

# RALEIGH REGISTER

## AND NORTH-CAROLINA GAZETTE.

"Ours are the plans of fair delightful peace, unwarped by party rage, to live like brothers."

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### STATE CONVENTION.

#### DEBATE

#### ON THE THIRTY-SECOND ARTICLE.

The Article to amend the 32d Section of the Constitution, by striking out the word Protestant and inserting Christian, being taken up for its second reading.

Mr. WILSON, of Perquimans, said, it was his intention to move an amendment of the Article, by striking out the whole after the first word and inserting a substitute which he held in his hand. He entertained, it was true, but little hope of changing what seemed to be the settled purpose of the Convention; but standing as one of a small and proscribed number in this body, he meant the sinners, he should avail himself of the present moment to set forth his views briefly in relation to the 32d Section. He would endeavor to be consistent with himself. And as most gentlemen who had spoken upon the subject had given vent to their pious feelings, by discoursing like grave and learned Bishops, and as those who acted with him upon the present occasion were not the especially favored of Heaven, he would try to speak after the manner of men.

The 32d section of the existing Constitution enjoins "that no person who shall deny the being of a God or the truth of the Protestant Religion, or the divine authority of the old or new Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any place of trust or profit in the civil department within this State." Who are excluded by this Article? First: All persons who deny the being of a God. This excludes all Atheists. Secondly: All persons who shall deny the truth of the Protestant Religion. This excludes Roman Catholics, Jews, Deists and Atheists. Thirdly: All who deny the divine authority of the old and new Testament. This excludes Jews, Deists and Atheists; and lastly, all who shall hold Religious principles incompatible with the freedom and safety of the State. This excludes Quakers, and all others whose Religious principles forbid them to bear arms in defence of their country. Many doubt the existence of men among us, who deny the being of a God. It is very certain, if there be any Atheists in this State, they are very few in number, and almost unheard of. It is to be feared however, that should the Convention impose upon Atheism severe pains and heavy penalties, subjects would not be wanting for the stake and the rack. We are informed by history, that there was a time in the existence of some of the ancient Republics of Greece, when the law made no provision for the punishment of the child who should slay the parent—the crime being then unknown. Some law-givers, who not content with enacting pains and penalties for the punishment of crimes and misdemeanors already in existence among them, launched into futurity and provided for the punishment of the crime of parricide. The consequence was, that shortly afterwards, the crime that existed before in the imagination of the legislator, now became of frequent occurrence. To do what we are forbidden by superior power to do, seems engrained in the very nature of man. Witness the positive command of God himself to our first Parent ADAM—"Of every tree of the garden thou mayest freely eat, but of the tree of knowledge of good and evil thou shalt not eat of it; for in the day thou eatest thereof, thou shalt surely die." But alas! Adam, just from the hands of the Creator, perfect in the image of his maker, ate of the fruit of that very tree and sinned and died; hence, all our woe. Need we then marvel that man, degenerate man, should still be fatally bent upon mischief. Of late we have heard that Catholics are not excluded from office by the 32d section. This opinion is at variance with the ordinary meaning of the word Protestant; and in direct opposition to the opinion entertained by the whole body of the people of this State from 1776 to the present day. The framers of the Constitution intended to exclude such persons who either then, or might thereafter reside in this State, holding doctrines adverse to the Institutions which they were about to establish. Now did they make use of such words as would carry out their intentions? At that day there were as now, two grand divisions, to wit, the Catholics and the Protestants.

