the public good.

Many of our citizens are greatly opposed to the election of Judges by the Legislature, as is required by the constitution. It cannot be disguised that our own Legislature has in many instances been the scene of intrigues entirely at war with our ideas of the purity of the bench; and in which it was shown that neither character, or qualifications, were made the tests of fitness for office, but simply party services. Legislatures are small bodies; usually elected upon political party grounds; and that, too frequently at the sacrifice of the best interests of the people.

Under these circumstances many believe that the people would be the safest depositaries of this power. The opportunity and facility for corruption and intrigue would not exist, and the people, in acting, would not be influenced by the fear of censure or punishment of party men. The system has been tried in many States of the Union and found to operate so well, that it is much to be doubted whether it will not, in time, be adopted in all.

Others, too, think that they ought to hold office for a limited period. There is no other officer known to our laws, but who is limited to a short period, after which it is laid down at the feet of those from whom he received it; and in determining whether they will again place him in power, they pass upon the manner in which his duties have been discharged. Many of these officers are of the highest character and importance and equally requiring in the incumbent party and integrity of character. No evils have resulted from giving the election of these officers to the people; and certainly no corruption of the people, nor of the officer, has been the consequence. And certainly it is not a question of much difficulty whether we should be cursed with a bad Judge during his life, if, in despite of all precautions, one should unfortunately be elected. In no other instance is such a curse inflicted. Can any other be greater?

The present mode of appointing Justices of the Peace is universally admitted to be worse than a farce. A certain evening is set apart for the purpose; and the members from the different counties stand in the names of those they desire appointed; and they are read at the Clerk's table. Nobody hears the names or cares to hear them. It is understood to be the season for sport,—and is one of those customs of our Legislature long known and recognized and never departed from. They are frequently selected by the members of the Legislature of the influence which each can exert at home in some particular neighborhood. And it is well known that many of those appointed are wholly unfit for the proper performance of the duties entrusted to them. And some of those duties are of the highest importance to their several counties. They enjoy and exercise the power to tax the people; they impose taxes much more heavy than those imposed by the Legislature. They regulate roads; build bridges, court houses and jails; regulate the patrol; and govern the whole police of their several counties; besides exercising original jurisdiction in all cases of debt under \$100, and actions on accounts under \$10; besides presiding in county courts, where business of the highest importance to the interests of all is transacted. They have exclusive jurisdiction of the probate of wills; or granting letters of administration; they appoint guardians and control the settlement of their accounts, and of the settlement of all estates. There are many other important duties they perform—they are in fact, the great conservators of the peace of a city, and upon the proper and efficient performance of their duties, depends in a great measure, the social order, morality, peace and prosperity of every community. Surely, men upon whose qualifications for office and proper conduct, so much depends, should be elected with great care.—There is no amendment to the constitution more imperiously demanded by the public good than this. If they tax the people, ought not the people to elect them? This is a question for them to decide when in convention assembled.

It is made a question, too, by many, whether the election of Secretary of State, Comptroller and Treasurer ought not to be given to the people; and all other officers now elected by the Legislature, of a general character, when other duties connect them with the State.

It has been proposed, too, to provide for the election of a Lieutenant Governor to preside in the Senate, and who shall assume the office of Chief Magistrate of the State upon the death of the incumbent. We all remember the long struggle to elect a presiding officer in the Senate six years ago, and again two years ago, when that body was equally divided. A Lieutenant Governor would

have removed the difficulty.

The Rules of the Senate require that the Presiding officer of that body shall not vote upon questions pending before it, except in case of a tie, and when his vote may make it a tie. And he is not permitted to speak, except when the House is in Committee of the Whole. One Senatorial District is therefore necessarily almost wholly disfranchised. The impropriety of this state of things will readily occur to all.

Many other complaints exist against the present constitution. Many other improvements could be pointed out, more consistent with the progress of the age. The science of government is progressive as every other science. The people improve; their circumstances change; their relations towards one another, and towards citizens of their sister States alter. Our sister States everywhere around us are taking advantage of all this age of improvement to improve their forms of government, adopted when the rights of the people were comparatively little known. Is our constitution alone to receive no improvement from the spirit that is abroad? Is North Carolina alone to stand still?—Is she alone to continue bound in those shackles which have kept her limbs so long fettered in bands of steel? Or shall she arise, like a strong man in his might, and demand that she shall be free?

To you the appeal is made. What will you do?

We disclaim all desire to dictate to you, or even to suggest the alterations which should be made in the constitution. It is not a part of our Legislative duty. We have merely directed our attention to those defects, which exist in it. It is your province, when in convention assembled to correct these defects, and in the manner which you may conceive will best subserve the great purposes for which governments were instituted. The position which we assume, and which has governed our course in our action upon the various propositions to amend the constitution, which have been before the Legislature, is—

THAT THE ONLY PROPER REPUBLICAN MODE OF AMENDING OR ALTERING THE CONSTITUTION IS BY THE PEOPLE THEMSELVES IN CONVENTION ASSEMBLED.

UPON THAT PLATFORM we will stand; and, if we fell, it will be advocating THE RIGHTS OF THE PEOPLE.

If you sanction the principle that the Legislature is to amend the constitution—that it is to be the foot-ball of every demagogue who desires to win popular favor—if it is to be mingled with the corrupting influence of party—if it is to be mixed up with the business of legislation, and to be influenced by the bartering process so freely resorted to now-a-days, determining the fate of a measure here or a measure there—its fate is sealed. It is prostrate in the dust, to be trampled upon by those who understand not its provisions and care not for its protection. It becomes the toy, the sport,—the prey of those wholly incapable of the task assumed to themselves. This has been fully proved by the progress of "Free Suffrage" through the present General Assembly.

Early in session, a bill was introduced into the House of Commons to amend the Constitution so as to allow non freeholders to vote for members of the Senate. It was discussed at great length in that body, and a vote was taken, and it was rejected—three fifths of the members of the House not voting for it.

Its friends set to work to revive it. It was reconsidered, according to a rule of the House; and by the use of those means so readily presented in a Legislative body having power to bestow office and rewards.—When the House was again called upon to vote, everything was arranged, and it passed, and was sent to the Senate. And when that body came to examine into this deliberate, well considered act of the House of Commons, to change the fundamental law of the State, it turned out that it was Free Suffrage indeed; for it gave to all free men over 21 years of age the right to vote for Senators, whether they were black or white, and whether they paid tax or not! It allowed in the opinion of many, insolvent free negroes to vote for members of the Senate!

The same scene was enacted over again in that body. The bill was rejected. Again its friends taxed their wits to revive it; and the intrigue was cunningly contrived, by which it was finally forced through that body. Its friends in the House of Commons affected to regard it as at an end and to become indignant; and a bill was introduced, and passed through with hot haste, providing that the people should hold an election and declare through the ballot box, whether they desired a Convention. This was done to intimidate Eastern Senators who were opposed to letting the people say whether they desired a Convention or not. It had its effect. Some Senators were frightened at the prospect that the people might meet in Convention and obtain their rights. They changed their votes and Free Suffrage passed. Upon the floor of the Senate, some Senators avowed that they were opposed to it—that they thought it an intrusion of the compromises of the Constitution—but that they would vote for it solely to keep down a Convention. Other Senators avowed their determination to vote for a Convention unless Free Suffrage did pass, and all its friends united to vote against a bill which only asked the poor boob for the people that they might tell the Legislature, through the ballot box, that they desired a Convention called to take into consideration all the grievances under which they labor, and redress them in the manner which they alone have the right to determine.

(CONCLUDED ON 2ND PAGE.)