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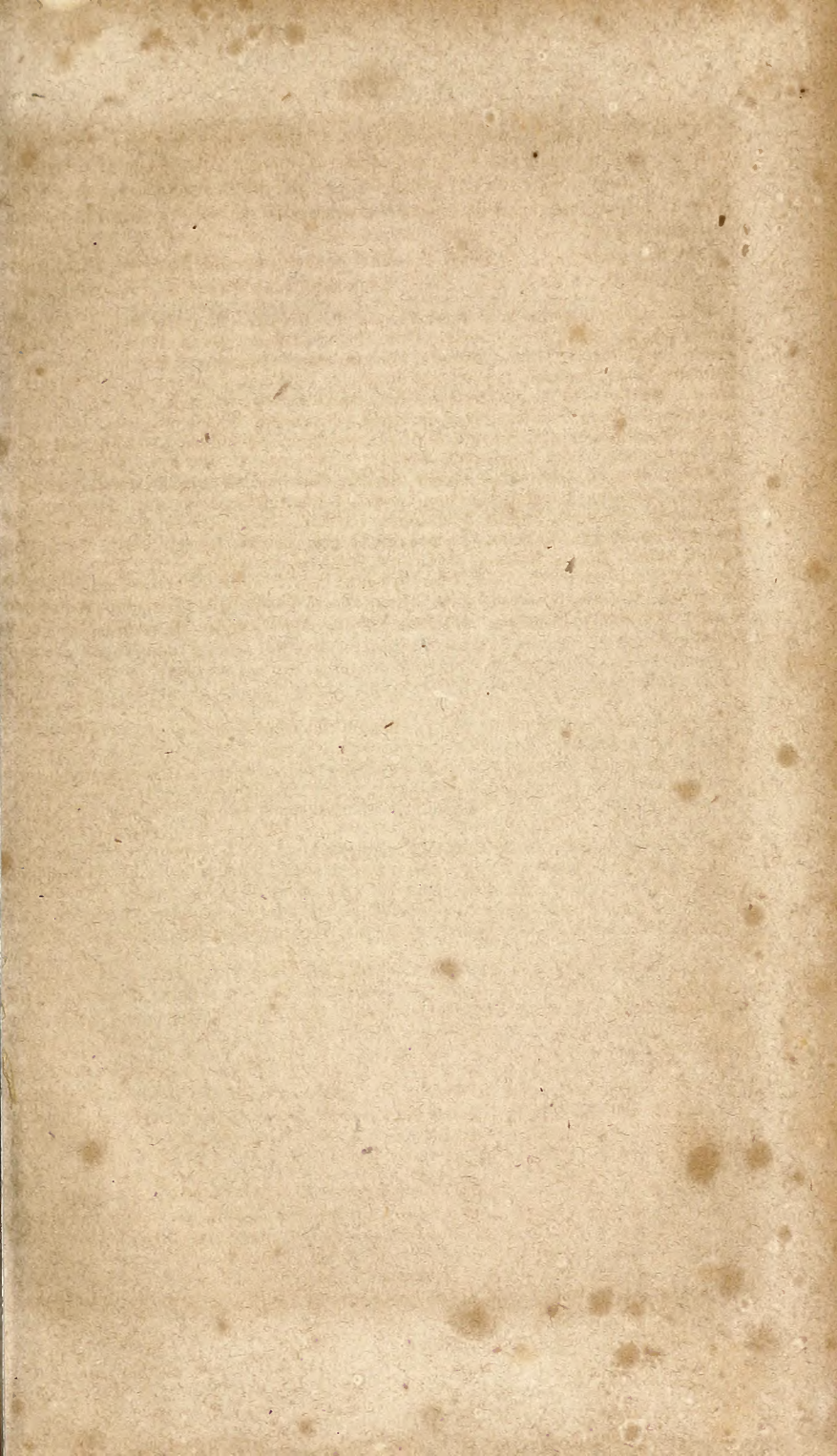
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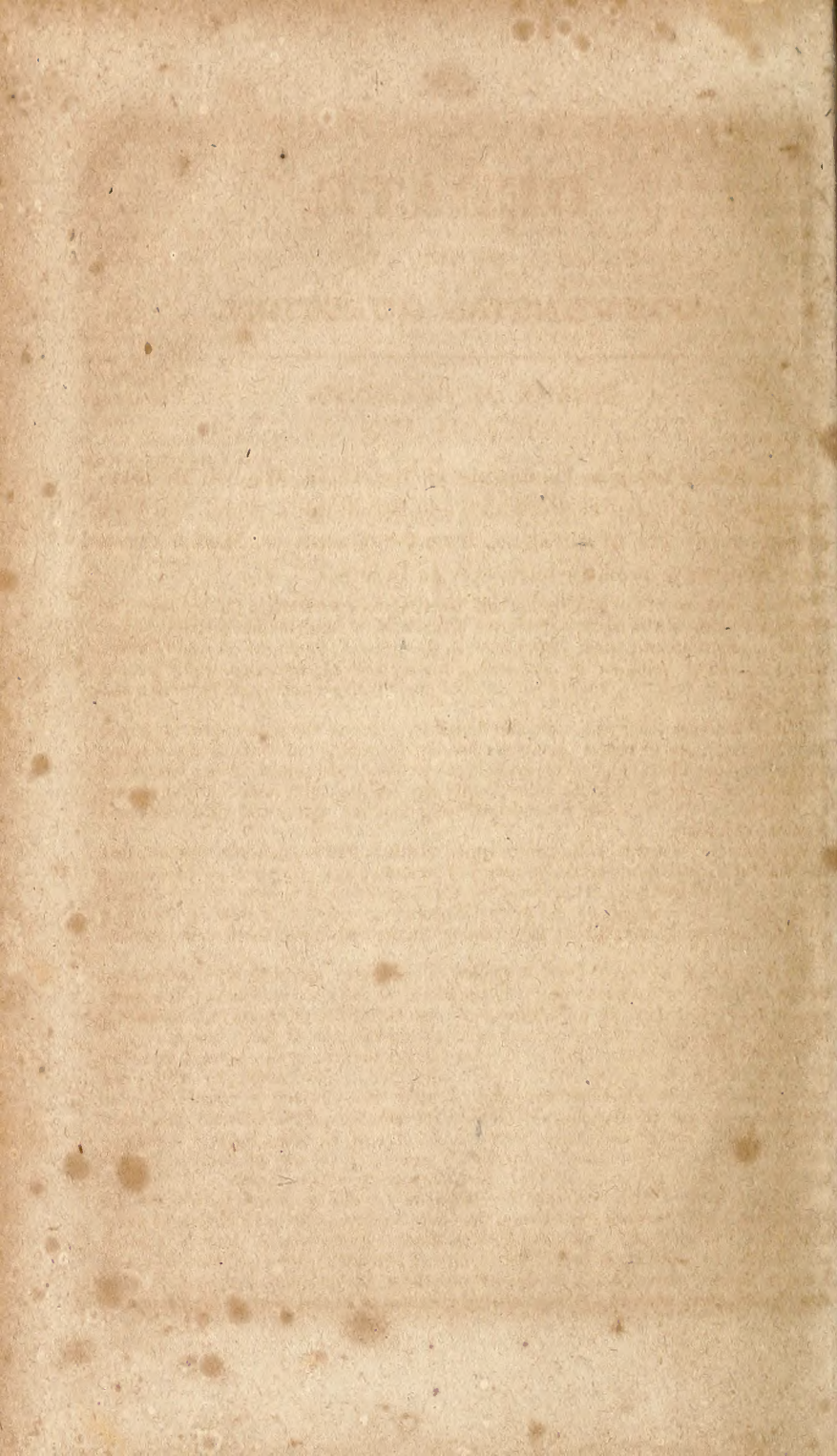






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# DEBATE

ON THE

## CONVENTION QUESTION.

HOUSE OF COMMONS.

JANUARY 14, 1832.

The House being in Committee of the whole, Mr. W. H. HAYWOOD in the Chair, the Preamble and Resolutions, which had been introduced by Mr. WHITAKER, from the County of Macon, some days ago, were read : which were as follows :

WHEREAS many of the good people of North-Carolina entertain the opinion that the Constitution of the State is defective in some of its fundamental provisions, and requires amendment ; more especially in the present mode of Representation, which instead of being on the just and equitable basis of taxation and population, is according to counties, unequal in size and greatly disproportionate in wealth and numbers :

AND WHEREAS, local jealousies and divisions, growing out of this state of things, have for many years existed among the people, distracting the councils of the State, and obstructing liberal and wholesome legislation—a condition of things which the character and prosperity of the State loudly require should be removed from among us, that we may become *one people*, possessing common rights, and influenced by a common principle.

AND WHEREAS, many of the good people of this State entertain the opinion, that the Seat of Government should be removed to some place uniting more advantages than the City of Raleigh : Therefore, for the purpose of removing these defects, on principles of compromise and mutual concession, and with a view of restoring good feeling among our citizens, and harmony in the councils of the General Assembly :

*Be it Resolved*, by the General Assembly of the State, and it is hereby resolved by the authority of the same, that it is expedient to call a Convention of the free-men of North-Carolina, for the purpose of considering the propriety of amending the Constitution of the State, and also of removing the Seat of Government.

*Resolved further*, that it shall be the duty of the Sheriffs of the several counties in this State, on the day of next, after twenty days notice, to open polls at the places where elections are usually held in their respective counties, under the same rules and regulations, as elections for members of the General Assembly are now held ; and all free white men over the age of 21 years, having been citizens of the State twelve months immediately preceding the day of election, are requested to attend said polls, and vote for Delegates to a Convention.

*And be it further Resolved*, that the Delegates so chosen, shall be distributed among the several counties as follows, the same being on the basis of federal numbers, that is to say :—the counties of Ashe, Bladen, Brunswick, Columbus, Carteret, Currituck, Chowan, Camden, Gates, Greene, Hertford, Hyde, Haywood, Jones, Lenoir, Macon, Martin, Nash, Onslow, Pasquotank, Perquimans, Robeson, Tyrrell, and Washington, each one Delegate—the counties of Anson, Bertie, Beaufort, Ca-

barrus, Chatham, Cumberland, Caswell, Craven, Duplin, Davidson, Edgecomb, Franklin, Halifax, Johnston, Moore, Montgomery, Northampton, New-Hanover, Person, Pitt, Randolph, Rockingham, Richmond, Sampson, Surry, Wilkes, Warren and Wayne, each, two Delegates—the counties of Burke, Buncombe, Guilford, Granville, Iredell, Mecklenburg, Rutherford, Stokes and Wake, each, three Delegates—the counties of Lincoln, Orange and Rowan, each, four Delegates.

*Be it further Resolved*, that the Delegates so chosen, shall meet in Convention, on the \_\_\_\_\_ day of \_\_\_\_\_ next, and when duly organized shall proceed to consider the propriety of adopting the following articles as a part of the Constitution of the State : and said Convention shall be restricted and limited to the propriety of adopting or rejecting these articles, or any or either of them, and no other.

ARTICLE I. The Senate shall be composed of Members, biennially chosen, one from each County in the State, Senators and Electors shall both possess the same qualifications as are now required of each, respectively, by the Constitution.

ART. II. The House of Commons shall be composed of Members, biennially chosen by the free white men of the State, in the same manner as hereinafter prescribed ; and the Members and their Electors shall possess respectively, the same qualifications as are now required by the Constitution.

ART. III. Representation in the House of Commons shall be equal and uniform, and shall be regulated and ascertained by the General Assembly once in every ten years, on the basis of federal numbers, that is, three-fifths of the black population added to the whole of the white population. The ratio on which the Representatives shall be distributed among the several counties, at the period of every ten years, shall be so fixed by law, as not to give fewer than ninety, nor more than one hundred members to the House of Commons, over and above the Representatives of the towns, if the Borough System should be retained. When a county may not contain a sufficient number of federal numbers to entitle it to a member, and when the fractions of the adjacent counties added thereto, are still less than the ratio, then two or more counties may be joined together for the purpose of sending one member or more, according to what they may be entitled to send by the settled ratio. When there are two or more counties, adjacent to each other, having fractions over and above the ratio fixed on, if such fractions when added together, will amount to the ratio, then one member shall be added to the county having the largest fraction. The first arrangement on the principle of the amendment, shall be made by the General Assembly, in the year 1841, and until then, the House of Commons shall be composed of members from the several counties as follows, to wit : [The Resolution is at present in blank as to the arrangement.]

ART. IV. The General Assembly shall meet once in every two years, but should the public interest require it, the Governor, in the interim, may call an extra session.

ART. V. The Governor, Public Treasurer and Secretary of State, shall be biennially chosen by joint ballot of the two Houses. No person shall be eligible to the office of Governor longer than four years, in eight successive years.

ART. VI. Whenever any town in this State, not now entitled to representation, shall possess a population of \_\_\_\_\_ souls, such town shall become entitled to send one member to the House of Commons ; and when any town, now represented or hereafter to be represented, shall cease to possess a population of \_\_\_\_\_ souls then such town shall forfeit the right of representation.

ART. VII. No higher taxes shall be imposed on the Slave, than on the White poll, and slaves shall not be taxed at an earlier age than twelve years, nor at a later age than fifty years.

ART. VIII. The Convention shall determine on the expediency of removing the Seat of Government, and if they determine on removing it, then they shall fix the place of removal, which shall become the permanent Seat of Government until removed by the people in Convention assembled.

