

with those who feel or affect to feel great fears of a Convention without limit to their powers. The friends of reform are not the advocates of revolution or disorder—they are as solicitous to maintain the great principles of the old Constitution as any others; they only desire to see a change of our system of Representation which in the lapse of more than 50 years has come in conflict with these principles—to restore to the people the right of electing their Governor—to diminish the expenses of the Legislature down to that standard of economy which is commended by the practice of our fathers, to reconcile the Constitution with our declaration of Rights by removing restrictions upon conscience—and to establish a safe plan of future reform.— Hence they meet their objectors on this point with a distinct avowal that no *unlimited* convention is asked. If a convention shall be deemed *indispensable* let it be limited to these subjects and the advocates of reform ask no more, let them be even restricted to these specific amendments and the friends of reform will be satisfied and the people will be so likewise.

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

The General Assembly is composed of Representatives, to whom certain powers are delegated by the people, and their limits are prescribed by the written Constitution, under which they assemble—this is their power of Attorney, and they are sworn to maintain it. Experience has proved, that this affords a reasonable security to the rights of property and of persons. The people may revoke any other body of their Delegates, define the boundaries of their power, and impose on them, the same solemn sanctions for their strict observance of them. The Constitution derives its authority from the people, it is expressly declared in that charter, "that all political power is vested in, and derived from the people only." They therefore created a limited delegation, when by that charter, they clothed the General Assembly with the power of making laws, and unquestionably, the same sovereign power may originate any other body, with any other delegation of power, their discretion may suggest, and their wisdom approve. To argue that it must of necessity, be unlimited, is to contend that the sovereign power itself is limited, which is absurd, and is to affirm that the General Assembly was not rightfully constituted. The fact that our first and earlier conventions were not usually limited, militates against our position. For let it be remembered, that the people were then, without any organized government, and in electing Delegates to deliberate on the subject, and to devise the best forms, they might not have believed it expedient to limit them. The aim they had, was to avoid anarchy, not merely to correct governments, but even if they had desired to instruct or limit their delegates, it was not conveniently practicable, to impose a limit, for the want of a body of representatives, through whose intervention it might be marked out for the sanction of the people. Does any one deny that it comes within the province of a Legislature, to prescribe the means of enabling the people to call a Convention? Upon what principle is this, except that they may, as the people's representatives, make recommendations for the sanction of the people? If they are made and sanctioned, then by what process can it be demonstrated, that such recommendations bestow unlimited power when in their terms they are specific only? Say that the Legislature has recommended to the people, a Convention with out limit, and they refused to sanction it, that immediately after it, they recommend a Convention, with power only to abolish the 32d Article of the Constitution, and this recommendation is confirmed by the people, and a convention accordingly assembled? Can there be a doubt, that the Convention is strictly limited, and that they will not—cannot exceed their bounds? Say that those who penned this recommendation, timid and jealous of power, superadded that upon the questions submitted to the Convention, their vote shall be final, but if they shall attempt to do more, then no act of theirs shall be valid and binding without the subsequent ratification of a majority of three fourths of the people, or even the unanimous assent of the people, duly taken by a vote at the polls within 30 days after the adjournment of the Convention." Where, and what is the danger of such a Convention.

But we are not left without the light of experience to guide us on this interesting subject. Since their governments were formed, and the means of conveniently providing a limit were thus furnished, it has not been unusual with the States to impose it in some form. When the Federal Constitution was proposed to the people of the

States for their acceptance, each State called a *limited* Convention; these Conventions had no power to do more than to accept or reject the whole plan, as it was proposed unless it was in cases where the Legislatures recommended that they might exercise certain other limited powers, and the people ratified it. *New York*, whose constitution was like ours silent as to the mode of reforming it, had experienced the same inconveniences from her representation that are now felt in North Carolina, as well as other inconveniences from doubts entertained on another article of her Constitution. The Legislature recommended and the people approved the calling of a convention in 1801 to remedy these evils, but the convention was limited to these powers and duties only. When the people of *Virginia* called a convention to revise their constitution, it was limited to the duty of framing the amendments which they deemed expedient or preparing a new constitution, and submitting their work to be approved or rejected by the people at the polls. So the convention regarded it and so they acted. The constitution of *New Hampshire* provides that a convention may be called every seven years to amend it; but the powers of this convention are expressly limited by a proviso that no alterations shall be valid until they are laid before the people and ratified by them. The people of *Georgia* have elected delegates to a convention, which is limited to specific duties and is ordered to be organized by administering an oath to the members, that they will not attempt to violate the boundaries prescribed for them. In our own State we have had two limited conventions since 1776, the one to consider of the Federal Constitution and permanently to locate the Seat of Government—the other to reconsider the Federal Constitution and to give Fayetteville the right of electing a member to the Assembly. But we will not pursue this further. No fair mind will demand further proof that it is consistent with both the theory and practice of our government that the People may limit a convention to specific subjects of consideration, and whether they will do so or not is a question not of right but of expediency.