The term Catholic meant those Christians who have for their spiritual head the Pope of Rome—Protestant, those who dissented from the Pope's authority and protested against the supremacy of the Romish Church. These terms must have been well understood by the framers of the Constitution, unless it can be supposed that body of men were ignorant and illiterate; for the contrary of which, the Constitution itself affords abundant evidence. The Protestants were divided into numerous sects. The Baptists, Methodists, Episcopalians, Presbyterians, Moravians and Quakers were well known by the general term of Protestant. Atheists, Deists and Jews, disbelieve the truth of the Protestant religion, but they are excluded by other parts of the 32d section.—We cannot therefore suppose them to be required to believe in the truth of the Protestant Religion, when other clauses of the section had denounced them for their unbelief in Christianity. It seems, therefore, that that part of the 32d section which requires a belief in the truth of the Protestant Religion was intended to exclude, and does actually exclude, Roman Catholics from office in this State. It was thought at that day, as it is now thought by some, that Catholics owed paramount allegiance to the Pope of Rome, and that as the members of that faith believed in the infallibility of the Church, in a conflict between this State and the Pope, members of the Roman Catholic faith would be bound to take sides with their spiritual head, to whom they owed paramount allegiance. If this was not the reasoning of the framers of the Constitution, they had no good reasons. If these were their reasons, they were formed in an erroneous view of the Catholic doctrine. He said, no good reasons, because in every country they had shewn themselves as patriotic and as true lovers of freedom as the Presbyterians or any other body of Christians. If they honestly entertained their notions of the Catholic faith, they were in an error, and duty required us to correct it. But whether the fears of the framers of the Constitution were with or without foundation, whether with a full and right understanding of the Catholic faith, whether with an erroneous opinion of the obligations existing between the lay members of the Romish faith and their spiritual head, or whether by a wicked spirit of persecution, which is too apt to be formed wherever high professors are actors among men, the word Protestant was first in the 32d section of the Constitution, and there it has remained from 1776 to the present day. It was placed there, to exclude Roman Catholics, or it means nothing. They who "deny the divine authority of the old or new Testament" are excluded. Jews are not named in the Constitution, yet no man will be found so regardless of the common meaning of the English language, as to say, that this clause does not most unequivocally exclude from office the Children of Israel. Why? Because they do not believe in the divine authority of the new Testament. Yet the language in reference to the Jews, in the 32d section, is not more clear and pointed than that which is aimed at the Catholics.—Previously to the meeting of the Convention which formed our Constitution in 1776, the Colonies had been invaded by a hostile force—arms had been taken up by the Colonists and blood had been shed in the battle field. In this State, at that time, resided a small society of Moravians, or *Unitas Fratrum*, and several numerous bodies of Friends or Quakers.—They were a people of peace. Their religion forbid them, under the penalty of incurring the everlasting displeasure of HIM, whose laws are from everlasting to everlasting, to take up arms upon any occasion, either to repel an invasion or to quell an insurrection. The laws of the "Prince of Peace" they hold more binding than the ephemeral laws of man—the punishment for the violation of the laws of mortals endures but for a season, while the violation of Heaven's laws, unrepented, forever and ever. They say, that he that in battle is slain, has little time for repentance. Sublime precepts! but, however much we may admire them either in theory or when carried out into practice, no one can entertain a doubt but that when our land is trod by the feet of merciless, ravaging, hostile invaders, these Religious principles are incompatible with the freedom and safety of the State. With reference then to whom, was that clause in the 32d section inserted, which says, "Or who shall hold Religious principles incompatible with the freedom and safety of the State." Though the war of the Revolution raged from 1775 to 1782, these peaceful people uniformly refused to bear arms. Suppose all Americans to have become converts to this faith, shortly after the adoption of the Constitution in 1776, what would have become of the freedom and safety of the State? Scarcely should we yet have paid the penalty which British vengeance would have exacted from us, unless we are so vain as to believe that Heaven would have interceded especially in our favor, to repel the ravaging foe, or to make easy the yoke that would have been placed upon our necks. To refuse to bear arms, in the opinion of the framers of the Constitution,