After the reading of which

Mr. FISHER rose, and addressed the Chair in substance as follows :



As no other gentleman seems disposed to present his views to the Committee, I shall take the liberty of offering a few preliminary remarks, but shall not go into the merits of the question at present.

It seems, sir, that there has been some difference of opinion as to the propriety of bringing this subject, at this time, before the Legislature. I am one of those who entertain the opinion that *now* is the proper time to bring it forward, and that no good reason exists for keeping it back. I will state why: In the first place then, now is the proper time for bringing the question forward, and discussing it, for the reason that the *people of the West expect it*, and look for it. During the past twelve months, they have looked to the present session of the Legislature for a movement on the subject of Convention. I will go farther: I say, that every member from the West, before, and for some time after he came here, fully and confidently expected the introduction of this subject.—Am I wrong in this opinion? If so, let me be corrected.

But there is another reason why the Convention question should now be agitated. Not only the people of the West, but likewise the people of the East, have looked for a movement on the subject at this session. I do not say that the people of the East *wish* it, but certainly they looked for it. I ask the members from the East, whether it has not been the general anticipation of their constituents that this subject would now be discussed?

But why is it that the question of Convention is looked for by the people of every part of the State? I will tell you: It is because this is the first session of the Legislature that has occurred since the census of 1830 has been laid before the public. During the last six or eight years, the people of the West have been looking forward to the time when that census should be taken, as it would furnish the facts on which to base their claims for a Convention, and present the subject in stronger points of view than ever before. At the last session, many of the members were extremely anxious to bring forward the subject and have it discussed, but they were resisted on the ground that we were not in possession of the materials—the census of 1830 had not then been presented to the public; and on that account it was deemed best to put it off until this session.

The census of 1830 is now before us—we have all the facts and arguments necessary to sustain our cause. Why then, put it off any longer.

But there is yet another reason why the public have looked to the present session for a movement on the subject of Convention. This reason grew out of the unfortunate destruction of the State-House; for the mail that bore the news of this catastrophe abroad, carried with it the impression that *now* would be the time to urge

our demand for a reform of the Constitution. How is it, or why is it, that the subject of Convention has been connected with the rebuilding of the State House, is not necessary for me to explain: Every gentleman understands it.

Since, then, it is generally expected that the question of Convention should be brought forward at this session, would we not prove recreant to the interest and wishes of the West to put it off any longer? Would it not look as if we were giving up our claims, and admitting that they are groundless? What good reasons could we assign to our constituents, on returning home, for neglecting to press the call of a Convention on the attention of the Legislature?

But, sir, there is yet another reason why this subject should be brought forward without any further delay. It is due to the people of the East themselves. The people of the East have taken up erroneous views as regards a Convention. They have been taught to believe that we want a Convention for the purpose simply of obtaining more *power*—that we care nothing about *principle*—that *power* is all we want. They have been taught to believe that we wish to disfranchise them—to pass laws that will oppress and ruin them. Now, sir, I say the sooner we convince our brethren in the East that they are wrong in their opinion, the better it will be for us all, and how is this to be done, but by bringing forward the subject, and let them see what we complain of, and why we complain:—that it is not for the purpose of oppressing them—that it is not a reach after power, but *equal rights*, we go for:—that this hydra, this many-headed monster, a Convention, is not as hideous as they have been taught to believe.

Then, sir, it is due to the people of the East that the question should be fairly represented to them, and it is due to the people of the West to bring forward their claims and not suppress them.—For these reasons, I am one of those who joined in advising the introduction of the Resolutions on the table.

As much pains have been taken out of doors to make an impression that the present is an improper time for stirring the subject, I have thought proper to present these views to the House. I shall now resume my seat, and reserve what I have to say on the merits of the question itself to some future stage of the debate. I am deterred from proceeding at this time by a severe affection of my lungs; but allow me to make one remark before I resume my seat as to the resolutions before us. I know there is a difference of opinion as to the plan of compromise proposed. Some think we are giving too much—others not enough. However this may be, the motives of the gentlemen on whose advice they were introduced, must be considered as patriotic and praiseworthy. The object is to compromise a long and distracting contest between the two sections of N. Carolina, to settle the broils that have year after year

thrown the Legislature and the people of the State into hostile array against each other. No individual deplures this state of things more than I do, and every feeling of patriotism requires that it should be done away as speedily as possible. To accomplish in a peaceable manner this great purpose, I confess, that I am willing to give up something, to enter on the subject in a spirit of compromise. I confess that I would prefer taking taxation and population as a combined basis, and applying it to both Houses. I should likewise prefer seeing federal numbers applied to both Houses, but the question is, shall we hold out at the risk of almost civil war for all that we ought to have, or shall we meet on the grounds of compromise, and endeavor to promote the peace, the quiet, general prosperity and welfare of North-Carolina? I think no patriot, no real friend of North-Carolina, will for an instant hesitate as to which course we ought to pursue.

Mr. PEARSON said,

I regret that indisposition prevents the gentleman from Salisbury from entering into this discussion. I had counted upon his assistance in the heat and brunt of the contest. I did not expect to be thrown into the foremost ranks.

When I first looked at the resolutions, so great was my desire to settle the distracted state of the country, that *must* continue until something is done; so great was my desire to remove the source of the sectional feeling that has for many years divided this body, and prevented all wholesome legislation, and to bring about a new order of things, when we shall be actuated by one common principle—a desire to benefit our common country—that I was inclined to go for them. But I found the West, at least a large majority of the West, opposed to them; and, upon examination, I discovered they concede too much. If representation by counties be unequal in one House, it must be so in the other; and if the principle by which we propose to reform the House of Commons, and reduce the number of members, be a good one, we should adopt it in toto, and reduce the number of Senators also. The interest of landholders is peculiarly represented in the Senate, and the interest of *all* classes in the House of Commons. Will it be consistent with this theory to leave the Senate so nearly equal in point of numbers to the House of Commons? Should it be more than half? Is it more than half in any well balanced Constitution? Again, Sir, the resolutions do not provide that the amendments agreed upon by the Convention shall be submitted to the people for their ratification. I am not willing unnecessarily to repose too much power any where. I wish the people to look over what their delegates may do, and to ratify their acts before they become a part of the Constitution; for these reasons I can-

not vote for the resolutions as they now stand. I will trouble the committee with a few observations on the subject, and shall then move to amend, by striking out all the articles except the 8th, which relates to the Seat of Government, and insert a provision for a general Convention, and ratification by the people. When we meet in general Convention, it will be time enough to fix upon such mutual concessions as may be necessary to "*enable parties to meet.*" I should be willing to adopt 95 as the number in the Commons, 45 in the Senate, and to adopt federal numbers as the basis of representation in the Commons—federal numbers and taxation in the Senate. This would be a fair concession. It would secure equal representation, and preserve the relative weight of the two bodies. These are matters, however, which will no doubt be attended to by the Convention.

Mr. Chairman, no man can feel a higher veneration for the patriots who achieved the independence of this country than I do. No man more highly venerates the Constitution, which is the work of their hands, than I do. It was admirably suited to the times for which it was made, and as clearly establishes the claim of its framers to the wisdom of statesmen, as the battles of the revolution, their claims to the valor of soldiers; and, sir, I cannot feel that this veneration is laid aside, when I assert, that in its operation upon the present state of the country, the Constitution is *grossly unequal*, and is, of course, *defective!* for, sir, I have too much respect for the foresight of those great and good men to suppose that they intended or expected the Constitution, which was at that time adopted; would remain unchanged and unalterable, and would be pressed upon after ages, whether applicable to their condition or not. No man could then foresee the immense change that fifty years has effected; but every man of ordinary reflection must have anticipated a very great change, and a politician who would have held out the idea, that a Constitution could be so framed as to suit both the condition of the country *then*, and its condition *now*, would have been looked upon as a fool. To contend that the framers of the Constitution intended to hold it forth to the world as perfect, and expected it would be applicable to the present state of things, as well as to their own times, is to detract very much from their wisdom. I believe the present Constitution was intended as a mere *temporary compact*, formed in the hurry of the moment to suit the emergency, and under the full expectation that when the storm of impending war had passed over, and the sunshine of peace was restored, there would then be time to digest and mature a Constitution according to the principles and theory of correct government, so as to secure to all the blessings of liberty! and by a recurrence to the provisions of the instrument itself, the circumstances under which it was formed, the condition of the

country at that time, and the history of that day, this view of the subject will be fully sustained.

Does it not seem strange that the fathers of the revolution, in forming a Constitution, retained the English system of representation by counties, without regard to extent of territory, population or taxation, and the English system of borough representation, and did not act upon, or in any way recognize in that instrument, the principle that "taxation and representation should go together"—a principle for which they were about to engage in an unequal war, and to maintain which they pledged their lives, their liberties, and their sacred honor? Can this be accounted for in any other way, than by supposing that it was intended as a mere temporary arrangement?

What were the circumstances under which the Constitution was framed? The colonies had just thrown off the British yoke—had scarcely realized the idea that the people could govern themselves—were deafened by the notes of busy preparation, and all the "pomp and circumstance of war"—a war with the most formidable nation in the world, aided by a strong body of tories in the bosom of the country! Under these circumstances, could they mature a Constitution upon the new principles and opinions for which they were about to contend? Could they make any but a temporary arrangement?

What was the condition of the country? The State extended west to the Mississippi river; it had not been laid off into counties farther west than Rowan and Mecklenburg; it contained about three hundred thousand souls. Was there the means of ascertaining the proper basis of Representation? It was wise to adopt the old English system for the present emergency, and little was it expected that that temporary Constitution would be in use in 1832, after the State had become settled and improved, was divided into 64 counties, and contained 738,000 souls. Can it be thought for an instant, that it was expected the system by which every county is entitled to three members, would be kept up after the State was settled and laid off into counties as far West as the Mississippi? Was it foreseen that this Western territory would be *given away to get rid of it*?

And, sir, what is the history of that day? Many of the colonies acted under their old colonial charters until the war was over. A few, North Carolina of the number, in 1776, hastily drew up a Constitution, retaining most of the features—nay the very names of their old charters. All the States that formed Constitutions in 1776, North Carolina excepted, have since remodelled them—many of them more than once. Even the States that made Constitutions in 1790, have found it necessary to amend them, to meet the changes that have taken place! North Carolina alone

has remained stationary, and failed to keep pace with the age.— The journals of that day show that the framers of that instrument, bound together by a common danger, that pointed the energies of the State to one object, and absorbed all selfish and illiberal considerations, completed the work in less than a week, and then engaged themselves in providing the ways and means of repelling the invading enemy. These circumstances all prove that this Constitution was a temporary arrangement. The hope that, when peace was restored, a Constitution could be formed ensuring to all equal rights and an equal participation in the blessings of government, has never been realized. As soon as the common danger was removed, as if the lid of Pandora's box had been lifted, the bad passions of men flew out, sectional jealousy, party feeling, and all the distraction that interest and ambition can originate, divided the councils of the State. As early as 1787, Governor Spaight of Newbern, introduced resolutions for a Convention. Attempts have been made, time after time; but the distracted condition of the country rendered them all abortive.

Mr. Chairman, the Constitution contains no provision pointing out a formal way to make amendments. It was no doubt thought unnecessary. The people have at all times a right to alter their form of government. But, sir, there is in the Bill of Rights—a clause, by which we are solemnly admonished to make amendments to suit the change of times. “A frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty.” What is meant by *recurring to fundamental principles*? Is it that the Legislature in enacting laws, and the Judges and Justices of the Peace in administering them are to recur to fundamental principles? No such thing, sir. The one is bound by a written Constitution, the other by established laws,—a track is marked out for them, and they must keep in it. By *fundamental principles*, is meant, the original principles of social Union—the original rights of man; and the fathers of the revolution having themselves just recurred to these principles, by declaring the independence of this country, its separation from the mother country, and its determination to establish a government for itself, having in fact recurred to the sacred right of revolution—the right inherent in every people to change, modify or amend their government whenever it becomes necessary—thought it proper, in this solemn manner, to justify their course, and to admonish those who come after them, that whenever, by reason of the increased population and property of the country, or in any other way, the existing government ceased to operate equally on all, and to preserve the equal rights of all, it was right—nay, *absolutely necessary*, if they wished to preserve the blessings of liberty—to recur to fundamental principles, and change, modify or amend the Constitu-

tion. Truly, sir, this was spoken in the spirit of prophecy. It foretold that the blessings of liberty could not be preserved but by a frequent recurrence to fundamental principles. We have neglected this admonition, and the blessings of liberty have not been preserved. One of the first blessings of liberty is equal rights. The right of representation is the dearest and most sacred right of man. With it, he is a freeman—without it, a slave! Is the right of representation equal under the present Constitution? Has this greatest blessing of liberty been preserved? Cast your eye over the members of this House, Are they sent here by the same number of voters? Are any two counties equal in extent, in population or taxation? Still every county sends an equal number of members. This general view of inequality must strike the attention of every one. But particular cases will sometimes strike more forcibly. Let us advert to two counties, and institute a comparison. Rowan is not the largest, nor Washington the smallest county. Rowan contains a population in federal numbers of 18,180; Washington 3,740—difference 14,440. Rowan pays annually a land tax of \$704; Washington \$160—difference \$554. Rowan pays annually a tax of \$1,818; Washington \$560—difference \$1,258. Rowan and Washington send each three members, who have equal political weight. Is this equality?—Is there any circumstance connected with the 300 voters in Washington which entitles them to the same political weight that the 1800 voters of Rowan have? Is their land better? In time of need will they furnish the same amount of money or of men? Why then shall one man, because he happens to live within certain marked lines called the county of Washington, be, for the purpose of representation, equal to six men in Rowan? It is caused by the operation of the unequal and absurd system of county representation, under which counties are considered equal for the purpose of representation, and unequal for every thing else. This is the strangest representation ever imposed upon a people, who believed they lived in a republican country! Sir, in the Federal Government, which is a Union between sovereign States, every district that sends a member to the House of Representatives pays the same amount of taxes. It would be thought monstrous, were all the counties compelled to pay the same amount of taxes; but it would be right, sir. If they be equal in representation, they should be equal in taxation,—and sir, all the other States now have Constitutions in which the basis of representation is free white population or population and taxation combined. They are all wrong, or North-Carolina is wrong.

