

representation—was sanctioned and sustained by the King of England against his House of Lords; and can a demand for equal representation in North Carolina be denied? When Ireland had won a partial restoration of her rights by the removal of an odious restriction upon her Catholic people, we witnessed a flow of generous gratulation from the hearts of North Carolinians; and will they turn from us with indifference when we remind them that the same hated tyranny over the consciences of Catholics is sanctioned by the very charter of their liberty?

Unless we choose to indulge a degree of suspicion that is alike dishonorable to ourselves and subversive of all those principles of action which arise from observation and experience, a remedy for these evils is neither difficult nor dangerous. By your votes at the elections in August, pronounce your determination upon the question "whether a change is needed in the Constitution;" that expression of your will being sent to your Representatives, they will be bound to provide a remedy, or to pass a law by which you shall be enabled to effect it yourselves. If this obligation does not arise from that article in the Bill of Rights which secures to you the right of petitioning the legislature for redress of grievances, then it is a privilege far too trifling to be retained in so solemn a charter. The expression of your will, will be instructive to your representatives; and if they do not obey it, then, indeed, a period has arrived in the history of the institutions of this country, when the people are bound by the constitution, and their servants alone are exempted from its obligations. But you need not fear such a result. The right of representation—of a fair and equal representation of the People has become in our days, but another name for civil freedom, and success has crowned the exertions of those who have struggled for it, in the other free States of America. There is not less republicanism, nor less justice, nor less liberality among the People of North Carolina than in all others. Let but the voice of a decided majority speak and the work is done. It is not possible for the most zealous and eloquent partizan to force from the minority of North Carolina a denial of the great democratic republican principle that a majority must govern.

The general practice of the States has determined that the most ordinary and therefore perhaps the most appropriate remedy for Constitutional evils (where the existing constitution contains no provision for its amendment) is thro' the medium of a State CONVENTION, authorized and in its incipient steps regulated by law. Whether this convention shall be limited and to what bounds, is a mere question of expediency for the previous determination of the people. We do not stop to argue 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 neighbors—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 un limited convention is asked. If a convention shall be deemed indispensable let it be limited to these subjects and the advocates for 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 like wise.

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 assemblage 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. So the People may convoke 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 to affirm that the General Assembly was not rightfully constituted. The fact that our first and early conventions were not usually limited, militates nothing against our position. For let it be remembered, that 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 Legisla-

ture, 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 without limit and they refused to sanction it, that immediately after it, they recommend a Convention with power only to abolish the 32nd 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 1891 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 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 regulated 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 and 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 ratified 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 it 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 supported. 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 eye or no upon whatever the railing minority shall consent to put forth for public sanction. The rights of the minority will be

protected against encroachment by the over balancing 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 off than they are now. What then are the objections urged against it? It is said to be novel in practice and principle and 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 20 years might convince us that it is not 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 founded 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 manly 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.
RICHMOND M. PEARSON,
ROMULUS M. SAUNDERS,
THOMAS DEWS, JR.

June 1st, 1833. Committee.

POLITICAL

From the Globe.

The paragraph below, from the Federal Union, unmasks a new member of the coalition, the Cherokee Chief, ROSS. This personage seems to look to the Congress of the United States to maintain him as an independent potentate, of an independent government, within the chartered limits of Georgia. Helas just as much reason to hope for this, as Mr. Calhoun has to expect the carving out of a new confederacy for his benefit. But Ross and his banditti can aid Calhoun and his nullifiers in playing the part of agitators, and may do something in connexion with the reckless political opponents of the administration to embarrass the prosperous march it is making in all its measures for the public good.

Georgia will not allow Capt. Ross "to nullify" her laws within the limits of the State, any more than Congress has permitted Mr. Calhoun "to nullify" the laws of the Union, within the limits of South Carolina; and both these gentlemen will cast their eyes in vain to the next Congress, to the President, or to any other authority of the General Government, to aid them in their machinations.

From the Federal (Ga.) Union.
THE CHEROKEES

We learn, from a source entitled to the highest credit, that the attempts to prevent a treaty with the Cherokees under the pretence that they would be benefited by the act for the collection of the revenue, have resulted in a powerful reaction in favor of a treaty. The enemies of the President at Washington affirmed that this revenue law would prevent a treaty; a portion of our representatives in Congress, on their return to the State, gave currency to the same charges against the administration; and Ross, the principal Cherokee Chief, played a corresponding part among his countrymen. But the President, with his elucra-

teristic frankness, and decision of character, has shewn to the Cherokees their real situation; and a large majority of that hitherto deluded people, are now convinced, that if they remain within the chartered limits of Georgia, they must submit to the laws. At the solicitation of Ross, and his partisans, the other Chiefs have consented to postpone making a treaty, until the meeting of Congress; and to prevent any unnecessary delay after that time, an exploring party is to visit the Arkansas country during the present summer. We believe that our Indian controversies are rapidly approaching a harmonious and satisfactory close; and the people of Georgia will be on their guard, how they give credit to open accusations, or subtle insinuations against the President.