by reason of scruples of conscience, was to hold Religious principles incompatible with the freedom and safety of the State. If the Convention did not mean to exclude Quakers and Moravians, with reference to whom did they insert that part of the 32d section? He had no very strong preference for any body of sectarians, and as few prejudices against them as most persons. He believed, that the Christian Religion was so deeply rooted in the Institutions of the country, as not to stand in need of the aid of the law for its protection. But it is submitted to the discretion of this Convention, to amend the 32d section; and an amendment has been offered in the following words to-wit:—"That 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 and safety of the State, shall be capable of holding any office of trust or profit in the civil department within this State." This amendment, after a most able, learned and eloquent discussion, had passed its first and now came up for its second reading. It seemed to him, that it behooved the Convention to examine and weigh well this amendment before it should be incorporated in the fundamental law.—If there were errors in the old Constitution, and if the 32d Article be among those errors, would it not be advisable either not to touch it at all, or if touched, to put the axe to the root of the tree.—Upon the present occasion, as upon all others in legislating, unless he was satisfied that good would result from our action upon the 32d section, he felt himself bound to submit to existing evils, rather than try an experiment which he awfully feared and sincerely believed would bring down upon the people greater ones. This Article, he thought, ought never to have had a place in the Constitution; but here it was, and had been since '76; he believed it had done no very great harm, and was certain it had done no good.—Its tendency, he thought, had been to promote hypocrisy—an offence as hateful as it was mean. He was very clear that the whole section should remain, unless an amendment could be adopted that would put all men among us, that may be found trust-worthy by the electors or people, upon terms of equality in asking for and receiving office. Let those who confer office, judge of the qualifications. Entertaining these views upon the first reading of this amendment, the other day his vote was recorded against striking out the word Protestant. He had been an attentive thought silent hearer of this whole debate. Arguments had been advanced so clear and so strong, and in such lofty strains of glowing eloquence for striking it out, that it seemed to him that further resistance to its abrogation could not be made, and if he had correctly understood gentlemen from every quarter of the State, in this body, nearly all were convinced of its inutility and injustice; but gentlemen have two ways of getting round its destruction.—Certain gentlemen say it is a dead letter and entirely harmless. Of these, he would ask, if there was a dead branch in the tree, why not remove it? It is conceded to be useless; then why retain it with so much pertinacity? It seemed to him, that gentlemen were not entirely candid and sincere in the support they gave their dead letter. But another and more numerous class of advocates for the retention say, they are instructed—that public opinion is so strong at home, in favor of the 32d section, that they dare not disregard the voice of their constituents. Now he was one, who would go very far in carrying out whatever he undertook with good faith. He had never said much about instructions by the people to their Representatives, but he thought there was no great difference between the contracts made between the people and their Representatives and the ordinary bargains made between citizen and citizen. The man who employed an agent to transact for him business abroad, could prescribe such terms as might be mutually agreed upon between them, and so the people in appointing their Members of Assembly, and Members of Congress or Delegates in Convention, may prescribe such terms as may be mutually agreed upon, and he who breaks the bargain, whether it be principal or agent, in the shape of an individual, a Member of Assembly, Member of Congress, or Delegate in Convention, is faithless and not trust worthy. The election under which he came here was holden but a very few days ago, and hardly any of us have had any means of acquiring a knowledge of the feelings and views of our constituents since the election. Then, gentlemen are here "fresh from the people." No after-meetings, called for the purpose of instructing by small knots of Politicians, gotten up at Court-Houses, Taverns or grog shops, but a full burst of public opinion at the Polls in favour of its retention. For what, why this burst of public opinion? He put it to gentlemen from every quarter whether they were instructed to retain the 32d section, to exclude Jews, to exclude Quakers—yes, the harmless Quakers—to ex-