But it may be said this is a sectional question, a question between East and West. Will that alter the inequality? Take the line laid down by a conspicuous man of the East, Mr. Staudy, in a former debate upon this question: draw a line from the corner of Granville, south through the State, and you have 28 Western and

36 Eastern counties. Take as the proper basis, federal numbers in one House, and federal numbers and land taxation, which is the correct rule; for if negroes be included in federal numbers, it is not right to include them again in taxation. Or to avoid disputes, take federal numbers and taxation generally in the other, and how does the calculation stand?

28 Western counties contain in federal numbers	347,592
36 Eastern counties	292,292
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In favor of West	55,300
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28 Western counties pay a land tax of	\$11,220
36 Eastern counties	12,421
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In favor of East	1,201
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28 Western counties pay in taxes	32,064
36 Eastern counties	36,958
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In favor of the East	4,894

Upon the basis of federal numbers, if the number of members remain the same, the 28 Western counties would be entitled to 104 members, the 36 Eastern to 84, giving the West a majority of 20. Combining federal numbers and land taxation, the West would be entitled to a majority of about 18 members; and combining federal numbers and the whole taxation, the West would be entitled to a majority of about 16. Under the present Constitution, the East has a majority of 24; so that on the first principle there ought to be a difference of 44, on the second of 42, and on the third of 40. And this too after conceding the basis of white population entirely. Is this fair? Is it equal? I appeal to the gentlemen of the East, and ask them if it is right to exclude the West from an equal participation of political power? I appeal to them as citizens of the same State, members of the same family, and ask if they can lay their hands upon their hearts and say, they will hold power to which they have no right, and which accidental circumstances alone placed in their possession? Will they reply in the language of a King of England, when questioned as to his right to the crown? "My father wore it, and gave it me, and by this right I'll wear it."

Sir, there is another grievance under the present Constitution, one that very materially affects the growing prosperity of a portion of our State. I allude to the difficulty, almost impossibility, of dividing the large counties in the West. Your citizens have a right to expect that their convenience in attending courts and other public meetings will be consulted by the erection of counties of a reasonable size. The size of counties should be regulated by convenience on one hand—restrained by county expenses on the other. Under the action of these balancing principles, counties will neither be too large nor too small. But, sir, when a memorial



is presented to this body, respectfully praying for the erection of a new county, the subject, instead of being decided by these principles alone, is influenced wholly by the consideration of political power. It is not asked are the complaints well founded?—will the extent of territory, the population and the taxation of the proposed new county, justify its erection? It is gravely asked, how will the addition of three members affect the power of the East? And the answer governs the decision. Memorials upon memorials have been presented, and have been rejected upon the consideration of political power alone. And, sir, they will always be rejected, until the system of county representation is abolished! Some new counties, it is true, have been erected. Most of them were obtained by striking off a new county in the East, as an equivalent. All were forced from a reluctant hand. Look at your mountain country! without public patronage, without the encouragement of a liberal and correct policy, it has grown and become populous and wealthy, in spite of your neglect. How much more improved would that country now have been, had you pursued towards it the policy observed in every other State towards their unsettled territory—had you supported and helped it on by the fostering arm of government—had you even offered a proper measure of convenience to those who are inclined to settle it? The county of Ashe is an instance in point. That is a mountain country, but the county is of convenient size, and the county of Ashe has increased more in the last ten years than any county in the State. But the misfortune is, that as the difference in political power becomes definite and certain, as you approach the point of equality, the chance of a new county, it has really always been a *chance*, is lessened; and, my word for it, sir, reform the House of Commons; let the Senate remain as is proposed in the original resolutions, let eight in the Senate be the Eastern majority, and you never will see another new county. Is not the settling and improvement of our Western country a strong consideration for calling a Convention, when experience makes it clear that under the present Constitution, collaterally it is true, but no less certainly, insurmountable obstacles are opposed to the adoption of liberal policy?

One of the blessings of liberty is the enjoyment of a good government and good laws, with as little expense to the people as the nature of things will admit. Is not the Legislature unnecessarily large? Would not half the number make as good laws in a much shorter time? Is there a necessity that the Legislature should meet every year? It appears to me, sir, that if the Legislature met biennially, the policy of the State would be more permanent—the laws less fluctuating. The practical operation of laws would be seen before they were repealed; your people would find out what laws you had passed before they were altered; and,

sir, all this would be attended with a saving of at least \$ 25,000 a year. Is this nothing, sir? I believe I need not press this consideration upon gentlemen who know so well the value of money, and who are so little inclined to tax the people.

But, sir, there is another and a weighty reason for calling a Convention. The State is torn and distracted by sectional feeling; all wholesome legislation is marred; the Legislature meets not to provide for the general good, but to witness the struggles of factions. This has been the case, and will be the case until these differences are settled in Convention. Do gentlemen wish to see this state of things continued? Will they refuse to join in a measure that will unite us as a band of brothers? We were told a few days ago, in the discussion of the appropriation bill, by the gentlemen who took part in the debate, that, however much they were inclined amicably to settle these differences, if the appropriation was refused they could not go with us, as it would have the semblance of acting under compulsion. They said, they *would not move a step with a rod over them*. Will those gentlemen pardon me for reminding them, that this proposition has been made time after time, and has been as often spurned by them; and that it appears to us that they refuse it now for the reasons they refused it before. It seems to us, sir, that the excitement upon the State-House question proves clearly, the unhappy distraction of the country, and demonstrates the necessity of a Convention; and being unable to appreciate the feeling by which the refusal of the appropriation is made an imaginary *rod* held over their backs, we are forced to think that it is a mere excuse for their illiberality, a mere cloak to conceal a reluctance to resign power to which they are conscious they have no right. From this remark, I must be permitted to make one exception. One of those gentlemen has always been a liberal voter. When a question was proposed, he stopped not to ask, did it come from the East or the West? It was sufficient for him to know it was right. And although we lament, as the most unfortunate consequence of the Appropriation question, that we now see him in the adverse ranks, ready to lend his powerful arm to crush right and uphold wrong! We believe in the moment of excitement, when he permitted his feelings to be too highly wrought up, in the discussion of a favorite question, and in the moment of disappointment, when he reminded us of his former friendship, and found he was not able to sway us, he permitted himself to be carried away by the feelings of "those among whom his lot is cast."— We still respect his virtues and admire his talents. We consider him an ornament to this House, an ornament to his native State, and we have regretted, and do now regret, that, cramped and kept down by the illiberality of party feeling, his talents have not been able to display themselves upon a theatre where they would be an

ornament to the nation. Are these the sentiments alone of the individual who now addresses you? The looks of all around me proclaim that the feeling is universal. We meet, in the world, with so much illiberality, so much prejudice and bad policy, that it is a relief to find a man, whom we can love and venerate; it is sunshine to the soul. We are sorry it has been darkened by a passing cloud.

Mr. Chairman, permit me to make one or two remarks upon the appropriation. We were told, the obligation of a solemn oath bound us to vote the appropriation. The *oath* was pressed upon us as frequently, and with as much art, as an experienced advocate presses it upon an ignorant jury that he does not respect, with the hope of acquitting a client whom he knows to be guilty! We were told, the plighted faith of the State bound us to vote the appropriation! We could not think so. We admit Raleigh is to be the Seat of Government, until, under an express provision of the ordinance, it is removed by a Convention; but, we believe, to have voted the appropriation this session, would have been to forestal public opinion; and, by a hasty exercise of the brief power with which we are invested, to prevent the exercise of a power reserved in the ordinance itself. I will put a case, sir. You own a plantation in a distant county; your buildings are burnt down; and the overseer, having good reason to believe that you wish to select a more eligible situation, sets to work and builds them up in the old place, without consulting you upon the subject. Would he not act in bad faith? Would he not violate his trust? Sir, we are confirmed in our view of the case by recurring to the history of the State-House. Does it not seem strange, that, after the Legislature in 1787 had called a Convention, and after this Convention, in 1788, had, by a majority of eleven, fixed upon this place as the Seat of Government, the Legislature in 1789 should prove refractory and refuse to carry the ordinance into effect by voting an appropriation; that in 1790 the appropriation was again refused; and that in 1791 it was carried by but one vote—57 in the affirmative, 55 in the negative—one vote would have made it a tie, 56 to 56, as it was the year before, and the bill been lost? How is this explained? There were in the Legislature calling the Convention, and in the Convention, seven counties in what is now Tennessee, represented; and by referring to the Journals, you will find they voted with the East. In the Fall of 1789, Tennessee was ceded to the United States; the East, by the cession act, lost their Tennessee allies; and the West and Cape Fear successfully resisted the ordinance which had been obtained by this management, until the desertion of Timothy Bloodworth. His name, sir, had been consigned to oblivion. We remembered the treason, but had forgotten the traitor, until the gentleman from Wake was kind

enough to bring his name to light by way of apology for his conduct. Those facts speak volumes; but there is still further proof. Can any one suppose the Tennessee counties would have agreed to fix the State-House within 120 miles of the Atlantic, had they not been fully assured of being ceded off, and erected into a separate State? Here, sir, here is a *bargain* for you, on a magnificent scale—a bargain by which the State *lost* her valuable western territory, and by which Raleigh gained the State-House. The old men of the West told it to their children, whose young blood boiled with indignation at the recital; and we, the representatives of the West, have refused to rebuild until the West are heard upon the question.

With a knowledge of these facts, it appears to me strange, that gentlemen, in advocating the appropriation, should dare to whisper the word "*bargain*." I believe, sir, no gentleman professed to think this was a bargain between the West and Cape Fear; but, sir, the slander was sanctioned by the introduction of the pitiful wit of newspaper scribblers into the debate. There is one precious production that has been overlooked. I will read it, sir, not because it alludes to myself; were that all, "I would pass it by as the idle wind which I regard not;" but because it may have a tendency to injure the cause of Convention.

Here Mr. P. read extracts from the letter, as follows:

[From the Western Carolinian.]

"EDITOR'S CORRESPONDENCE.

"Raleigh, Dec. 15, 1831.

"DEAR SIR:—The meeting on the subject of Internal Improvement, held in your town some weeks ago has produced a very considerable sensation in various parts of the State—I have just read an account of a very respectable meeting held on the 26th ultimo, in Beaufort, at which several sensible and patriotic resolutions were passed fully responding to what was done in Salisbury, and W. Gaston, the member from Newbern, showed me, a few hours ago, a letter he had just received informing him, that a large and highly respectable meeting was held in that town on the same subject."

"On yesterday, as the organ of the friends of the measure, Mr. Gaston introduced "a bill for incorporating the North Carolina Central Rail-road Company," He prefaced it by one of his happiest efforts, not long, but impressive." "After the bill was read and passed its first reading, Mr. Pearson, of Rowan, got up and offered a similar bill for a Rail-road from Fayetteville to the Yadkin, so that if both succeed, the People of the West will be well off for ways to get to market. But the thing is too plain that both cannot succeed, tho' we will hope otherwise. The people of that section will have to choose between the two plans, and a knowledge of all the facts, will not leave them long in a state of indecision."

"The people of Fayetteville and on the Cape Fear, are very jealous of the central Rail-road scheme; this is not to be wondered at, but it is a matter of surprise that intelligent men of the Yadkin counties, should see things in the same light.

"Report here, says, that there is a combination existing between the great men on the Cape Fear, and some of the aspiring men in the West,—and, of course they act together on rail-roads as well as in politics."

"No news yet of the Convention question. The plan of the Ex-Governor, and his condutors of the West, is to keep it off at this Session. If it comes on, the Cape-Fear men will vote against it almost to a man, and that will open the eyes

of the West,—and, thus break up the “coalition.” Report says it will be brought forward in some shape or other. I hear a good deal of talk about a *compromise* of the question. I believe the moderate men both of East and West, wish to see the question compromised.”

Mr. Chairman, if the introduction of a Cape Fear Rail-Road bill by a Western man, is a proof of combination in 1831, would the same fact, with this difference, the one proposes to incorporate a company, the other to *call upon the General Government*, establish a combination in the year 1828? By referring to the Journals of '28, you will see a resolution introduced by Mr. Fisher, from the town of Salisbury, in these words :

“ Mr. Fisher presented the following resolution :

“ *Resolved by the General Assembly*, That the Governor of the State be, and is hereby requested to address a letter to the *President of the United States*, respectfully asking that he would order to this State a detachment from the corps of *Topographical Engineers*, for the purpose of making a survey with the view of ascertaining the best line for a Rail-Road from the town of Fayetteville to some point on the Yadkin, above the narrows, and from the Yadkin to the Catawba, so as to connect the valleys of the Catawba and Yadkin with the Cape Fear; and also to make an estimate of the cost of erecting such Rail-Road.”