The mode of altering the Constitution that is recommended by the report of a Committee in our last Legislature may be properly adopted. Why may not the General Assembly submit to the People certain specific amendments for their adoption? If the Legislature may recommend a Convention to make amendments or to accept or reject specific amendments, and the people by ratifying such a recommendation can cause the convention to be assembled for the purposes that are designated, it is difficult to conceive why the people may not vote directly upon amendments proposed to them by the Legislature. It is impossible to maintain a contrary position until it can be shown that the People derive power and do not confer it on Conventions—until it can be proved "that the creature is greater than its creator" or that "the servant is above his master." The path of truth is here also pointed out by experience and practice. It is a mistake if we suppose that the principle of this recommendation is without precedent. The constitution of *Connecticut* prescribes this very mode of making alterations in that instrument. 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 published and an election by the people 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 government 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 our consideration. Much difficulty will be experienced in determining after what manner and upon what basis the people should be represented in a Convention called for the reform of an existing constitution, and it is not unworthy of our notice that whilst this would cost nothing, a Convention will create some charge upon the Public Treasury. Those who entertain any real fears of a Convention ought not to object to this plan, upon the ground of expediency, as they will be thus shielded against all dangers except "the will of a majority," and even that will be restricted to an *aye* or *no* upon whatever the ruling minority shall consent to put forth for public sanction. The rights of the minority, will be protected against encroachment by the overbalancing power they have in the Legislature, that prepares the amendments to be submitted and the rights of a majority are safe in their own hands because they will not approve of amendments by which they will be made worse of than they are now. What then are the objections urged against it? It is said to be novel in practice and principle & far too easy in its execution. We have shown already that it is not novel in principle nor it is without precedent in practice; the experience of 30 years might convince us that it is not so easy of execution; for our Constitution was ratified in 1776 and has

not been amended since 1789. Besides, it is proposed to quiet all such fears by the article which prescribes a mode for future amendments. It is said however that the right of the people contended for by this recommendation "is born on the assumption that all were born with equal political powers," and that it "leads to the monstrous conclusion that a majority may impose upon the minority what government they please; that they may abolish the representative republican institutions of this country and rear upon its ruins the most intolerable despotism." But these objections pass a sentence of condemnation upon the Declaration of Independence and the principles of the American Revolution; and when we deny this right of the majority of the people to remodel their government, it leads to the much more "monstrous conclusion" that a minority—that one man may perpetuate the "most intolerable system of tyranny" over the rights of the majority, may usurp all the powers of the government and leave the majority with no rights but to practice the virtues of tame and quiet subjects. The people cannot fail to reprobate a principle of opposition that leads us to such conclusions. Sovereignty, a power which binds all others, yet is restricted by no other, and bound by no forms, must reside somewhere. In this country it is lodged with a majority of the people.

No objections can be fairly urged against the time at which it was proposed to take the vote of the people, for it is in the power of the Assembly to prescribe the most quiet and convenient period of the year.

Fellow Citizens of North Carolina.—In the fair exercise of a right that is common to all free men in a free State, and in the execution of a trust, which was confided to us by a respectable body of the people and their representatives; we have laid before you, the complaints which are made against the Constitution of the State, with the grounds of them, and as far as the limits of an address like this would permit, we have also, considered of those plain and practicable remedies, which are sanctioned by the principles of our government, and have been confirmed by the practice of the people in other States.— We have endeavored to do this, not only with many plainness of speech, but with a strict regard for the feelings and pride of others. We have drawn no sectional lines, none such ought to exist, and we do not mean to be responsible for the consequences of any attempt to create or preserve them. The people of North Carolina, ought to be one in feeling, as they are in interest. We put it to the consideration of the people, whether this subject does not authorize an appeal to the justice of the minority, the right of a majority, and the interest of both?—Whether those who desire reform will not now demand it, and whether those who think their demands fair, will not now concede it.— We sincerely believe, that the speedy settlement of these questions, involves the destinies of the State; that it will restore harmony where there is discord; that it will be the means of developing the internal resources of the State, without any recourse to additional taxation; that it will economize the government, so as to bring its expenses below the regular ordinary revenues that it will destroy the divisions of East and West, and disengage our Representatives from the strifes of sectional party; that it will stimulate them to higher and more promising exertions, for reviving the hopes and advancing the prosperity and honor of the State.

