

THE BIBLICAL RECORDER.

"RIGHTEOUSNESS, TEMPERANCE, AND JUDGEMENT TO COME."

EDITED BY T. MEREDITH,

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TERMS.

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NEW CONSTITUTION.

The following are the Amendments to the Constitution, framed by the Convention, and now submitted to the people of the State for their ratification or rejection:

Whereas the General Assembly of N. Carolina, by an act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "an act concerning a Convention to amend the Constitution of the State," and by an act, supplemental thereto, passed on the eighth day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North Carolina that there should be a Convention of Delegates, to consider of certain amendments proposed to be made in the constitution of said State; and did further direct that, if a majority of all the votes polled by the freemen of North Carolina should be in favor of holding such Convention, the Governor should, by proclamation, announce the fact, and thereupon the freemen aforesaid should elect delegates to meet in Convention at the city of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, to consider of said amendments. And whereas a majority of the freemen of North Carolina did, by their votes at the polls so opened, declare their will that a Convention should be had to consider of the amendments proposed, and the Governor did, by proclamation, announce the fact that their will had been so declared, and an election for delegates to meet in Convention as aforesaid was accordingly had. Now, therefore, we, the delegates of the good people of North Carolina, having assembled in Convention, at the city of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session from day to day, until the eleventh of July, one thousand eight hundred and thirty-five, for the more deliberate consideration of said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say:

ARTICLE I.

SECTION 1.

§ 1. The Senate of this State shall consist of fifty Representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the General Assembly, at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its next session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: *Provided*, That no county shall be divided in the formation of a Senatorial district. And when there are one or more counties having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and it, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district.

§ 2. The House of Commons shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

§ 3. This appointment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are herein before directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the census which may be taken by order of Congress, next preceding the period of making such apportionment.

§ 4. In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population of the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SECTION 2.

§ 1. Until the first Session of the General Assembly which shall be had after the year eighteen hundred and forty-one, the Senate shall be composed of members to be elected from the several districts herein after named, that is to say, the 1st district shall consist of the counties of Perquimons and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, of Gates and Chowan; the 4th district, Washington and Tyrrel; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecombe; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen and Columbus; the 31st district, Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Macon; and the 50th district, Mecklenburg; each district to be entitled to one Senator.

§ 2. Until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be composed of members elected from the counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes and Wake shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecombe, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne and Wilkes shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimons, Tyrrel, Washington and Yancy shall elect one member each.

SECTION 3.

§ 1. Each member of the Senate shall have usually resided in the district for which he is chosen for one year immediately preceding his election and for the same time shall have possessed and continue to possess in the district which he represents no less than three hundred acres of land in fee.

§ 2. All free men of the age of twenty one years, (except as is herein after declared) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

§ 3. No free Negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the 4th generation inclusive, (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons.

SECTION 4.

§ 1. In the election of all officers whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce*.

§ 2. The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia officers.

§ 3. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

§ 4. The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

§ 5. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

§ 6. The General Assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer and Council of State, who shall continue in office for the term of two years.

ARTICLE II.

§ 1. The Governor shall be chosen by the qualified voters for the members of the House of Commons, at such time and places as members of the General Assembly are elected.

§ 2. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

§ 3. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly.

§ 4. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

§ 5. The Governor elect shall enter on the duties of the office on the first day of January next after his election, having previously taken the oaths of office in presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who, in case, the Governor elect should be prevented from attendance before the General Assembly by sickness or other unavoidable cause, is authorized to administer the same.

ARTICLE III.

SECTION 1.

§ 1. The Governor, Judges of the Supreme Court, and Judges of the Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia Officers,) may be impeached for wilfully violating any Article of the Constitution, mal administration or corruption.

§ 2. Judgment, in cases of impeachment, shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under this State; but the party convicted may, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

§ 3. The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments; no person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation truly and impartially to try and determine the charge in question according to evidence.

SECTION 2.

§ 1. Any Judge of the Supreme Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

§ 2. The salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office.

SECTION 3.