So that I have merely followed in the footsteps of one who marked out the track for me, merely pursued what has, until now, been admitted on all hands to be the settled policy of the counties that trade with Fayetteville. Really, sir, the evidence of combination is so slight, that I am forced to think the *writer* was indebted for the suggestion to a consciousness of his *own infirmity in this way*. These are odd times. Men have grown wonderfully suspicious, and I should not be surprised to hear of a charge of combination between the great men of the East, and some aspiring men of the West. What would be the *modus operandi* by which to make out the charge? Some five or six years ago, the project of a Central Rail-Road was suggested, and supported with zeal and ability in the numbers of Carlton—the idea was neglected, was suffered to die away, was sneered at as the offspring of a feverish brain “that too much learning had made mad;” but, sir, when the red flames burst from yonder capital and ascended to the Heavens, a great light was spread abroad. Men fell, like Saul of Tarsus, to the ground. In a short time, a meeting is *got up* in Salisbury. It is responded to from the sea-shore, from Newbern, from Raleigh. The “scales drop from their eyes;” they see the *true light*; and all agree that the Central Rail-Road is the only thing to save the State from ruin—*some think, it is the only thing to save the State House from removal*.

Mr. Chairman, let it not be supposed, from what I have said, that I am opposed to the Central Rail-Road. I voted for the bill, and nothing that I could do or say, shall be done or said to defeat it. Who can say what the energies of a people, when excited by a proper inducement, may not effect? The waters of the lakes

and the Atlantic have been made to mingle; the distance between Ohio and the Chesapeake has been annihilated; and who can tell but in ten or fifteen years the Rowan farmer, instead of looking to Fayetteville or Cheraw for a market, will be turned around, and be seen riding merrily along the Central Rail-Road at the rate of 15 miles an hour. May I live to see that day! It will only furnish another instance that good may come of evil, and that circumstances in themselves slight, and *got up for other purposes*, sometimes lead to important results.

In the course of my remarks, I trust I have been able to satisfy the committee that a Convention is necessary to remove the inequalities of representation, to facilitate the improvement of our western counties, to avoid the unnecessary expense of a large sum annually, and to settle and remove the sectional questions that have long agitated our State. I now offer the amendment, and hope it will be adopted. The apprehension of danger in calling a general Convention is idle. Are we republicans? and do we fear to trust the people? The patient and quiet manner in which the citizens of the West have endured for many years, the inequalities of the existing government, proves so forcibly their love of country and love of order, that it seems to be adding insult to injury, to say you are afraid they will run wild in Convention! Depend upon it, sir, there is more danger in withholding right from a free people, than in calling them together to consult about the redress of grievances.

The contest between the Commons of England and their proud and ill-fated Monarch Charles 1st, that deluged the country with blood, and convulsed with anarchy and civil commotion a long established government—our own revolution, that plucked from the British crown its fairest jewel, teach in language that cannot be mistaken, the danger of withholding right. The formalities of a long established government, the magic wand of habit, may for a time sanctify oppression, but the people will in the end assert their rights. Let me not be understood to use the language of menace; far be it from me to intimate that our people will resort to revolution. We do not present a state of things, where the Commons are borne down and crushed both in civil and religious rights, by a proud King and haughty nobility where colonies and the mother country are divided by the Atlantic, and differ so widely in interest that separation is inevitable. We are citizens of the same State, members of the same family, our interests are identical, and, although the people of the West never will cease to struggle for equality, and must eventually prevail, they will prevail by the force of reason and justice—never by civil commotion. The same patient forbearance, the same love of country and love of order, that render the apprehension of danger of calling a Convention per-

fectly idle, are sufficient assurances that the people of the West never will resort to violence. But, sir, did I believe the people to be so corrupt and disorderly, that it was dangerous to trust them in Convention, I should tremble at the awful danger of withholding from them rights, to which they know they are entitled.

Mr. LONG rose and spoke as follows :

Mr. Chairman, the gentleman from Rowan stated that we had occasionally given them a new county, but with great reluctance and heart-burnings. Let us see how far facts will bear him out in this assertion. That extensive country West of Raleigh, in the Congress of 1776, was represented only by 10 counties: the Eastern part of the State by 26; making in all 36 counties. At that date, the situation and policy of the State did not require a larger number of counties.

Since then, the Legislature has constantly been looking to the increased population of the State. Twenty-eight new counties have been formed; 17 of which are West of Raleigh, 11 East: And notwithstanding the fact that we have never refused to grant any thing that they, in justice, claimed—having elected their candidates to office, given them an equal share of the honours and emoluments of the State, still they say we have acted unjustly. With these facts before you, take their remarks and “let them pass for what they are worth.”

The gentleman would have us believe that this is a struggle between large and small counties. There are more small counties in the East than in the West; yet, if we were to introduce a bill for the division of some of our large counties, placing them upon an equality with small ones as regards representation, Western gentlemen would fire at it. They would rally, and vote against it to a man. Yet they tell us this is a struggle between large and small counties, not in the East but in the West. *They* can introduce bills, Session after Session, for the division of their counties: this is right and just in *them*. But if we in the East, do not go with them, they complain of us as being illiberal and ungenerous. “The heart of man is deceitful above all things.” Here they condemn in us what they justify in themselves. Still they assert it to be a struggle between large and small counties. No such thing, sir. It is a struggle on *their* part for power, and though they do not inform us directly, yet they tell us indirectly, that they will divide their large counties, get a majority in the Legislature, call a Convention, make numbers the basis of representation, do away with freehold qualifications, and have a Constitution to suit their own notions of Government, regardless of the East. If such is not the fact, sir, why are they so anxious to alter the Constitution—to alter our mode of representation? Has any county, or has the State at large experienced any great grievance, or inconvenience under it?

The Legislature, with paternal kindness and affection, has constantly been looking to the interests of the different parts, and the welfare of the whole State. Its operations being so just, its laws so wholesome, that the enterprising and industrious citizen becomes conscious of his living under the government, from the fact that he is permitted to attend to his avocations without the slightest interruption. Twenty-eight new counties have been formed since the Congress of '76, that sat at Halifax; and, whenever population or territory required a new county, it has been granted; and now and then a county has been erected, when neither population nor territory rendered it necessary. This is an argument that might be used in favor of a Convention—but only suggested here to show how extremely anxious our representatives in the Legislature have been to gratify the wants of the people, and to promote what they conceive to be the interest of the State. Different counties, like different States, may have different and peculiar interests, and require equal representation. The counties situated near the sea-board are widely different from those in the mountains. The county of Wake is different from that of Cumberland; the poor man of the former is dependent upon Raleigh for a market, which market is created by the Seat of Government. Move the Seat of Government to Salisbury, and you blight the hopes of Raleigh, you destroy the prospects of the poor man of Wake; while Cumberland, unaffected by this act, remains still the same. Here, then, there are different and conflicting interests that require equal representation. And in our State there are different interests with equal representation, that act as a check, creating a mutual dependency, closely consulting the interests of the different parts and welfare of the great political community.

Such a government looks to the happiness of all its citizens, and is a better form of government than any that ambition or interest can give: and I hold it unwise and unsafe in us to barter it away "for evils we know not of."

I am aware, sir, that Western gentlemen object to our present mode of representation. They would like to have an altered basis, founded exclusively on the white population. They are no doubt very sincere in their objections. The truth is, they want a majority in the Legislature; and if these Resolutions should be lost, my word for it, the next session at furthest, they will introduce a bill for the division of some of their counties; not only conniving at, but giving their support to county representation, which they now complain of as being "unequal, unjust, and anti-republican in its operations." *So much for their professions.* But, sir, where the necessity of going into Convention to alter county representation, that being the greatest grievance complained of—(gentlemen may disguise the fact as they please)—it will cost the State a considerable



amount of money, which is quite unnecessary as the difficulty might be settled by the Legislature. We have the right to consolidate counties, and mark out their boundaries. It is true these counties would vary in population and wealth. It must be so, for the facilities of commerce and the geographical situation of the country point to this difference. But by such an apportionment, we might look to taxation and population united, or to federal numbers, if you choose: and do away with the inequality complained of, and give satisfaction to the West. But they are still anxious to go into Convention, and though they say they are perfectly willing that federal numbers should constitute the basis of representation, yet there would be advocates that the white population should alone and exclusively form the basis of representation. They would go a little further, and do away with freehold qualification in the General Assembly; lay down the broad maxim that government should have an interest in property—but that property should have no interest in the government. Sir, property is one of the main pillars which supports this government. No government can exist without revenue, and no revenue can be created without property. Will you then place it under the control of those who have little or no interest in it? Their minds so much poisoned against the holders of property, that they would impose onerous taxes contrary to our notions of right and wrong, giving to numbers that control over property which was never intended in the formation of the Government.

For a government founded upon correct principles is under greater obligations to protect property than numbers: the difficulties in the protection of the one are infinitely greater than in the protection of the other. The strong arm of power can protect itself. Property never can, and unless taken under the protection of the government, is exposed to all the avarice, cupidity, and villainy of man. It does seem to me that by reason of man's being indebted to his mother earth for all the comforts, luxuries, and enjoyments of life, that there is an obligation created, which points to a landed interest; that the framers of our Constitution thought so, is clearly deduced from the fact that we are not entitled to a seat here without the freehold qualification specified by the Constitution. Then, if there be a man in this Assembly without that freehold qualification he has violated his oath, and is clearly not entitled to his seat. They say by refusing to go into Convention, we withhold from them certain rights—the right to tax property, as proposed by a bill introduced in the co-ordinate branch of this Legislature, suggesting the propriety of taxing slaves to defray the expenses of sending free negroes to Liberia: a right which those who have little or no interest in property will ever exercise when they can claim power as their own. The West

have a majority of white population in the State; and they would claim for that majority the right of suffrage, independent of federal numbers, or taxation and population united; and for the purpose of equalizing representation here, and making the privileges of every person equal at home. Yet there are certain persons whom those gentlemen would not only exclude from a *seat in this House*, but in the *Senate*; they would not permit them to sit on the bench, and preside over our courts, nor would they suffer them to act as jurors. They would exclude them from the right of suffrage, (the noblest privilege exercised under our form of government,) it matters not what their qualifications were. So much for *their* system of equality. This right exists either in *extenso*, or not at all. If it be just that every individual should be entitled to the same privileges in the government, then it is right the minor should possess the same weight as a man of mature and lawful age; the woman to all the influence of the minor, making them equal and the same. This would be an evil which we would seriously deprecate, and which I hope it will never be our misfortune to witness. Property has now weight and influence in the government, and if it should ever lose that weight and influence, we may bid adieu to those principles of justice and equality of which the friends of reform talk so much. In the discussion of this question we are not to look at what we conceive to be the natural rights of man, and give to them an important bearing upon the final decision of the subject; for it has been questioned whether man ever existed in a natural state. It is not my purpose, on this occasion, to enter into a long and metaphysical discussion with a view of establishing the fact that he has or has not existed in a natural state. But suffice it to say, that in the agitation of these resolutions, the final issue should rest upon the broad grounds of policy and expediency. From this view of the case, property ought to have an interest in the government, and no man need fear any thing from its influence; for if the government should protect property, the interest of every man is looked to. And the property of the poor man, though it only amounts to fifty dollars in value, is as much protected as the property of the rich man, estimated at thousands. And the property of the poor, in the aggregate, amounts to more than that of the wealthy; and whenever taxed in the different proportions, it takes as much from the one as the other; and no just man, if he be intelligent, will ever murmur against such an attribute in the government. But strip property of its influence, and where is the man who believes that the interest of every class of society would be as well protected as now? Where is he who can point to an act oppressive upon the poor man and not the rich? But strip property of its influence—Your legislatures would be crowded with demagogues—the greedy

appetite of ambition never satiated, her cheeks never crimsoned; fired by an unholy spirit which glories in the downfall of the great, and despise the fortunate that industry and economy have accumulated, not that hate which the generous feel towards the sordid, but a foul and malicious hate, envying the possessions of a liberal and honest man, acquired by the labours and efforts of a life spent in the service of his country. There is, sir, and I say it with deep regret, a class of politicians in our day and land, by this very accursed influence, constantly striving to poison the minds of the poor against the rich, pretending to regard them as wishing to subvert the liberties of the country; as though they had no interest in common with the community.

Sir, the opulent man is as warmly devoted to the interest of his country as the indigent man, and would give his life equally as soon to perpetuate her freedom. I accord the same noble and patriotic feeling to the poorest man in christendom. It alike plays, beats, swells and burns in the hearts of all men who love their country. And whenever such a politician is to be met with, spreading this dangerous contagion, he ought to be branded with infamy. Call a convention, crowd it with such men, they would make numbers the basis of representation—and away with freehold qualification for the General Assembly. Your Legislature would impose heavy taxes, increase the per diem of its members to enable them to pass through the streets of your metropolis rolling in luxury. Sir, I do not say such would be the inevitable consequences of society being thus converted into its original elements. But that we are impelled onward by a sense of duty to prevent it. The surest and best way to guard against it will be to refuse to go into Convention. The resolutions on your table propose to alter county representation, as prescribed by the second and third articles of the constitution, which constitution I have been taught to reverence, and have sworn to support, and will support until amended, or a new one shall be formed and ratified by the people.