WILLIAM H. HAYWOOD, JR.  
RICHARD M. PEARSON,  
ROMULUS V. SAUNDERS,  
THOMAS DEWS, JR.  
Committee.

June 1st, 1835.

John Randolph of Roanoke.—The following sketch of this distinguished orator, written thirty years ago, but never published, is furnished by a gentleman who has been in habits of intimacy with Mr. RANDOLPH ever since. It was written off-hand after residing with him in the same hotel at Georgetown, for some weeks, in a constant, familiar intercourse, which has continued at intervals until the period of his decease. The writer bears his testimony that nothing in the life and conduct of Mr. RANDOLPH, during all their subsequent acquaintance, gave him occasion to believe for a moment that his early impressions of his character were in the slightest degree erroneous.

N. Y. Courier & Enquirer.  
Mr. Randolph is beyond comparison the most singular and striking person I have ever met with. As an orator he is unquestionably the first in this country, & yet there are few men who labor under so many physical disadvantages. He seems made up of contradictions. Though his person is exceedingly tall, thin, and disproportioned, he is the most graceful man in the world; and with an almost feminine voice he is more distinctly heard in the House than either Mr. D—, or Roger N—, though the former is more noisy than a field preacher, and the latter more vociferous than a crier of oysters. When seated on the opposite side of the Hall of Congress, Mr. Randolph looks like a youth of sixteen; but when he rises to speak, there is an almost sublimity in the effect proceeding from the singular contrast in his height when seated or standing. In the former his shoulders are raised, his head depressed, his body bent; in the latter he is seen with his figure dilated in the attitude of inspiration, his head

raised, his long thin finger pointing, and his dark, clear chestnut eye flashing lightning at the object of his overwhelming sarcasm.

Mr. Randolph looks, acts and speaks like no other man I have ever seen.— He is original, unique in every thing. His style of oratory is emphatically his own. Often diffusive and discursive in his subjects, his language is simple, brief and direct, and however he may seem to wander from the point occasionally, he never fails to return to it with a bound, illuminating it with flashes of wit, or the happiest illustrations drawn from the sources of a retentive memory, and a rich imagination. Though eccentric in his conduct in the ordinary affairs of life and his intercourse with the world, there will be found more of what is called common sense in his speeches than in those of any other man in Congress.— His illustrations are almost always drawn from the most familiar sources, and no man is so happy in allusions to fables, proverbs, and the ordinary incidents of human life, of which he has been a keen observer. His is not that fungus species of eloquence which expands itself into empty declamation sacrificing strength, clearness and perspicuity to the more popular charm of redundant metaphors, and periods rounded with all the precision of the compass. Mr. Randolph is a man of wit, and wit deals in comparison; yet his language is perfectly simple and less figurative than that of any of our distinguished speakers. This I attribute to the clearness and vigor of his conceptions. When a man distinctly comprehends his subject, he will explain himself in few words and without metaphor; but when he is incapable of giving it a precise and definite form, his language becomes figurative, and his ideas like objects seen through a mist have neither outline nor dimensions. Nothing is of more easy comprehension than the ideas and language of the great orator of Virginia.

Though continually worried by the little terriers of the house, who seem to be sent there for no other purpose than to bark at him, Mr. Randolph never becomes loud or boisterous, but utters the most biting sarcasm with a manner the most irritatingly courteous, and in a voice that resembles the music of the spheres. Such, indeed, is the wonderful clearness of his voice, and the perfection of his enunciation, that his lowest tones circulate like echoes through the hall of Congress, and are more distinctly understood than the roarings of M— L—, the bellowings of R— N—, or the beatings of the rosy and Stentorian Robert Ross. In all the requisites of a great orator he has no superior, and in the greatest of all, that of attracting, charming, riveting the attention of his hearers, no equal in this country or perhaps in the world.

Mr. Randolph has fared as most distinguished political leaders have done, in having his conduct misrepresented, his foibles exaggerated, and his peculiarities caricatured. The fault is in some measure his own. He spares no adversary, and he has no right to expect they will spare him.— In this respect his example may well be a warning, to indicate among rival leaders the necessity of toleration in politics as well as religion. That he is irritable, capricious, and careless of the feelings of those for whom he has no particular respect or regard, no one will deny. That he is impatient in argument and intolerant of opposition, is equally certain, and the whole world knows that he is little solicitous to disguise as contempt or dislike. But much of this peevish irritability may find its origin and excuse in his physical sufferings. Almost from his boyhood, he has never known the blessing of health, nor ever enjoyed its anticipation. His constitution is irretrievably broken; and though he may live many years, they will, in all probability, be years of anxiety and suffering imbedded by the ridicule, instead of soothed by the sympathy of the world, which is ever apt to suppose that a man can not be sick without dying.— Men lingering under the slow consuming tyranny of a constitutional infirmity, and dying, not by inches, but the hundredth part of inches, seem to me among the most pitiable of the human race. The world, and even their friends, come at last to believe their malady imaginary, their complaints without cause. They grow tired of hearing a man always proclaiming himself a victim to disease, yet at the same time taking his share in the business and apparently in the enjoyments of life, and living on like the rest of his fellow creatures. "They jest at scars that never felt a wound," and the very circumstance that should excite additional commiseration too often gives occasion to cold neglect, or flippant ridicule.