[From the Boston Statesman]
THE SLAVERY QUESTION.

Of all the efforts ever made by reckless politicians to disturb the peace and jeopard the prosperity of their country, the attempt to produce an excitement relative to slavery is the most unjustifiable. The assertion that a design or a desire exists among the people of the East to interfere either directly or indirectly with the rights of the slaveholders, is as totally unfounded in truth, and so utterly repugnant to their feelings, that the intimation has been suffered to pass as an idle rumor, too absurd to require contradiction. But we begin to feel that the presses in the non-slaveholding States have been censurably tardy in not quenching this fire-brand the moment it was thrown among their brethren of the South. Although the improbability of the tale was sufficient in our estimation to render it harmless, yet it has had, and continues to have, much influence upon the feelings of the Southern people. They deplore the course of slavery and feel it more sensibly than we do—they are aware that it is an evil that they must sooner or later rid themselves of, in order to enjoy the full share of happiness and prosperity which their intelligence, luxuriant climate, and happy form government, place within their reach.

But when and how this is to be accomplished, it is for them alone to decide.—The East has no desire to dictate, or to coerce. They are only anxious for the good of their brethren of the South, & on this great and important subject, they have no wish to interfere any farther than to aid the South in the way they shall point out in removing the evil they acknowledge depresses them. The Colonization Society was originated by the slaveholders for this purpose. The efforts of this association receive every assistance the East can render, and in no section of the country can be found more zealous supporters of its principles than in Massachusetts. True, there are a few indiscreet, fanatical individuals in this State, as there is in every State of the Union, whose zeal outruns their wisdom, but it is the honest intention of the great mass of the community to be impugned because some of its members are wicked or mischievous? Because one man breaks open another's store, or cuts his neighbor's throat, are we all to be put down as thieves and murderers? We repeat what we have before said, that the East wishes to do nothing that the South will not sanction, and was it in the power of the inhabitants of the New England portion of the United States to emancipate every slave in the whole twenty-four to-morrow, they would not do it without the approbation of the slave owners.

The last Washington Globe has the following—every word of which we can confirm:—Neither the President nor Vice President will ever favor a National Bank.—Both unite in the opinion that the State Banks may be put on such footing by the State Legislatures, as to become safe depositories of the public funds and capable of accomplishing altho' beneficial results, ascribed by the friends of the Bank of U. States to that institution.

The idea flung out that the administration favoured the location and establishment of a great National Bank at New York, is all moonshine. State Banks and State Rights will be brought into play again—consolidation and nullification will bite the dust.—Pennsylvanian.

Duff Green and the Nullification papers denominated those prints that support the administration, "the collar presses." Do they suppose that these attempts to stigmatize democrats will influence their conduct? If so, they will find themselves mistaken. We have observed that the Nullifiers elbowed the Union men as sub-missionists, and some of the latter have been revivified under the epithet. Our southern brethren have but a limited knowledge of the arts and subtleties of the federalists. It has been usual with them to denounce democrats in the most offensive languages and to abuse them with epithets; but these are now but little regarded.

The cry that is raised by the federalists and anti-measures of New York against the "regency," is all for effect; but it has lost its charm. Every measure proposed in that State, and every nomination or appointment that is made; is denounced by the federalists as dictation. It is immaterial whether the measure or the men are good or bad, they are assailed as coming from the "regency." The "regency," as they are called, means the firm, undeviating and conscientious men of the democratic party, and to injure them and their influence, the cry of dictation is raised. But it has never had the effect to influence one man of sense, or to have any injurious bearing on the politics of that State.

The measure and the men are considered and examined—they are scrutinized and canvassed, and they have almost always been sustained. It is one of the tricks of the opposition, to try to raise discontent—to excite ill feeling—to seduce the weak and timid—and to create ill blood among the disappointed; but they can never succeed with discerning men. Let Duff Green talk about collar press—who regards it? Is it supposed that there is a man, who will be deterred from doing his duty by such epithets. No not so.—Hartford Times.

More New Books.

CHARACTERISTICS of Women, by Mrs. Jameson, Author of the "diary of an emupee," "Memoirs of Female Sovereigns" &c. Eben Erskine or the Traveller, by John Galt Esq. author of "Lowrie Todd" "Stanley Buxton" &c. &c. Received this day at the North Carolina Book Store.