This Convention is to be composed of 119 delegates; 54 from the Eastern part of the State, including the Cape Fear; and 65 from the West; a difference of 11 delegates in favor of the latter. It is rumoured out of doors, that a part of the Western delegation are dissatisfied with the plan suggested by these resolutions; and it is urged here that in a spirit of generous compromise they have conceded too much. What have they conceded sir? A restless minority in the Legislature, with great caution, and perhaps midnight calculation, have gratuitously given themselves a majority in Convention, regardless of the mode prescribed by the Constitution. If such a disposition is evinced in the onset of this measure, is it not an unfavorable omen of a milder spirit in Convention? These resolutions propose a limited Convention. What Legislature vested with the mandates of the community, can control the power of the people? The West have a ma-

jority of delegates in Convention : *we the great body of the people* assembled together, instruct *our* delegates to go farther. They do so, and form a Constitution *de novo*. The people ratify it. Where is the power that dare impugn it ! It is their own constitution ; none can destroy it but the power that formed it—the people. Your Legislative restriction is but the mere shadow, showing itself at the will and motion of the substance. Memorial after memorial would crowd upon the table of your Convention, until not even a vestige of the constitution, consecrated by the blood of our fathers, would be left. The hope, that clings to the heart of the shipwrecked mariner, who, with struggling strength, cleaves to his last plank—is rescued from us.—All, all is lost, in a tumultuous ocean of passion : the constitution, defaced—torn asunder by each conflicting wave of interest. Yet, sir, it may be urged that, whenever a convention is talked of, we in the East with great warmth of feeling and patriotic devotion, eulogize the characters of our forefathers, and swear by the constitution they have given us. If, from hearts overflowing with gratitude we should differ from our Western brethren, and think that they have given us a constitution as good, or better than would be given in convention, surely no good man will blame us for paying a tribute of passing respect to their memories.

Is it not, Mr. Chairman, somewhat remarkable, that an argument which carried with it so little weight, in 1821, should have occasioned so many bold assertions of its being destitute of strength ? Actions point to the inward feelings of the heart and tell the truth. Words represent the doubts and fears of the mind, the cunning and intrigue of the man. The argument certainly carries weight. Western gentlemen knew it, or they would not then have made so many efforts to weaken it. They felt its all-powerful influence, and had as well have attempted to discard from their minds the wild phantoms of the imagination, as the argument that fixed itself upon their souls, and ordered hope to “down at its bidding.” The gentleman from Rowan argues in favour of a Convention, and against the constitution because defective. I mean no very great disrespect to this body, when I humbly assert, that the framers of our constitution, possessed as much good sense as we do, or as the members of a Convention would ; and just emerging from the oppression of the old world, they were fired by a love of country, which feeling now slumbers in our bosoms for the want of that stimulant which gave a generous impulse to their actions. Inspired with so much ardour, animated by so much zeal, by examples of pure devotion for the principles of freedom, they entered the Congress of 1766, and with a feeling common to all its members, despising the overbearing and vindictive spirit of England, jealous of their rights, they could not, nor would not submit to false and servile loyalty. Well they knew that the union of the people, and the prosperity of the State depended upon the constitution they should form ; consequently, all their energy and all their patriotism were given to that end. And yet, sir, it may be urged that they were attached to the principles of the British Government, and regarded the constitu-

tion of England as the best under the sun. Still they have given us a constitution widely differing from that very Government, we may be told they were so much attached to. And all the efforts that gentlemen may make to weaken our faith in the Government, or destroy our confidence in the wisdom and patriotism of those brave and gallant men who fought for their lives, liberties and country, will prove abortive. The charter they have given us is the great "bulwark of our liberty," the people are satisfied with it; and nothing but a restless and discontented spirit in the pursuit of power will destroy it, or render them dissatisfied with their present situation.

But says the gentleman from Rowan, the constitution is defective; an argument as much against, as in favor of a Convention; for can a Convention give us a constitution not defective? This argument, if acted upon, would lead to Convention after Convention; it would exhaust your revenue, and keep alive a political excitement that might involve us in quarrels and difficulties which would exist as long as we are a people. We know the constitution is defective: for the satisfaction of the West we admit it. The language of experience confirms the belief on the rational mind that a Constitution formed for the civil government of man, by man, must be defective. Let gentlemen then, point us to the insufferable features of the constitution, and we will effect a remedy.

Efforts may be made to poison our minds against the constitution, by reference to the circumstances under which it was formed—the habits and education of our forefathers—their fondness for the British Government. I ask what were the circumstances under which it was formed? The Commons of Great Britain deemed it right to tax them without their consent, but they refused to submit to it.

Whenever power attempts to control property, it is infringing on the rights of men, whose notions of independence will not brook insult or yield to lawless tyranny. It was a wish for control over property which first gave rise to the Revolution, which established the American Republic, and brought into existence the Constitution now under discussion. Our ancestors would not succumb to such unjust taxation. The Commons of Great Britain claimed the right to tax them; to dispose of the proceeds arising therefrom as they thought best; yet to allow us no voice in their councils. The British King had many a good and loyal subject in our land; and we might still have been his vassals, if the greedy appetite of avarice had not carried him too far. But, sir, there is a point beyond which "forbearance ceases to be a virtue." England went beyond that point—the Colonies could no longer forbear; and this caused a long, a troublesome, and a bloody war, which ended in our triumph. The constitution then was formed during a period when our forefathers were jealous of their rights; when their fortunes, liberties and lives turned upon the uncertain issue of the Revolution. Think you, sir, that men who were struggling for their independence, who knew how to appreciate it,—from the difficulties that surrounded them, from the blood nobly spilt in its defence, would have given us a constitution

repugnant to the principles of freedom, obnoxious to the country. Go look to the date of your constitution, the number of years which have passed away since its birth—to that feeling uppermost in the bosom of every American citizen, and then give to the question a negative response. But, sir, the gentleman from Rowan, Mr. Pearson, asserts that the constitution was intended as a temporary building. He would have us believe it was to have been taken down and rebuilt at some convenient season.

Our inhabitants have lived under this temporary building for 55 years, and they have never deemed it wise or prudent to take it down and build it anew. May that wisdom and prudence which have so long preserved it, still continue to preserve it from the greedy appetite of avarice—from the strong grasp of ambition. But let us suppose, for argument's sake, that it was intended as a temporary building, does it prove any thing in favor of a Convention? Suppose, after its adoption, it assumes an aspect far more beautiful and lovely than its authors had dreamed of;—suppose, from the beauty of its features, its strength and “just proportions” it won the confidence of the people, does not that fact carry with it incontrovertible proof of their willingness to live under it? And though it was intended as a temporary building, still it is no argument in favor of a Convention. Mr. Chairman, if good luck or chance should throw in a man's way a large fortune, would you not regard him as a madman if he were to reject it merely because he had not acquired it “by the sweat of his brow?”

And so will wise and experienced statesmen regard us if we consent to the destruction of our good constitution, merely because it was intended as a temporary affair, to be taken down and rebuilt at some convenient season. Will you destroy the constitution, because imperfect and attended by some few inconveniencies? for such is the nature of our system that it can never be perfect. We must always labour under certain inconveniencies, as it is impossible to form a government equal in all its parts. The advantages of a Convention might not over balance the evils that would follow. The framers of our constitution possessed as much sterling worth of character and good sound practical sense, as we do, or as the members of a Convention would. Then, as there is little or no probability of the constitution being bettered in Convention, the whispers of caution guard us against it. It is true, the constitution was formed during a period of great trouble and general excitement; and though it was formed under excitement, and sanctioned in haste,—though the war-bugle blew its shrill notes through our land, and turmoil and commotion reigned within, still we regard it as a happy moment, pregoant with the prosperity of the State, that brought into existence a constitution protecting the interest of every class of society—pointing to the glory of our forefathers and the fame of its authors.—Gentlemen may insinuate as much as they please, that the constitution is the creature of circumstances and not the result of wisdom and reflection; still, we regard those circumstances as the most fortui-

tous and happy. A moment, lucky, indeed! that brought into existence a constitution giving to its citizens so much happiness, a happiness and tranquillity, that they have long enjoyed without the slightest interruption.—We may proudly compare our constitution with all that we know of other governments, and bright hopes will break in upon our minds in spite of all the misfortunes of life—all the casualties that have ever happened to empires in different periods of the world. We may compare her with the once wretched heptarchy of England. How bright her glory! We may compare her with the turbulent and factious democracies of olden times: How beautiful! how serene her aspect! We may compare her with Mexico, awfully convulsed. How smooth the tide of her prosperity! We may compare her with the Republican government of France; and then delighted we'll gaze upon the sun of our liberty! We may compare her with all Europe! and “here she is” in a state of infinite grandeur; and the sons of its authors exclaiming from the gladness of their full hearts, “this is our own, our native soil.” Yet, what a restless creature is man! the great God of nature seems to have endowed him with a discontented spirit never to be satisfied with his present situation, however comfortable it may be. Here is a government, so far as practicable, has accomplished the very end for which it was created. We have enjoyed for a number of years, almost uninterrupted happiness; still dissatisfied, we are willing to commence a crusade against the government, to enlist under the banners of reform, and destroy the constitution. Will you be deluded by “fancy’s sketch,” and permit prospects of new joys and hopes to crowd upon the mind that are destined to perish in reality?

Let us remain content with the constitution; it is as good, probably, as the wisdom of man can make it; and our being discontented under it is no argument against it. For such are the peculiarities of our nature, that if we were to go in Convention to-morrow and frame a new constitution, it might meet with a warm and welcome reception from an admiring community; but, perhaps in the course of a few fleeting years, many would object to some of its best features, and anxiously wish a change. There are some few objections to the constitution, but these objections when viewed as instruments to control property, to get power to bring about a political excitement, and thereby convulse the State to her very centre, are in my mind as light and as trivial as they are few.

I am unwilling then to trust the constitution to a Convention; to be sported with by the genius of reform or something worse—a spirit of innovation. The fundamental principles of our government will not change with time or circumstances; they are “fixed and unalterable,” though liable to be abused by the whim of some factious leader or aspiring demagogue, whenever an opportunity shall present itself. And permit me here to remark, sir, that I believe there are as many demagogues, ranting demagogues in North-Carolina, in proportion to her population, as in any State in the Union. They are constantly working upon the ignorance, passions and prejudices of the people,

keeping up a delusion fatal to the reputation of the State abroad, because essential to their aggrandizement at home. Well they know, that if merit were made the true test of promotion, their star of hope would never again glimmer in the political horizon. Call a Convention, crowd it with such men, and we may bid adieu to the prosperity we enjoy—the constitution we now boast of. The unrighteous hand of innovation would make an inroad upon its fundamental principles. Knowing the effect of the spirit of innovation upon other republics; with all these examples, fatal examples, will you still continue to pursue this false phantom, which may cause the government to run into a democracy; conducting us onward to ruin and despotism. We may sport with bubbles on the waters, they can only evaporate into empty nothingness, but let us make no experiments upon the constitution; 'tis fraught with danger; 'tis sporting with the welfare of every man in the community; 'tis big with the fate of a “mighty empire.”—Changes in the constitution destroy the confidence and affections of the people in their government; it prepares them for faction and war. As regards the common transactions of life; objects and things, the heart of man may be as fickle and inconstant as to love any thing that is new; and so with government. When the Legislature is constantly dazzling the people with new schemes,—holding to them, as if with a magic wand, playful hopes of promised happiness; prudence condemns such a course. As regards our State, the affections of the people ought to be fixed; and can only be fixed when the belief is thoroughly established on their minds, that the constitution under which they live, is uniform and permanent in its operations.

Do you establish such a belief by going into Convention? No, sir, you destroy it; you weaken their confidence in the government; you prepare them for violence and revolution. Would that I could express my opinions in “thoughts that breathe and words that burn”—they should ring in the ear of every man; “the high and the low, the rich and the poor;” and their hearts should “leap with joy” in the proud reflection of having given their support to this, our Constitution!

MR. OUTLAW rose and said,

Mr. Chairman, it is with reluctance I rise to address this body on any subject, and it is with diffidence that I undertake the discussion of this. It is one of a grave and serious nature, and calls upon us for grave, dispassionate and sober investigation. Upon its decision depends not only the interests of us who are now discussing it, and of those whom we represent, but it may involve the interests of those yet unborn. In the discussion of this subject, I shall studiously avoid, as far as its exciting nature and my own ardor of temperament will admit, every thing which may be calculated to widen still more the breach, which it is vain to conceal and idle to deny exists among us. For, sir, I have seen too much evil grow out of the excitement produced by violent speeches, and too little good, to be desirous of making one myself. There was, how-



ever, a remark made by the gentleman from Rowan (Mr. Pearson) which a sense of self respect will not permit me to pass over in silence. That gentleman seemed to suppose there was but one individual east of a given line (the gentleman from Newbern, whom I respect and venerate as much as that gentleman) who was governed by liberal principles in his course here; nay, sir, not content with this, he went on further to say, that even he might have been contaminated by the narrow and contracted spirit of those with whom he was acting. I heard this declaration with pain and astonishment. How far it is consistent with justice—with charity, and with truth, I leave to the gentleman's own conscience and with the Committee to determine.

Sir, is there any such magic in an imaginary line, as that virtue and patriotism can exist only on one side of it? By what authority is it, that the gentleman from Rowan has erected himself into a tribunal to settle questions of liberality, and made *himself* the standard? I will not retort, that there is no liberal man in the west—I will not be so unjust; and if I were, sir, it would be a proof that my folly was to be equalled only by my presumption.