In this painful situation is Mr. Randolph at present, and it seems to me, that an apology, at least, for his selfish disregard of the feelings of others, may be found in his own hopeless sufferings, and the want of sympathy. I know of no situation more calculated to make a man a misanthrope; and those who are foremost and loudest in their condemnation of Mr. Randolph would do well to look into their own hearts, place themselves in his situation, and then ask whether it does not naturally lead to, though it may not justify, occasional irritation, or even habitual ill temper. I here speak of this distinguished man

as the world speaks of him. But so far as I saw him, and this was at all hours, he is full of benignity and kindness.— His treatment of servants, and especially his own slaves, was that of the kindest master, and he always called his personal attendant "Johnny," a circumstance to my mind strongly indicative of habitual good will towards him. To me, from whose admiration or applause he could, at that time at least, anticipate neither honor or advantage, his behaviour was uniformly kind, almost affectionate, and it will be very long before I lose the recollection of his conciliating smile, the music of his mellow voice, or the magic of his gentle manners. We passed our evenings together, or I may perhaps rather say, a good portion of the night, for he loved to sit up late, because, as he was wont to say, the grave, not the bed, was the place of rest for him. On these occasions there was a charm in his conversation I never found in that of any other person. Virginia was the goddess of his idolatry, and of her he delighted to talk. He loved her so much, and so dearly, that he sometimes almost forgot he was also a citizen of the United States. The glories and triumphs of the eloquence of Patrick Henry, and the ancient hospitality of the aristocracy of the Old Dominion, were also among his favorite subjects, of which he never tired, and with which he never tired me. In short, the impression on my mind is never to be eradicated, that his heart was liberal, open and kind, and that his occasional ebullitions of spleen and impatience were the spontaneous, perhaps irremediable efforts of a suffering and debilitated frame, to relieve itself a moment from the eternal impression of its own increasing sorrows.

But, whatever may be the defects of Mr. Randolph's temper, no one can question his high and lofty independence of mind, or his unsullied integrity as a public agent or a private gentleman. In the former character, he has never abandoned his principles to suit any political crisis, and in the latter, he may be emphatically called an honest man.— His word and his bond are equally to be relied on; and as his country can never accuse him of sacrificing her interests to his own ambition, so no man can justly charge him with the breach of any private obligation. In both these respects he stands an illustrious example to a country in which political talents are much more common than political integrity; and where it is too much the custom to forget the actions of a man in our admiration of his speeches.

It is with great regret I add, that this brilliant man, who has already attracted the attention, not only of his countrymen, but of the world, will, in all probability, survive but a few years. His health appears irretrievably lost, and his constitution irreparably injured. A premature decay seems gradually creeping upon all his vital powers, and an inevitable unseen influence appears to be dragging him to the grave.— At the age of thirty, with all the world in his grasp, wealth in his possession, and glory and power in perspective, he is, in constitution, an infirm old man, with light glossy hair parted over his forehead and tied loosely behind with a black ribbon; teeth white as ivory; an eye sparkling with intellect; and a countenance beamed with a thousand small wrinkles. At the distance of a hundred years he will be mistaken for an overgrown boy of prodigious growth approaching old age, and at every step his appearance changes, and he becomes gradually metamorphosed into an old man. You will then see a face such as you never saw before, never will see again; if he likes you, a smile, such as you never beheld on the face of any other man; and when that smile passes away, a countenance bearing an expression of long continued anxiety and suffering, that will make your heart ache.

Such is Mr. Randolph, as he appeared to me at the age of thirty years. He may be wayward, eccentric, self-willed, and erratic. His opponents sometimes insinuate that he is mad; but this is nothing more than the whisperings of party malignity. Would to Heaven there were more such madmen among our rulers and legislators, to make folly silent and wickedness ashamed; to assert and defend the ancient principles of our revolution; to detect quack politicians, quack lawyers, and quack divines, and to afford to his countrymen an example of inflexible integrity both in public and private life. But he is original and unique in this as in every thing else; and when he departs this scene, in which he has suffered the martyrdom of sickness and detraction combined, if living, I will bear his testimony, that he will not leave behind any man that can claim superiority over him, as a glorious orator, a sagacious, high-minded, independent patriot, and inflexibly honest man.