Upon the conviction of any Justice of the Peace of any infamous crime, or of corruption and malpractice in office, the commission of such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SECTION 4.

The General Assembly, at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the Attorney General to the same period.

ARTICLE IV.

SECTION 1.

§ 1. 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.

§ 2. No part of the Constitution of this State shall be altered, unless a Bill to alter the same shall have been read three times in each House of the General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; no shall any alteration take place until the Bill so agreed to shall have been published six months previous to a new election of members to the General Assembly. If after such publication the alteration proposed by the preceding General Assembly shall be agreed to in the first session thereafter by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days in each House then the said General Assembly shall prescribe a mode by which the amendment or amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

SECTION 2.

The thirty-second section of the Constitution shall be amended to read as follows: No person who shall deny the being of God, or the truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

SECTION 3.

§ 1. Capitation tax shall be equal throughout the State upon all individuals subject to the same.

§ 2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to capitation tax; and no other person shall be subject to such tax: provided that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity.

SECTION 4.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the Militia or Justices of the Peace.

Ratified in Convention, the 11th day of July, 1835.

NATH'L MACON, President.
EDMUND B. FREEMAN, Secretary of the Convention.
JOSEPH D. WARD, Assistant Secretary.

ORDINANCE OF THE CONVENTION.

For carrying into effect the Amendments to the Constitution, recently framed by the Convention: *Be it ordained and declared, by the Members of this Convention, in Convention assembled, and it is hereby ordained by the authority of the*

same, That the Amendments to the Constitution of this State, adopted by this Convention, be submitted by the Governor to the people, on the 2nd Monday in November next, thirty days notice being given; and that the polls be opened by the respective Sheriffs, and kept open for three days, at the several election precincts in each and every county in the State, under the same rules and regulations, as now exist, for the election of members to the General Assembly. That the said Sheriffs be required to compare and certify the results of the elections, on or before the Monday following, and transmit the same in twenty days thereafter, to the Governor of the State. That all persons qualified to vote for Members of the House of Commons, may vote for or against a ratification of the amendments. Those who wish a ratification of the amendments, voting with a printed or written Ticket "Ratification";—those of a contrary opinion, "Rejection."

Further, That it shall be the duty of the Sheriffs to make duplicate statements of the polls in their respective counties, sworn to before the Clerk of the County Court; one copy of which shall be deposited in said Clerk's Office, and the other copy transmitted to the Governor of the State at Raleigh.

Be it further ordained by the authority of the same, That when the returns aforesaid shall have been received, the same shall be opened by the Governor in the presence of the Secretary of State and Treasurer, and in case a majority of the qualified voters of the House of Commons shall be in favor of a ratification of the amendments, the same shall be forthwith made known by a Proclamation of the Governor to the people of the State. And thereupon, the amended Constitution shall be signed by the Governor, and his signature authenticated by the Great Seal of the State of North Carolina, as an evidence of its having been ratified by the people, and then filed in the office of Secretary of State.

Be it further ordained by the authority aforesaid, That the amendments thus ratified shall take effect, and be in force, from and after the 1st day of January, A. D., 1836: *Provided*, however, that the Governor in office shall continue to exercise his functions to the full end and term of the time for which he shall have been elected.

Be it further ordained, That in the event of the amendments being ratified by the people then, and in that case, the election for Governor shall take place at the same time, in July and August next, that an election for members of the General Assembly shall be held; and that it shall be the duty of the respective Sheriffs, to open polls at their various election precincts for a Governor, and to make duplicate statements of the polls in their respective counties, sworn to before the Clerk of the County Court—one copy of which shall be deposited in said Clerk's Office, and the other copy sealed and transmitted to the Secretary of State, and by him shall be laid before the members of the next General Assembly, on the first day of their meeting, and the same shall be opened and counted in the presence of both Houses. The person having the greatest number of votes shall be the Governor elect; provided, however, that he be constitutionally eligible. In case two or more have an equal number of votes, or in case the person having the greatest number, be not qualified, then and in that case, the General Assembly shall proceed to elect by joint ballot.