The gentleman informed the Committee that the Constitution of North-Carolina was intended for a mere temporary purpose. Now, sir, so far as the intentions of the framers of that instrument can be gathered from the instrument itself, I deny this to be the fact. Is there any provision for its alteration or amendment? Is there any provision for calling a Convention? Neither—Indeed, it would seem, that by having given to the Legislature the power of erecting new counties when the public necessities required them, and making counties the basis of representation, the Convention intended to guard, as far as human wisdom and foresight could—"aye, sir, to take a bond of fate"—against rash and reckless innovation.

I do not wish to be understood as saying that no emergency, however pressing—no grievance, however great, would justify the people of North-Carolina in amending their fundamental law. But this I do say, and it is the dictate of common sense and common prudence—the Convention intended, that nothing short of the most undeniable and overruling necessity should prompt us to embark in such a hazardous, possibly ruinous enterprize. Those men were too wise, sir, not to know, that we are the creatures of habit, and that time and necessity would reconcile us to even the defects of our system.

It has been justly and happily remarked by a distinguished orator and statesman, that you might as well introduce into the marriage contract, a provision for divorce, and thus poison at its source the great fountain of human happiness, as to provide for periodical amendments of your Constitution, which some gentlemen suppose is so desirable. But, sir, is there any emergency, any overruling necessity for a change?

The gentleman from Rowan has told us, there is inequality of representation, and that equality of political influence and power is one of the natural rights of man, and essential to liberty. I deny the correctness of this position. So far as a state of nature is concerned, if we can conceive of such a state, the majority have no more right to govern the minority, than the minority have to govern the majority. Neither has the right, and however beautiful this principle may be—however well suited for declamation,—that all men have equal political power, it is a mere abstraction; it never has been, never can, and never will be carried into practical operation. I ask you, sir, where is the Government where this principle is practically adopted? Is it to be found in any of the States of the Union? Is it to be found in the Government of the United States? No, sir, you look for it in vain in any of the Republics which have gone before us, and if it have a name, “it has no local habitation.” That it is probable that the majority have the physical power, may be true, but I imagine it will hardly be contended here in the United States of America, in the 19th century, that mere brutal force constitutes rightful power. The Government under which we live, is the result of a compact, a bargain if gentlemen please, since that term has become quite familiar here of late: the Constitution is the evidence of that bargain, and the bond to enforce its performance. The people East and West, North and South, have entered into it, and must be content to abide the issue. Governments, sir, all Governments are the result of agreement, and not of natural rights. The natural rights of Government is an absurdity—no one ever heard of the natural rights of Government.

But, says the gentleman from Rowan—representation by counties is the most absurd basis possible. Now, sir, with due deference to that gentleman, I think it will appear, upon examination, not to be quite so absurd as he supposes. What is the object of Government? It is to protect every man and every interest in the community. How is this to be done? By having each interest as well as each individual represented. That different parts of the country have peculiar and distinct interests, cannot be denied. The gold interest in the western part of the State is very different from the cotton interest. Why is it, sir, that your Boroughs are represented here? Not on account of their wealth, neither on account of their extent of territory—But because their interests were supposed to be commercial, and therefore distinct from the other great interests of the State.

The gentleman from Rowan has admitted the Constitution was the result of compromise. Of this there can be no question. Our fathers supposed, that by county representation, the wishes, the feelings and interests of all would be heard and felt here. They

therefore adopted that plan. It is in my opinion an admirable feature in our system—one founded in wisdom and sound policy.

We are further told, sir, that our Legislature has been illiberal, and it is time the sceptre departed from us to other hands. I pretend not to be very familiar with your Legislative history—but since I have attended to it, I have not witnessed any such illiberality. Sir, who are your Senators in Congress? They are Western men. Who is your Governor? He is from the extreme West. Who are your Judges? at least those who have been appointed of late years. They are, sir, either Western men themselves, or identified with Western interests. The West has participated in an equal degree with the East, not only in the emoluments and honors of the Government, but in the distribution of the public moneys. But I may be told, we do not tax our constituents to make turnpikes and rail-roads for the West. I know sir, the fashionable cant on this subject, and I am aware that any man who shall avow his opposition to this system, subjects himself to the imputation of illiberality. If, however, even *this* should be the result, I must deny the expediency of this system. It is vain and idle for Government to undertake to remove the inequalities which the God of nature has made in different parts of the country, and which nothing short of Almighty power can remove. If we have not taxed our people to make improvements in the West, neither have we done so to make them among ourselves. Surely we cannot be then called illiberal, and if we are, the charge is unfounded.

But, Mr. Chairman, is not the power more safely lodged where it now is, than it could possibly be elsewhere? Whenever we tax the West, we must inevitably tax ourselves to a greater degree, since we pay much the largest portion of the revenue. This is the security they have against an abuse of our power; this is the only security which any community can have—those who impose the taxes are responsible directly to those who have to pay much the largest portion of them. But I may be told, the West would likewise have to tax *themselves*. That is true to a certain extent, but possibly (I do not say they would) they would be willing to bear the burthen, that they might afterwards devour the whole loaf. Permit me, sir, to illustrate my idea by an example which comes pat to the purpose. The western States of this Union, although, but little interested in Manufactures, are yet willing to bear the burthens the tariff imposes, in order to have vast sums of money expended in Internal Improvements. Sir, here is an example staring us in the face, and are there not certain great principles of action of universal application, and which will produce the same results whether the subjects upon which they operate live here or beyond the mountains?

But, sir, there is one species of our property, the tax on which might be made exceedingly ruinous. The poll-tax in different parts of the State is even now glaringly unequal. I will take one example among others. By the resolutions on your table, the counties of Burke and Buncombe, are to have six representatives, the county of Bertie two. The federal population of the former is upwards of 9,000, that of the latter upwards of 9,000. Yet, sir, the county of Bertie pays nearly, or quite as much poll tax as both of them, or, in other words, pays nearly three hundred per cent. more tax according to its population. Have we nothing to apprehend on this subject in these days of cant and fanaticism? Is there not at this moment, a proposition before another branch of the Legislature, to remove the free negroes by taxing Slaves? Sir, I believe the West to be as patriotic, as magnanimous as the East. God forbid that I should be so uncharitable as to believe otherwise. But they are not more so; for all communities, taken as communities, are actuated by interest. I am not willing to trust my property, or that of my constituents, to the generosity or magnanimity of any body of men whatever. Faith is not one of the articles of my political creed, however essential it may be in a creed of another description. It is true, as individuals, I might appeal, and appeal successfully to such feelings. But the West, acting as a community, are like all other communities, and would be much more likely to consult their interests than any romantic notions of generosity or honor.

We are further informed, that a Convention is necessary to quiet the excitement which prevails in this community, which divides the Legislature, and will continue to divide the State. Will it have that effect? We find the gentleman from Rowan is not content with the resolutions introduced by the gentleman from Macon. He tells you they concede *too much*—that the people of the West will not be satisfied with any such alterations in the Constitution. Suppose we go into Convention, and adopt those resolutions as the basis.—Sir, do I go too far when I affirm, your government will not have been organized before you will have applications for another? I say, sir, your government, will hardly be organized when you will have to call another Convention, and this distracting question will not be settled. But, suppose you go into a general Convention—tear up the foundations of your Government, and let in the torrents of innovation: Will *that* calm the distracted state of the public mind? No, sir. The East never can and never ought to be satisfied if all the power is to go to the West.

To speak of a compromise, when the West would have a decided and triumphant majority, able to carry all opposition before them, is to insult our understanding—is treating us as tho' we were fools. Thus we see that neither a limited Convention nor one more general, is likely, for the present *at least*, to heal our divisions and make us one people.

Sir, there is an objection, and a powerful one, to our going now into a Convention of any sort. We all know how circumstances have inflamed the public mind upon this subject, we witness it here. The passions of the community are wrought up to the highest pitch.— We have heard divisions of the State spoken of on this floor as well as elsewhere. Is it not reasonable to suppose that aspiring men, that ambitious demagogues will fan this flame to gratify their own selfish and miserable purposes? Suppose you enter into a Convention in this situation. Why, sir, to use the strong and emphatic language of the distinguished gentleman from Newbern, on another occasion, your Constitution will be contaminated with corruption in its very conception. If this question is ever to be settled, it is not to be done by keeping up this excitement.

We must endeavour to calm the public mind. We must wait until a more propitious period, when moderate men of all parties will be willing to yield something of their interests and their prejudices for the public good. Then, but not till then, we may *hope* that something good may be the result. I have not, in the remarks I have made, submitted any calculations, I am no great calculator, nor am I a believer in governments formed according to arithmetical rules.— I believe mere figures have very little effect here or elsewhere.— They do little else, than make a show and swell a speech.

I say we should not enter into a Convention, because there is no pressing necessity for one—because power is most safely lodged where it is—because it would not cool the public excitement, but rather inflame it; because we ourselves are too much distracted to undertake the awful and perilous task of revising the fundamental laws under which we have lived so long and so happily!!

MR. LEAKE observed: It is at all times a difficult matter to discuss a question of as much magnitude as the Resolutions on your table, without exciting considerable feeling. And no time, Mr. Speaker, could have been selected more inauspicious to calm deliberation and dispassionate argument, than the present. For, sir, the Members of this House have scarcely settled down from that effervescence of feeling which was created on the discussion of the twin sister to these resolutions—(I allude, sir, to the Appropriation bill.) It was for this reason, that, for one of the friends of Convention, I was opposed to the introduction of the subject at this time, believing that no good would result from its discussion, and that all we should reap from it, would be a plentiful crop of unkind feeling, of virulent invective, and bitter recrimination. Nor, sir, have I been at all mistaken; my most fearful apprehensions have been more than realized. This Legislative Hall has been changed into an arena of political excitement, and our party, our sectional feeling, not our reason, has been addressed.

But, sir, as the subject has been, contrary to the wishes of the great majority of the West, thrust before this House at this time—as we are now called upon to give an opinion on the propriety of adopting these resolutions, let us, sir, meet the question fairly. For one, then, Mr. Speaker, I am opposed to the adoption of the resolutions submitted by the gentleman from Macon, for the reason that they are of too compromising a character. That instead of bettering our condition, by relieving us against those inconveniences under which we labor, that they would but entail evil on our most distant posterity, without, at least for a number of years, a possibility of any amelioration. I believe, sir, that if these resolutions are adopted in Convention, that hope for a season would bid the West farewell. And for one, I am free to declare, that although a Convention has always been my desire, yet, sir, based on the principles here set forth, I am opposed to it. What, sir, are we willing to surrender up all idea of ever getting our due, and close in with this pitiful surrender, even admitting that our kind brethren of the East were disposed to grant us the crumb? No, sir, we should spurn it indignantly and say to them, “we will have all, or none. If entitled to it, we claim our right. If we cannot get this, we are yet disposed to bear the ills.” This, Mr. Speaker, is the language of truth, conscious of the justice of its claims. The other, allow me to say, sir, is a kind of huckstering policy, which I am confident was not well considered by the gentleman from Macon, when he submitted the resolutions. Let me not be understood, sir, as deprecating all compromise, and rigidly exacting to the fullest extent our pound of flesh. No, sir, far from it. All government is in no little degree the effect of compromise. Without it, sir, society could not be formed, nor protected after it was formed. But, sir, a compromise to be just, should be reciprocal; and where, sir, is the reciprocity of this? Recollect, that next to inequality of representation, the great grievance, under which the West labors is the great inconvenience of large counties. Our citizens have necessarily to travel too far to Court, and that over rapid water courses and rugged mountains—some of them to the distance of 75 to 100 miles. To obviate this inconvenience, we wish a Convention, (not that a Convention is necessary to erect or create counties, but, sir, the East have a majority in this Legislature, and will not redress the grievance, knowing that their creation will give the West power). Will this end be attained by the resolutions on your table? It is true, that in one House we get a majority of seven votes, but what availeth this, when on a joint ballot of both Houses, there will still be a majority of one vote against us. It is admitted that one House might control the other, or rather, negative the acts of the other; but such a state of things is by no means desirable. It would only perpetuate a kind of poten-

tial existence, which has too long distinguished this State. It would keep us as we are, *in statu quo*: whereas we wish to arouse from our lethargic inactivity. We wish to burst asunder those chains of narrow and contracted legislation which has hitherto kept N. Carolina in the back ground. We wish, sir, to have that spirit removed from our people which has dictated a course illiberal and unjust to the western part of this State; which has almost made us believe that we were not children of the same parent; which has almost made us in the bitterness of our souls cry out and say, that injustice, gross injustice, had been done us, and to that extent that we looked upon our brothers of the East with any other than a fraternal regard. Yes, Mr. Speaker, let us disguise it not, things are coming to this pass. Sectional jealousy, that demon, has already reared his hydra head, has infused prejudice into our bosoms. Yes, sir, we too, partake of it. It has almost effaced from our recollections the noble example of him who on all former occasions nobly stood forth as the mighty and able champion of disinterested legislation—of him who knew no party but that of his country;—whose whole life has been devoted to principle. Yes, sir, if he has suffered his judgment for once to be warped by party and sectional feeling, it is high time to attempt to remove the all-exciting cause, so prolific of prejudice. But, Mr. Speaker, I suppose that I need not be surprised that all men, more or less, yield to its influence; for, sir, it is said to be a monster which every man dreads, but which no man escapes; and never may we expect to exorcise the demon, until by a change of our Constitution, we restore harmony to the State; then, and not until then, will he cease to be invoked.