REV. MR. AVERY.—The closing scene of this remarkable trial, is said by those who witnessed it, to possess surprising interest. After the Court had re-assembled to receive the verdict, an interval occurred of 10 or 15 minutes, on account of the absence of the prisoner's Counsel; and although the court house was crowded, to its utmost capacity, the audience preserved a profound silence, and all were fixed in a gaze of eager and intense curiosity. Mr. AVERY himself, says the Editor of the Boston Advocate, "during this trying moment of suspense and uncertainty, when his life or death hung on the breath of the jury, maintained the same steadiness of nerve and immobility of countenance, which have so remarkably distinguished him throughout the whole trial. The wonder is that, innocent or guilty, he has been able to sustain this awful pressure with such fortitude and equanimity. At one period, when the attorney General was minutely describing, in thrilling language, the probable mode in which the fatal deed was done, the prisoner fixed his large eyes upon him, and scarcely moved then till the fearful picture was finished."

After the verdict was recorded, and the Attorney General observed, as a matter of course, the Defendant was now entirely discharged, he became suddenly and slightly affected, and as he started to his eye. He passed his right hand deliberately under his glasses, and held it over his eyes for a moment, and in the next with great composure received the congratulations of his friends who were present.

It is stated in the Boston Atlas, on the authority of one of the Jury, that 10 out of 12 found no difficulty in coming to a verdict of not guilty; the other two were opposed to it for some time. All the Jury, except these two, were citizens of Newport. On the question of suicide, it is understood the Jury were divided about equally in their opinions; but on the general question of his guilt, they stood as above related.

A writer in the New-Ark Daily Advertiser, giving a description of the testimony developed in the trial of Clough, the murderer of Mrs. Hamilton, closes with this affecting statement.

"The description of her (Mrs. Hamilton's) delicate person—her amiable character—her piercing shrieks, and her death struggles, while he held and pushed still deeper and deeper the murderous dirk into her bosom, was truly affecting. But when the trunk was opened and the blood-stained dirk, the broken breast-pin, her bloody garments, & especially her corsets, pierced with ten holes thro' that part of it which had covered her left breast, and stiffened and red with the cold blood of her that had worn it, as if it had been literally dyed in blood, it seemed too much for every one but the prisoner. He looked upon the bloody credentials with a steady, gloomy gaze, discovering in his countenance, however no internal emotion, nor in the least changing his position, which he uniformly occupies, reclining on his elbow, and resting his head on the palm of his hand, on which he wore a black glove. But the effect of this exhibition, followed up by the physician's description of her broken ribs, and almost riddled heart and lungs, produced a gust of feeling and emotion in the crowded audience, that could not be suppressed.—Every bosom swelled—Every eye was suffused with tears—and for a few moments the investigation was suspended.

The following account of another affecting incident in this trial is given in a Letter from the Reporter for the Philadelphia Gazette;

I mentioned in the report of the evidence I send you with this letter, that the testimony of Mrs. Longstreth, the mother of the deceased, was of the most affecting kind. Her appearance commanded universal respect, founded as it was upon a character the most unspiced, while her position, being called upon to testify in a crowded court room to the minutest details of a heart breaking deed, the murder of her own dearly cherished daughter, appealed to the sympathies of the spectators with an agonizing keenness no pen can picture, and no fancy realize.

When she approached the awful point of receiving her dying daughter in her arms, her agitation nearly overcame her feelings, and the breathless stillness of the audience evinced at once their interest in the recital and their sympathy for her grief; but when she repeated that gentle but too keen reproach of the victim, "Oh mother, I screamed and I screamed, why didn't you come?" her bursting heart relieved itself in a torrent of tears and the contagious influence of the affecting spectacle diffused itself among all around, knocking at their hearts with a vehemence that melted every eye that gazed upon her. Never did I witness so subduing an exhibition. Clough alone remained immovable—his face sought a hiding place beneath the covering of his hand, and if he fell the harrowing scene, his sterner nature refused to give an evidence that he did."

From the Baltimore American.

The President left this city on Saturday morning, in the steamboat Kentucky, for Philadelphia. There was a large number of persons on the wharf, to witness his departure. On Friday, Black Hawk and the Indians of his party were presented to the President, who addressed them, according to the Republican, in the following terms.

MR. CHILDREN.—When I saw you in Washington, I told you that you had behaved very badly, in raising the tomahawk against the people, and killing men, and women and children upon the frontier. Your conduct last year compelled me to send my warriors against you, and your people were defeated, with great loss, and your men surrendered, to be kept until I should be satisfied that you would not try to do any more injury. I told you I would enquire whether or your people wished you should return, and whether, if you did return, there would be any danger to the frontier. General Clarke and General Atkinson, whom you know, have informed me that Sheelack, your principal Chief, and the rest of your people are anxious you should return, and Ke-o-kok has asked me to send you back. Your Chiefs have pledged themselves for your good conduct, and I have given directions, that you should be taken to your own country.