clude Deists—to exclude Atheists—to exclude any one but the Roman Catholics? He put it to gentlemen from every quarter to say, whether there existed the least excitement in any part of the State against Jews, against Quakers, against Deists, against Atheists? Against whom then was the excitement? He defied gentlemen to say, that there was the least hostility in the public mind against Jews or Quakers. The only class against whom there was any excitement in the public mind was the Roman Catholics, and this was known to all. None could deny it. That portion of the people who busied themselves about it, wished it retained as a wall against what they supposed to be the damnable assaults of the Romish Church upon the freedom & safety of the State. Have instructions been obeyed? Were gentlemen sincere in their professions. The word Protestant—the bulwark against Papacy—has been stricken out, and the word Christian substituted. For what? To let in the Catholics. If the voice of the constituent be binding, then has that been done, which the people forbid to be done, and which ought not to have been done. He trusted in God that this would not be set up as a precedent in the doctrine of instruction, if it were, there would, in future, be no danger of the Representative being misled by the will of his constituents.—He that knoweth his master's will and doeth it not, shall be beaten with many stripes. Gentlemen, it seemed to him, had a matter of some difficulty to settle with other portions of the community. Why should Catholics be admitted to a participation in the offices of trust and profit in this State, while Jews, Quakers, and Deists are excluded. Is any one here prepared to say to his constituents that the Catholics have been found more trust-worthy, than the peaceful Quakers or the persecuted Jews? There are but few Catholics in this State, still fewer Jews, while the Quakers are numerous. He said he would take the liberty of saying, for he was of a Quaker descent, that in all the private walks of life and all the social relations of life, there was not on earth a purer people.—They were truly a people of peace and good works. These observations he had made, not to disparage the just claims of the Catholics, but as a matter of sheer justice to the proscribed Quakers. Mr. W. said, "the Friends" held some notions that he did not approve. He had been at war with them on the question of negro slavery. Although their opinions on this point were palpably wrong, yet no one acquainted with them, and with their Religious principles, can for a moment believe, that their Religious prejudices either against bearing arms or against negro slavery, weakened their integrity; for they were strict observers of their agreements and punctual performers of their contracts, the world over. He knew nothing of his own knowledge, of the Roman Catholics, but as far as he could gather from books and men, they were prettily much like all other denominations, having much in their system that is "of man," and not quite so much that is "of God," as all sectarians are disposed to arrogate to themselves. As an Institution suited to the various feelings and frailties and necessities of man, he believed no Church on earth had superior claims. Imperfections, impurities and errors will exist in all institutions, whose superintendance is subject to man's control, and whatever may have been the origin of the Catholics, the Pre-byterian, the Episcopalian or the Wesleyan system, he hazarded nothing in saying, that their government was now in the hands of those who see and feel, as sinful man sees and feels. He feared, and he thought there was some evidence to support the opinion, that the present excitement against the Catholics was hatched by some aspiring, designing, ambitious Priest. Why had that partial, trashy book, called *Fox's Martyrs*, been spread far and wide? Were the outrages therein related, of recent occurrence, or were the atrocities therein varnished and blazoned forth, the cruelties and barbarities of a dark, superstitious and bigoted age of persecution, called up from the slumber of ages? Who have been active in putting in circulation that tissue of falsehoods "Six months in a convent?" Who are the victims of this stuff? The honest and confiding part of the people, over whom the Priesthood, as well in this country as in every other, have exercised an uncontrollable influence. Upon this excitement, the small and crafty Politicians of the State seized, fanned it into a flame, hoping thereby to work their passage into the Convention; well knowing that the sober sense and sound judgment of the people, if left to act coolly and unexcited, would not discover their fitness for a seat here. Were the Catholics numerous in our State? Scarcely, did a Chapel exist. Was there a probability, that Catholic emigrants would come to this State? There was no new field open to enterprize here; very few foreigners found it to their advantage to come to North-Carolina; nor could it be expected that they should, unless some