I have said, Mr. Speaker, that the resolutions proposed by my honorable friend from Macon, do not improve our condition. That if they are adopted, we shall never have a new county erected. And, sir, is this saying more than I am warranted in saying (judging the future by the past)? What now, sir, prevents their erection? Is the justness of their claims denied? On the contrary, can they be resisted, either upon extent of territory, population or taxation? In proof of it, Mr. Speaker, have we not this Session memorialized you? Have we not shewn a territory as large as some of the States? Has not this House been told, time after time, that the citizens of some of the Western counties have to travel from 70 to 100 miles to Court? Have we not been told that their population is sufficient, and that they now pay a greater tax than some dozen counties of the East separately? Why then are they denied admission? Why then are equal privileges refused them? It is sir, for a reason that he that runs may read. It is, sir, because gentlemen well know that if many of them are admitted, that Othello's occupation will have fled—that the sceptre would then

depart from Judah ; and it is not because (as has been said) that it may fall on a Herod. No, sir, if Judah were assured that instead of Roman Tetrarchs, she were to be governed by rulers of her own choosing, she would still fondly embrace the sceptre of power, merely for the love of power. If then, Mr. Speaker, under the present order of things, while the East possesses the majority, it is next to an impossibility to have a new county laid out—is it not fair to infer, that it will be impossible to get one, when she has only a majority in one branch of the Legislature ? For you will recollect, that by the resolutions submitted, it is proposed to give each county one Senator, and to scale the representation in the House of Commons agreeably to some ratio to be adopted in Convention, based either on federal numbers or on the mixed basis of population and taxation.

It is for these reasons, then, Mr. Speaker, that I am opposed to the resolutions, unless they can be amended as is proposed by the gentleman from Rowan. If amended, they will have my support ; for I believe that all power emanates from the people, and that all legislation, to be just, must be based on the principles either of white population and taxation, or free white population including three-fifths of all others. Adopt either of these, and I am satisfied. Reject them, and I will always raise my voice against the existing state of things, as unjust, unwise, and anti-republican. I shall feel myself compelled from a sense of duty, to cry aloud and spare not, for fear of offending the East, whom I still consider as brethren, as children of the same family ; although reminding them at the same time, that like an unkind elder brother, they are denying to us an equal portion of our father's inheritance. Yes, sir, they should be reminded that we have equal privileges—that the principle of primogeniture is not recognized in the last will and testament of our father, for it is there expressly laid down, that a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty. And yet, sir, with this staring them in the face, with our grievances admitted by some of them, do they still refuse to recur to fundamental principles.

This, Mr. Speaker, may be considered plain language, such I wish to use, and such only does the occasion inspire. I have about me no concealments ; and should gentlemen take it amiss, let them recollect that the fault is at their own door, remove this and we will then cease to speak of their illiberal exactions. Yes, sir, first restore to us an equal portion, and all unkind feelings will instantly cease. Defer it as has hitherto been done, and in spite of all asseverations to the contrary, we cannot but look upon those who withhold it, as enemies to our political prosperity. Yes, sir, deny it not—this, and this alone, has always created unpleasant feel-



ings, destructive of wholesome legislation and opposed to every thing which tends to ameliorate the condition of the whole. In what light, sir, can you view the subject which will justify the continuance of the present state of things? If you take federal numbers, you have been told in the lucid discourse of the gentleman from Rowan, whose mind analyzes every thing on which it is brought to bear,—you have been told that 28 Western counties, have a population of 104,000 souls in their favor: that they have an aggregate of 377,515, while 36 Eastern counties, have only 273,870. If you add to this land-tax, that then the West pay several thousand dollars more into the Treasury. Upon any, and every view, Justice is with us, yet, sir, that Justice is withheld from us; and, sir, as well might we expect to remove one of the columns which support the dome of this Edifice “by argument, as to expect those in power to surrender up that power.” Yes, sir, disguise it not,—come out openly and manly. Call things by their proper names. Say to us, that we know you are entitled from any view which we can take, to an equality of representation, but to be candid with you, we have the power and we are disposed to keep it. This, sir, in our sense, would be manly and might ensure our approbation for the candor evinced, but on the contrary, we have been told that we need expect nothing: that our grievances were only imaginary, that we were only scrambling for power. Why is this, sir? Is it not because gentlemen think we are actuated from the same motive which prompts them? Hence it is, that they see through a glass darkly. The medium of prejudice and jealousy which surrounds their vision, I know cannot be dispelled, by any light which I may shed on the occasion. Yes, sir, it is becoming more dense, until ere long, I fear that worse than Egyptian darkness will overtake our State. But, sir, if you view the question as one of power, purely,—and as gentlemen will have it in that light, for argument’s sake, take it and let it be so considered; and I would then ask them to say whether power should not always accompany right? If we have the right, in the name of Justice, give us the power. We know and admit, if we get the one, the other follows in its wake; but we deny that the latter is the object. We say that it is illiberal in the extreme to impute a motive of the kind: that it is uncharitable, in a search after motive, to take up one as the governing cause, when the same research could lead you to the correct motive.

I think, Mr. Speaker, that our Constitution needs amendment. First to change the gross inequality of representation. I cannot admit that one man in one section of the State, ought to have double the political weight of another man in a different section. I am opposed to the present principle of county representation, independent of taxation or population. I am opposed to Borough re-

presentation, unless that borough have within its precincts a given population. I wish also, that our Legislatures should sit biennially. Legislation would progress much better, when the legislators met but once in two years. This, sir, would save the State about \$40,000 annually, and would afford a better representation. The truth is, sir, that our smartest and most talented men refuse to legislate, the sacrifice would be too great, they have families to support; Let me not be misunderstood. I am, sir, in principle the advocate of frequent elections, but not so frequent as we have them, I think that we have too much legislation, a good principle when carried to extremes ceases to be valuable. The time for which a member is chosen should be so long as to enable him to become acquainted with the interests of those he represents and the duties of his office, and yet sir, it should be so short as to secure his fidelity, which will always be done when he is dependent upon their approbation.

I am also in favor of a Convention for the purpose of removing the Seat of Government. I believe and honestly believe, that the true interests of the State require it. I believe that it never was placed here by the wishes of the people of North-Carolina. If you want evidence to support this assertion, look at the history of the day, look to the evidence which is afforded in the manuscript journals of 1787, 88 and 89; printed journals I cannot refer you to, for most of these were consumed with our Capitol. From these, sir, you will learn, that the vote which placed the Seat of Government here, was at that day a party vote; that it was the entire vote of the East, with the vote of the seven counties, then in North Carolina, but now in the State of Tennessee. You will find that those counties West of the Allegany, to your astonishment, voted for this to be the Seat of Government, while a majority of the counties of North-Carolina proper, were opposed to it. We have heard much, sir, about bargain; about intrigue. Much, sir, about the West and Cape Fear log-rolling. This, to me, sir, seems to squint a little that way. Is it reasonable that those counties, then in this State, now in Tennessee, would have fixed the Seat of Government here, 500 miles off, if they had calculated on remaining in the State? No, sir, it is not reasonable, and you accordingly find them immediately thereafter ceded off and erected into a new State. Whether this, Mr. Speaker, was the understanding, I will not pretend to say, but every man is left free to make his own inferences.

We have been asked, Mr. Speaker, and repeatedly asked, nay, sir, we have been challenged to shew any misrule on the part of our brethren of the East. We point you, sir, to a refusal to erect new counties; we call your attention to the method of collecting

and assessing the land-tax up to 1814. Yes, sir, up to that time, the poor and barren sand-hills of Richmond, paid into your Treasury, as much as the rich and fertile bottoms of the Roanoke.— Each paid and was taxed by the acre, regardless of quality. Look sir, to the votes of that day, and you will find that this was another offspring of sectional feeling.

But, sir, apart from all this : when a thing is unjust in principle, as is our present representation, we have a right to complain, although no serious inconvenience should immediately ensue, and with the immortal Hampden to exclaim, “ that the payment of 20 shillings does not impoverish us, but that less than 20 shillings, yielded to and demanded as a right, (where none such existed) would make us slaves.” Yes, sir, we are in reality nothing but hewers of wood and drawers of water to our Eastern brethren ; and the most mortifying reflection of all is, that while they rule us, they will do nothing to better their or our condition. Hence it is, that North-Carolina is always in the back ground, and always will be until we arrest this misrule.

In conclusion, sir, I will only ask, is it right in principle—is it republican, for counties to be represented independent of population or taxation ? Is it just that a county with a population of 4,000 souls, who do not pay money enough into the treasury to pay their members, much less other contingent charges ; I say, is it just that such a county should be entitled to as many representatives on this floor as a county of five times its population ? No, sir, it is not. And as long as I have a voice in this House, or in the State of North-Carolina, I will cry aloud and spare not.

Mr. McQUEEN rose, and said,

Mr. Chairman :—I am one of that number which considered the present an inauspicious period for the discussion of a question so liberally charged with matter of lofty interest to my country as the one now before the House. This question is one which would have been well qualified to darken the surface of our relations, and to impart a keener edge to the implements of political contention—even during a season when the spirit of fraternal unity had poured its soft and balmy nunction over the deliberations of the House. If so, how angry and how unrelenting in their nature must be those sensations of hostility which its discussion at this time will inevitably provoke ! Mr. Chairman, what, I would ask, is the situation of the House at the present time ? It requires not the gift of prophetic intuition to foresee that no possible benefit can spring from the discussion of this question at the present session. A political whirlwind has recently passed over this House, which dissolved the bond of unity between two of its grand divisi-

ons—which gave a reviving touch to all the ancient jealousies which existed between them, and summoned into action all those bitter asperities of feeling which the soothing voice even of the renowned father of his country could not lull to repose, should he ascend from his grave and plant his illustrious feet upon the centre of this floor. Many ardent friends of this measure, who now surround me, were anxious to defer its consideration until the next session of the Legislature, or, at any rate, until some future session should roll around more fitly adapted to the adjustment of those delicate features in the Constitution which have long demanded revision; but the question is now before the House, and its friends have but one course to pursue; and that is, to advocate the principle of calling a Convention, notwithstanding they may entertain a disrelish for the resolutions now before the House in their present form, together with the period selected for their discussion. For my own part, I shall discuss the question merely upon the broad ground of its justice, without entering very largely or minutely into a review of all the solid and efficacious support, which the question can summon to its aid at any moment whatever.

The gentleman from Halifax, who addressed the House, in his long and labored effort, succeeded in effecting one object at least, which lay close to his heart; he made the fact fully intelligible to the House that he is, and ever will be opposed to a Convention; and that the measure can never meet his approbation in any event whatever; but in a spirit of compassion for its friends, which does distinguished credit to his heart, he has kept in reserve those arguments which might possibly conflict with the spreading popularity of the question, or shake the stability of those who are not firmly rooted in the established faith. He has professed, however, to cherish apprehensions that a Convention, thirsting for the charms of novelty and glowing with the fire of innovation, would erase from the Constitution every precious feature which beautifies its aspect. Now I would ask, of whom would the Convention consist? Would it consist of foreigners, who might glory in the reduction of our prosperity, and in the downfall of our cherished institutions? Would it consist of inconsiderate youth, panting for power and celebrity, and who would force every other consideration to bend before these imperious passions? Would it consist of lunatics or idiots, who would sport with the fairest and most boasted results of human patriotism and genius? Or would it consist of illiterate savages, who would delight in scattering to the four winds of Heaven these inspiring monuments of safety and glory, for the attainment of which freemen were content to die, and for the enjoyment of which freemen would aspire to live? Would it not rather consist of the hoary fathers of the land, who have reached an honored maturity under the shelter of the Constitution—who

have reposed for more than half a century beneath its venerable shade—who are encircled by a posterity most deeply interested in its safety and perpetuation, and whose affections are closely entwined with the best interests of our common country? Would not the Convention consist of those who have already established a reputation for wisdom and integrity, and who have repaid the extended confidence of the public with fidelity and devotion to the primary interests of their country? Would it not be composed of those who have liberty and substance at stake, and who are possessed of friends now sharing the perquisite and emolument of office? Would not a stern regard for personal and relative interest constitute a sufficient bond of assurance for the fidelity of those to whom the revision and amendment of the Constitution would be confided? Would not the fear of that scorn and indignation, which inevitably flows from the abuse of public confidence, be of any avail? Or would a member of the Convention be willing to light the funeral pile of his future popularity with the blazing torch of innovation?

The gentleman from Halifax has paid a glowing tribute to the wisdom of the sainted patriots, whose concern for the felicity of future generations is so clearly delineated upon the venerable pages of our present Constitution. This tribute is pre-eminently their due, and I am prepared to sanction every contribution to the measure of their praise, whether borne upon the whispers of retiring gratitude, or upon the vociferous note of public acclamation; for I do believe that the vision of an enraptured world was never feasted by a more sublime and beautiful spectacle, than the sage group whose consultations for the benefit of posterity terminated in the production of our present Constitution. They were men of superlative patriotism and eminent wisdom, and they conferred upon us the best Constitution their then conceptions would permit. It was an instrument indebted for its birth to a spirit of concession and compromise, and it yielded to us in the days which are gone a respectable share of liberty and happiness.

But it was measurably an experiment. They possessed no infallible guides in the labor of building up a Constitution. They may have observed charters of a similar kind, which had been framed in other States; but the practical effect of these had not been then illustrated by experience, and they have been since altered. The framers of the Constitution may have also collected a few imperfect glimpses of light from a survey of the British political system.