The United States and Russia.—The Washington Globe of Saturday contains the President's Proclamation, publishing the new treaty negotiated by Mr. Buchanan with the Emperor of Russia on the 18th of December last (N. S.). The ratifications have been duly exchanged. The Treaty contains thirteen original articles, and one separate one.— They are to the following effect: The first article establishes a reciprocal liberty of commerce, navigation,

and trade—extending to the territories of each State sojourning in the territories of the other, the same security and protection enjoyed by natives, on condition of obedience to the laws.

The second article places the vessels of both countries in the same port on an equality as to tonnage duties. In regard to light house duties, pilotage, custom-house fees, port charges, and all other fees and charges of every description and for every purpose, they are to be placed on the footing of the most favored nations, with whom there are not specific treaties on the subject, now in force establishing a complete reciprocity.

The third article abolishes discriminating duties on importations, and stipulates that no greater charge of any kind, whatsoever shall be levied on merchandise, &c. imported in the vessels of one country than on the same articles imported in vessels of the other. By the next article it is explained that these stipulations in both cases, apply as well to arrivals in either country from ports foreign to both, as to direct voyages.

The same reciprocal stipulations for abolishing discriminating duties are by the fifth article extended to exports from both countries.

The sixth and seventh articles provide that no higher duties shall be paid on importations or exportations of the produce or manufactures of either country to or from the other, than are paid on like articles from or to any other foreign country. None of these stipulations relate to coastwise navigation—that is expressly excepted and reserved to both nations.

By the eighth and ninth articles the liberty is preserved to each country to appoint consuls, vice consuls, agents, &c. with the privileges of the same office of the most favored nations, without being liable, if engaged in commerce to the laws and usages established for native merchants. They may act, without the interference of the local authorities, except when the public peace is endangered, or assistance is required to carry their decisions into effect.— The parties to controversies before them are not thereby restrained in their judicial remedies at home for acts done under this authority. Consuls, &c. may require the aid of the local authorities for the arrest, &c. of deserters. Demand, in such case, may be accompanied by written evidence of the claim upon the deserter, and the exhibition of proper official documents.— Deserters may be placed by the consuls &c. in the public prisons, at the cost of those claiming them, until delivered to the claimant, or sent home by another vessel. Four months without being sent home, is the limitation of this confinement, after which the prisoner, unless detained for crimes, shall be unconditionally discharged and not subject to arrest again for the same cause.

The tenth article grants to alien residents in both countries the right of disposing of personal estate by will—the alien representatives to inherit and take possession personally or by deputy without any other charges, duties or restrictions than are imposed on native heirs—the same laws of intestacy and administration to apply in the absence of the alien heir. The local and domestic courts are to decide the rule of descent and apportionment. In case of real estate, an alien heir shall be allowed a reasonable time to sell and withdraw the proceeds without paying any extra charges or dues. It is provided that this article does not derogate from the existing Russian laws against emigration.

By the eleventh article it is agreed that if either party shall, hereafter, grant to any other nation any particular favor in navigation or commerce, it shall, immediately become common to the other party, freely, where it is freely granted to such other nation, or yielding the same compensation, when the grant is conditional.

The closing article, extends the term of the treaty to Poland, and fixes its duration to the year 1859 provided one year's notice of intention to abolish shall have been given at that date, or until one year after such previous notice shall have been given thereafter.

The separate articles for the purpose of removing all ambiguity and subject of discussion from their commercial relations—explain that the existing civil regulations between Russia and Sweden, Russia and Prussia, the Grand Duchy of Finland and Poland, which are now in force, but which are in no manner connected with the existing regulations for foreign commerce in general,—are not to be affected by this treaty.— Baltimore American.

Death from the Bite of a Fox.—A very unusual circumstance occurred in January last, on the lower Glanville road, about a mile from Cork. A laboring man was going to work in the morning, when as he passed one of the sewers for carrying off the water, a fox ran out and leaped at him as high as the face, the man pushed him off, and the fox made another rush at him, but was repulsed in the same way. In making a third attempt, however, the man having turned a little round, the fox caught him by the ear, and bit it, causing it to bleed. The man then hallooed, and the fox ran back to the sewer. The man then proceeded to his work, but about a month since he was taken very ill and continued so until Friday last, when he died with the most violent symptoms of hydrophobia. Cork Chron.