great and unexpected change takes place, whereby men make a competency or subsistence easier than heretofore. The rage now was, and he much feared would continue to be, to leave the State for more favored regions. But, Mr. President, the word "Protestant," from the length of time it has existed in our Constitution, is venerated by the people, and has acquired something like certainty in its meaning; not so with the word which is now put in its place. Nothing is more profitable to the people in any Government than certainty in the law. The attainment of a knowledge of the law is difficult, when its provisions are couched in the clearest language; a competent knowledge cannot be acquired when it is clothed in words of uncertain and indefinite meaning. Where can two professors of Christianity, belonging to different sects, be found, that will agree in the meaning of the word Christian. True it is, that all sectarians of this country claim to be Christians, but whenever the issue shall be made up to try whether an individual is a Christian, the defendant will, if governed by the laws of self-preservation, excuse from serving on his jury, all members of the accusing body. Unfortunately, in Religious controversies, the learned and intelligent part of mankind are as much under the influence of bigotry and fanaticism as the ignorant and illiterate. He held in his hands a string of Resolutions adopted by a Convention of Pre-byterian Clergymen recently holden at Pittsburg, Penn. which he would take the liberty of reading: 1. Resolved, That it is the deliberate and decided judgment of this General Assembly, that the Romish Catholic Church has essentially apostatized from the Religion of our Lord and Saviour Jesus Christ; and therefore cannot be recognized as a Christian Church. 2. Resolved, That it be recommended to all in our community to endeavor by the diffusion of light by the pulpit, the press and all other Christian means, to resist the extension of Romanism, and lead its subjects to the knowledge of the truth, as it is taught in the word of God. 3. Resolved, That it is utterly inconsistent with the strongest obligations of Christian parents to place their children for education in Roman Catholic Seminaries. Now, these Resolutions did not emanate from a body of ignorant and illiterate men, suddenly drawn together by some political leader or caucus-monger. No such thing. Very different was this body. A council of grave & learned Divines, whose minds were stored with treasures of learning, gathered together by the toils of many years, enlightened and chastened by long reflection and deep meditation on Heaven and heavenly things. This body, aided by human learning as it was, and especially in the favor of Heaven! determined that Roman Catholics are no longer Christians! Thus we see a sect, claiming for its foundation the Apostle Peter, who saw in flesh the Saviour of men: one to whom Jesus of Nazareth said—"And I say unto thee, that thou art Peter, and upon this Rock I will build my Church, and the gates of Hell shall not prevail against it, and I will give unto thee the keys of the Kingdom of Heaven; and whatsoever thou shalt bind on earth, shall be bound in Heaven, and whatsoever thou shalt loose on earth, shall be loosed in Heaven"—a sect more numerous, which has wielded more, and still continues to wield more influence over men, than all other Christian denominations put together—a sect that profess to believe the whole of the old and new Testament to be of divine authority—a sect that have for fifteen hundred years been universally called and believed to be Christians, proscribed and put under the ban by a body of Sectarians that but yesterday sprang into existence—whose numbers are small and confined to three or four Governments. What evidence have they given the world, that they and theirs are more in the favor of Heaven, than that very body whom they declare have "apostatized." Short sighted mortals! If the everlasting God sees and judges and decrees as man, sectarian man, sees and judges and decrees, who will be saved? Now, by way of illustrating his opinions of the uncertainty of the meaning of the word Christian, he would call the attention of the Convention to a few cases—supposed cases to be sure—such however as might not only occur, but such as he feared would be of frequent occurrence. The power of trying impeachments is conferred upon the Legislature. Let an Officer be impeached for want of the Christian religion. It is known previously to the election of members of the Assembly, that an Officer (a Judge) who holds his office from the Legislature, is to be impeached at the ensuing Session; that the charge against him is, that he is not a Christian. Let the Legislature be composed, as it usually is, of members some of the Baptist faith, some of the Methodist, some of the Episcopalian, not a few of the Presbyterian, with a sprinkle of non-professors (sinners). As things now go, we may suppose some of these orders would then, as they have now, send their members PLEDGED, instructed, with an eye-single to the defence of what they may please to call Religion. The General Assembly, upon its meeting, is organized into an inquisitorial tribunal; the accused is arraigned before the bar of the House; he is called upon for his defence;