From the Salem (Massachusetts) Landmark.

GEOLGY.

Mr. Silliman began his sixth lecture, by alluding to the comparative littleness of our Globe, when viewed in connection with other parts of the solar system; and then referred to the late volcanic eruptions on the Isthmus of Darien, as they had been reported in the newspapers. One was at Omas; the other was at Guatemala, which is said to have been heard at the distance of a thousand miles.—He said it was very probably there were volcanic eruptions at the west and south of our region, and the cause of our not having them here might be the greater thickness of the crust of the earth on which we were permitted to live. For proof that Coral contains animal matter, he mentioned that during a decomposition of animal matter in the fire. The transition rocks he represented as being less crystallized than the Primary.

The lecturer then proceeded to the Coal formation which he mentioned as interesting in every respect. It was an evidence of goodness on the part of the Creator. He had furnished it for fuel in cold countries where it was not needed, and where no other could be had. Mr. Silliman glanced at the combustibilities in the world; at the diamond which is the same with charcoal, except its being crystallized; at sulphur which is the result of volcanic action; at bitumen and asphalt, at petroleum which is exceedingly common in the western states, and which, wherever it rises, indicates coal beneath. He referred also to the Pitch lake in the Island of Trinidad, which furnishes pitch for the English Navy. Naptha he considered as purified petroleum, and it is the only substance under which potassium can be preserved. Naptha is found around the Caspian Sea; and in the Burman Empire.

The position of coal, he said was two miles below the surface of the earth. The distance is estimated by the strata of rocks and their inclination.—By this is meant, not that the coal really lies so far beneath the surface, as in some instances it is found near or at the surface; but that theologically speaking, its bed is placed, in connexion with formations whose positions are above it, at that distance in the interior; so that if all the upper layers were actually arranged one above the other where coal is found, it would be about two miles from the top.

Plants, trees, and lignite are found from three hundred and fifty to four hundred feet below the surface of the earth. Vegetation goes on in some instances even below the coal. In the neighborhood of Cincinnati trees are found buried twenty and thirty feet below the surface. These are real wood, not being petrified in the least degree. The inference from this fact is, that region was once swept by a tremendous torrent of waters, which buried up whole forests. Mr. Silliman exhibited a specimen of a beautiful tree from Hungary which had been converted into siliceous matter. He said the water in which the tree had been placed, must have contained siliceous matter dissolved, and hence that kind of petrification. The Island of Antigua abounds with fossils.

The professor spoke of a Mr. Witham, a gentleman of Edinburg, who devised and put in operation an interesting process, by which he was enabled to ascertain the genus of petrified trees.—There is a sand-stone quarry near the city of Edinburg, down which at the distance of seventy feet has been discovered a petrified tree, sixty feet in length, and between five and six in diameter at

the base. Mr. Witham cut off slices from this tree cemented them on glass, and then ground them; from which operation he could ascertain the structure of the original tree. He found by examination that it belonged to the family of cone bearing tree, such as the fur and pine. Such trees are found in sandstone below the coal formation. From these facts it is inferred that pine trees grew on the earth at a period prior to that of the coal-formation.

Coal is of a fossil nature. Real plants are found embedded therein; and trees and leaves in entire expansion. The greater parts of the coal formation is made up of soft and succulent plants; yet there are sixty or seventy feet in height, and two and three feet in diameter. In Pennsylvania, there are whole piles of mountains made up of plants.—The coal in the state of Ohio exhibits a vegetable structure. Geologists now believe that coal has a vegetable origin. Anthracite is considered as older than bitumen.

The geological structure of the coal formation is simple, as was seen from a beautiful drawing of the Valley of Wyoming, exhibited by Mr. Silliman. There is the shale-rock, then sand-stone, and then coal with an occasional mixture of iron. A dike of tray sometimes cuts the coal asunder, when one side of the coal is raised much higher than the other. Marks of violence are traced in the coal regions.