he steps forth and boldly discloses, that in truth he is a Universalist—that Jesus Christ came into the world, took upon himself the sins of the children of men, and died upon the cross to make a propitiation for the sins of the world; that all (not a part) might be saved—that the wicked deeds of the body are punished in the flesh, and that he did not believe in future rewards and punishments. Would the General Assembly trouble themselves with further evidence or argument? If what we have lately heard is to be relied upon as a precedent, the pious Assembly would forthwith cry—"Away with him—away with him"—he is no Christian—let his office be vacated and his place given to another. Though the officer might be as competent in qualifications, and as pure in the practical discharge of his official duties as ever mortal was, a judgment of condemnation would be rendered.—Who can doubt it? What? a man, a Christian, who does not believe that beyond the grave there exists everlasting bliss and eternal woe? Where the elect bask in one everlasting round of unspokeable joy, and where the condemned rove in the agonies of eternal despair? The Universalists call themselves Christians; and according to their faith, by the virtue of Christ's blood, all men are saved. The Romish Catholics, according to Presbyterian faith, have apostatized; because it is said, their Priesthood profess to forgive whenever the issue is submitted. Universalists will come under the ban of proscription, because they profess to believe that Jesus Christ took upon himself the sins of the world and released all mankind from the bondage of sin and transgression. The complaint against the Catholics is, that their Priests claim and exercise too much power; that against the Universalists is, that they give too much efficacy to the suffering and blood of Christ. Again, what would be the fate of the Unitarian, who, like the Universalist arraigned before this dread tribunal—this inquisition, for in truth that is the proper name—should step forth and declare that he believed in one God, but that Jesus Christ was not that one; but that the doctrines taught by Jesus Christ among men made them better and happier in this life—made the way easier and plainer to Heaven, and, if practiced, were sufficient for salvation—that none can participate in the advantages of the Christian system without a strict adherence in practice to its precepts. Would the Assembly wait for further evidence than the confessions of the accused, that he did not believe in the Trinity and denied the divinity of Jesus Christ? The Unitarian, like the Universalist, would be denounced, condemned and disfranchised. The Unitarian, unlike the Catholic and Universalist, believes, that to reach Heaven, he must labour long and arduously in the practice of the precepts taught by the man Jesus, and this would be his condemnation. Mr. W. said he would go still farther, and take the liberty of saying that very body which had recently sat in judgment upon, and condemned the Catholics, may themselves, ere long, come under the ban. Who has forgotten their Sunday mail efforts? Let the public mind be charged with excitement against this body of sectarians, upon the supposition that they are encroaching upon the rights of all, and whether the charge be rightful or not the inevitable result will be a combination of all Religionists against them; and then would Presbyterians be condemned for their doctrine of election—yes, election—this word election is the key to the whole scheme. The Heathen is good to his own; we want no evidence to prove that Catholics would, if clothed by law, set up for supremacy. The Presbyterians have passed sentence against the Catholics, and this Convention is about to clothe them with inquisitorial power, if the uncertainty exists in the meaning of the word Christian as above illustrated. In a contest for power, who is orthodox? The majority, who is orthodox? It is too often the case, in the heated imagination of the devotee, the fictions of the fevered brain, pass for the illumination of the Holy Spirit. These fictions become positive injunctions—the communion of many together, of this stamp, works confirmation and produces enthusiasm—in the whole mass then commences the work of carrying into practice the injunctions of the Deity. Nothing is wanting, how to kindle the flame, to fire the largest, to erect the stake and build the rack; but the aid of the law. Ministers, to execute the law, will never be found wanting, when men think they are doing God service in scourging and punishing those whom high professions proclaim to be blasphemers. How shall mortal tribunals decide between these bodies, contending among themselves about what is and what is not acceptable to the Deity? These contests, from the nature of man and man's weak understanding, must necessarily arise in every country, where the mind is unshackled by human laws. How to prevent injury from these contests, "hoc labor, hoc onus est" but difficult as it was, he thought the way was not untried. The Pilgrims to this land had shewn the way by example; it had been followed in numerous instances, and