In burning, anthracite will not flame, yet bitumen will. Lignite, of the structure of wood, is anterior to the basaltic columns of Ireland, and will burn. Lituinuous limestone frequently accompanies coal. In quantity, the coal of Pennsylvania exceeds any other in the world. There are beds in that state of three and four hundred feet in depth. There is no anthracite beyond the Alleghany.—The coal in the Valley of the Mississippi is bituminous, where there is an immense basis of it.

Peat is formed upon the surface of the coal. It is from vegetable action that goes on in the moss of marshes. The roots of the moss die and become peat, while the shoots rise upward and flourish.

New England is not a coal region; because its rocks are of the granite family, which do not contain coal, unless in a very limited quantity. It is therefore vain to search for coal mines in this section of the country. Coal is not to be found in tropical regions where it is not wanted; but in cold climates, even in Baffin's Bay and Melville Island.

Mr. Silliman mentioned it as a singular fact that the plants which had been formed into coal were tropical; and vastly larger than any in existence.—His reasoning from this fact was, that the temperature of the world was once tropical, from the great prevalence of internal heat. He supposed it to have been once hot enough to sustain tropical plants at the poles. Yet on this supposition the heat of the equator might not have been intolerable to vegetable life, as from the motion of the earth on its axis, and its plastic nature, its crust might have been much thicker at the equator than towards the poles.

In the burying of such masses of vegetable matter and in their formation into coal, there must have been an alternate prevalence and subsiding of water, and also a long period of time. Mountains are now piled upon these formations.

Plumbago, or black lead, is very nearly carbon with a little earthy matter; Mr. Silliman said he was in doubt whether it was of vegetable origin.—Amber becomes electrified by rubbing, and is of vegetable origin. It contains plants and insects, and was once probably a juice which attracted insects as honey does flies.

THE DISTILLER'S COW.

A story was related to us a few days since, which furnishes some occasion for apprehension that the ravages of intemperance are about to be extended in a new direction. The cow of a certain distiller was found acting strangely. She tossed about her head, snuffed with her nose, pawed with her feet, and drove about the premises like one "furiously mad." What the matter should be, no one could imagine. The workmen attempted to secure her, but she broke away from them, shook her horns spitefully at every living being that approached her, till finally they were all compelled to retreat for safety to the top of a pig sty, near by, leaving her in undisturbed possession of the coast. Her owner thinking she might have been bitten by a mad animal, poured a pail of water down before her to see how that would effect her nerves. But she did not mind it at all. She was well acquainted with cold water, and knew that it would not harm her. They began to think the creature was actually possessed, and were perhaps suspicious that some of Deacon Giles' workmen had come down to seek employment. At length the mystery was cleared up. It seems a pailful of the slops from the distillery had been left exposed, the cow got a taste of the article and happening to like it, had taken a little too much. In true tripler style, she in consequence of her hard drinking, grew very insolent and pugnacious, blustering and showing fight at every thing that passed by. She at length cooled off and became quiet. How she has been affected since; and whether she seemed ashamed of her conduct, like the "sensible hog" we heard of lately, we are not informed. But one thing we would earnestly request, that is, that our gentlemen distillers would be careful where they put their slops. Enough to poison the human species. Do be careful how you degrade the habits and corrupt the morals of the beasts.—*Temperance Advocate.*

MODESTY.

"Full many a gem of purest ray serene,
The dark unfathom'd caves of ocean bear;
Full many a flower is born to blush unseen,
And waste its fragrance in the desert air."
It is so in nature. In my boyhood, I observed in a remote and obscure part of my Father's farm a flower which I called a lily—it was not the common meadow lily usually cultivated in gardens—it was not as tall as that—but in my estimation it was much more beautiful. When I read in the scriptures of the roses of Sharon and the lily of the valley, it reminded me of my favorite flower and I was disposed to denominate it the lily of the valley. Since that time I have seen many flowers in botanical gardens and the houses of the rich in splendid cities, which were cultivated with great care, and were much extolled on account of their beauty and fragrance, but among all the number, I have never seen my unpretending lily of the valley.—There, I suppose, if it live at all, where my eye