But experience, the sage master of every immovable political maxim which has ever yet gone forth to the world, has shone upon the structure of the Constitution, and exposed its deformities as well as its beauties to the view. The structure of the Constitution when surveyed by the dim light of speculation, was similar to the

earth when wrapt in the shades of night, regular in all its parts, and, as the sun in the Heavens unveils the irregularities of the globe, as well as its beauties, so did the sun of experience arise in its more accomplished splendor, and beam upon the Constitution, and disclose its imperfections in connection with its precious properties.

I do assert that no stab is offered to the wisdom of our political fathers, in asserting that the present Constitution is palpably defective. Inspiration has communicated to the world a decalogue finished in its parts. But the framers of the Constitution were not endued with prophetic vision, and, consequently, could not anticipate and provide for the unnumbered exigencies of our public career. The question is not, whether the Constitution has sorely oppressed us or not? But it is, whether or not it has yielded us as large a portion of political happiness as the improved and increasing wisdom of man could make it yield?

We might glide down the current of future time, without being very severely or grievously oppressed by the offensive provisions of the Constitution; but it is not a distinguishing trait in the human character, amid the private relations of life, to remain content with that situation which is barely sufferable. So neither is it the case in regard to the public relations of life. The heart of man pants for the greatest attainable good; and if you can justly censure those who call vociferously for a Convention, you may also censure the father who erected his house when his family was small, and who afterwards enlarged its dimensions to suit the growing wants of his children. You may blame the farmer who aims, by the application of new skill in husbandry, to make two blades of corn spring up where only one grew before; and you may with equal propriety censure him who removes the suckers from his corn, excrescences from his body, drones from his hive, or useless scions from his nursery.

The Constitution is like a fountain of water. It must be periodically cleansed of its impurities, or all its issues will be inevitably tainted with the infection of the parent fountain.

The framers of the Constitution have themselves impressed upon the face of that venerable charter, the necessity of periodical Conventions for the revision and amendment of its provisions. They plainly show that they anticipated the necessity themselves. The 1st article of the Bill of Rights proclaims that all political power is derived from, and vested in the people only. The 2d article proclaims that the people of this State possess the sole power of regulating the internal government and police thereof. The 21st article declares, that a frequent recurrence to fundamental principles is necessary. It was right that a Constitutional road was left open for the redress of Constitutional grievances; for if we

possessed not this road, we would have been left in a cheerless predicament. What would you think of the artist who would present you a watch, and inform you at the same time that it would stand in need of occasional repairs, but that the repairs could never be accomplished without the ruin of the watch? But our Constitutional artists were not so improvident in their engagements. They provided an avenue to the attainment of redress for every grievance. Now if grievances actually do exist—if the people of North-Carolina are oppressed by those grievances, and a path has been furnished by which they may be redressed—is it humane, generous, or right to deny them the boon? Is it not virtually refusing the people of the State, the liberty of improving a government which was formed expressly for their benefit? The people of this State, in framing a Constitution, were not so improvident as to tie up their minds without a single reservation to themselves. They did not forever bar up the door of the sanctuary of redress. They instituted a government for perpetuity; but not a Constitution which was to remain literally the same forever. They were sensible that, to render a government permanent in its duration, it was necessary to reserve to themselves the power of expunging from the Constitution such noxious features as might present themselves to view, and of inserting others calculated to furnish a larger and fairer scope to popular liberty.

The Constitution is the child of the people, and as such they have a right to nurse it, and to subject it to such a course of discipline as will best serve their interests. Now I would ask, Mr. Chairman, if there is not as much wisdom abroad over the land now as when the Constitution was formed? If there be not, of what avail are the increased facilities of learning and a more enlarged acquaintance with our own and other systems of government.

Is there not as much patriotism in circulation now as there was when the first revolutionary heart palpitated with the pulse of liberty? It would be doing injustice to the fathers of American freedom to assert that more ardent patriotism ever centered or glowed in any bosoms than that which kindled the revolutionary flame. But their fondness for the Constitution, glowing as it was, was nevertheless in some degree speculative. They revered the child of their conflicts and deliberations because of its anticipated benefits. We cherish the salutary provisions contained in the Constitution for the blessings which they have already bestowed upon us.

We have stronger incentives to preserve those features in the Constitution which are truly estimable, than its framers had when they first committed that instrument to the world. They esteemed them for the same reason that a parent dotes upon the child of his

elder age. Because it blooms with the health and glows with the affection which is to shield his descent to the grave from mockery and insult. We esteem the fairer provisions in the Constitution as does a child the venerable parent who covered the weakness of his infancy with the mantle of protection, and who scattered benefits upon the path of his maturity. It is for this reason that we aspire to infuse new life and health into the withered frame of our present Constitution. And even, Mr. Chairman, if the Constitution of North Carolina dispensed at this time a more copious stream of benefits to her citizens than flowed from any other political charter upon the surface of this continent; yet, if imperfections were so profusely mingled with those benefits as to disarm them of their composing influence over the feelings of our population, it would then be a duty of supreme obligation, which we owed ourselves and posterity, to rectify the Constitution, and to purify its resulting benefits of every blemish whatever. But, sir, what is the real character of this instrument, the provisions of which have been so liberally applauded? True it is, our personal rights are secured from invasion by its provisions, and no offensive or glaring act of tyranny would be tolerated by them—we enjoy under the present Constitution that negative species of happiness which is the portion of an individual confined in prison for some slight transgression of the law—we are free from absolute pain, but we derive from the Constitution no positive and sensible delight; for we are prevented by its present arrangements from embarking on that pleasing sea of experiment, upon which other Commonwealths have floated in glory to the haven of high and palmy prosperity. I entertain no apprehension whatever that the Constitution would be shorn of its valuable features, if submitted for revision to those who are profoundly concerned for its preservation, but, sir, if the political rights of the citizen are now disregarded for the sake of preserving the Constitution, or in other words, from the fear of losing it entirely, does not this constitute a glaring sacrifice of the end to the means? The Constitution was framed for the protection of public liberty, and its framers did not design to sacrifice that liberty in order to obtain it. Would it not be preferable, then, even to hazard the security of that instrument in aspiring to enlarge and refine public liberty, than to retain it in its present form at the expense of public freedom? It was not for the attainment of an elective despotism that the sages of the revolution participated so freely in the perils and trials of that convulsed era; yet it is an elective despotism in the strictest sense of the term which wields the sceptre of political authority in North-Carolina; for it matters not by what appellation a minority in possession of the supreme power of the State may be distinguished; yet if the will of the



majority be controlled by its dicta, it is an elective despotism in substance; and if you once admit that a county embracing a population of only 3,600 souls is entitled to an equal amount of representation with one containing 6,000, then you sanction the doctrine that 1,000 souls are entitled to an equal share of political power with 12,000; for the authority of numbers is as virtually prostrated in the first case as in the last. It is the hatred of submission to this illegitimate power on the part of the West, and the apprehension of losing it on the part of the East, which has poisoned our legislation for many preceding years, and paralyzed every effort of North-Carolina to assume her merited rank among her sisters of the Union. Amend your Constitution, and distribute your representation upon the fair and equitable principle of taxation and population, and this mournful state of things will flee from within our borders; a tide of prosperity will gush forth and refresh the land which will not ebb, and a brighter sun will beam upon the State than ever gilded her borders before. We should as studiously guard against a feeling of veneration for the defects of our political institutions, as we should against a feeling of complacency for the sins of our hearts. The one, like the other, may furnish an easy conquest during their greener age; but once permit them to seize our affections with a firm grasp, and it will require the energies of an armed world to correct the one, and the mercy of Omnipotence to extirpate the other.

MR. DANIEL ROSE and said,

Mr. Chairman, I beg pardon of the Committee, for presuming to trespass upon their patience for a few moments. In a question of such importance, which involves such a variety of considerations, and affects so materially the dearest interests of our common country, it behoves every individual, however humble, to contribute his feeble mite, to bring about that result, which his judgment and his conscience approve, and his sense of duty admonishes him he ought to aid in accomplishing. Sir, I have no expectation that any thing I can say will have much effect here; the question is, perhaps, already prejudged. I shall, however, have acted in accordance with a high sense of duty. In point of importance, these resolutions outweigh any thing that has come before this Legislature. What do they propose? Why, to introduce an important innovation upon the fundamental law of the land—upon our long and well-tried Constitution—nay, to endanger its very existence, by a Convention thus involving all that is dear to freemen. Ought such an experiment to be made? Ought such hazards to be run, for light and transient causes? for the mere mathematical adjustment of political power between the Eastern and Western

sections of the State? When a government is perverted, or fails in the end for which it was instituted, there exists a justifiable cause for desiring and seeking a change; but so long as it answers the ends for which civil government was designed—so long as it assures to those who live under it, their civil and political freedom, and affords them every opportunity of promoting their happiness, no improvement in mere theory will justify a change. Gentlemen should recollect that experience is, at all times, a safer guide than theory. Our early ancestors lived under a government which might deservedly be termed a crude one. The proprietors applied to Mr. Locke to prepare a better. That philosopher had devoted much of his time to the science of government, as well as to literature and science in general, and his luminous understanding and the strong reasoning powers of which he was possessed, together with the virtues of his heart, rendered him preeminent among his fellow-men. From such a man, a government almost perfect in theory might have been expected. He undertook the task and prepared a Constitution, but it would not do. It was superior to the old form of government, upon paper only, and was soon laid aside. Sir, would it be wise in us to give up our present Constitution, under which we have so long lived and enjoyed all the blessings of freedom, and which we know to be good in its practical operation, for another of what kind, and what effects it will produce, we know not? The bean-ideal of government entertained by gentlemen of the West, may, when carried into practice, like Mr. Locke's, prove to be superior to the old one on paper only.

But it seems other States have altered their Constitutions, and we, therefore, should alter ours: for the gentleman from Rowan told us yesterday, that no state in the Union lives under a Constitution formed as far back as 1776; that all have new modelled their forms of Government. The remark of the gentleman is not correct. Rhode-Island is now governed by the Charter granted by King Charles the Second, and the people of New-Jersey live under a Constitution formed in 1776. Does it appear that these States are in a worse condition for trusting to their old Constitutions? No, sir, they are as prosperous and as happy as if they had been introducing amendments or alterations every day.

But because other States have altered their Constitutions, must North-Carolina therefore alter hers? The example of other States, in this respect, should have but little influence. When we are deliberating about the propriety of a change in our form of government, we should look to our own condition—we should consider the practical inconveniencies under which we labor from the existing Constitution, and what advantages are likely to be gained by the proposed alteration. If these be so great, as to justify the trou-

ble, expense, and hazard of a Convention, we may then enter upon the highly important and perilous experiment. But unless we do labor under some great practical inconveniences, and there is a moral certainty of gaining important advantages, the prudent and safe course seems to be, to permit things to remain as they are.

By way of removing the apprehensions which an unlimited Convention is well calculated to excite, we are told, that that body, when assembled, will be restricted to the consideration of the adoption or rejection of the articles proposed by the resolutions. Sir, I am disposed to doubt the validity of any restrictions which this Legislature can impose. The delegates in Convention will represent the people in their sovereign capacity, and derive their authority from them, not us. The Legislature itself is the creature of the people. Can the creature control the creator? This would be inverting the laws of nature. Should the people impose restrictions upon their delegates, they ought, in the nature of things, to be binding, and would be so regarded. But we have no security that they will obey any restrictions which we may recommend—I will not say impose. To pass the resolutions therefore, may be, to create a body, having power to do any thing, not physically impossible, and to render insecure the whole of our existing institutions. When there is a probability of this, and the manner in which the delegates are proposed to be elected is such that the West will have an overpowering influence, can the East and Cape-Fear hesitate for a moment to reject them?

In this body, which has assembled for the ordinary purposes of legislation only, each section of the State is so represented as to possess in some measure, the means of self protection—neither the East, West nor Cape-Fear can do any thing within themselves. But if we sanction the resolutions, a body will be convened for purposes vitally interesting—to make laws for future Legislatures themselves, in which the West will be more strongly represented than the East and Cape-Fear combined, and may secure to herself whatever portion of political power she may think proper.

If we ever consent to a Convention to be thus composed, I trust we will not do so when there is so much cause for excitement as at present. Now, not only the question of Convention for an *alteration* of the Constitution, but also for the removal of the Seat of Government, agitates the public mind. We saw the excitement to which the discussion of the Appropriation bill gave rise the other day, and we see the feeling which this subject is likely to occasion. Pass the resolutions, and that feeling and excitement will be roused in a tenfold degree throughout the State. The community will be convulsed from one extremity to the other. In the midst of this tumult and confusion, the elections will come on; and those can-

didates whose sectional prejudices are strongest, will, on that account be preferred. And hence the Convention will be composed of the most angry and discordant materials; in which one section of the State will be arrayed in hostility against another. Will gentlemen from the East and Cape-Fear consent to create such a body, and place our civil institutions at its mercy?—Will they place themselves and their constituents at the mercy of the West, under the influence of the strongest sectional prejudices, without the least power of self protection?

Suppose however, the Convention when assembled, should regard the restrictions imposed or recommended by the Legislature, as binding: and should confine themselves to the adoption or rejection of the articles proposed by the Resolutions: are they such, that their adoption would justify the least risk or trouble and expense? If they could be incorporated into our Constitution without endangering, in the least, that political influence, now held by the section of the State to which I belong, I would oppose most of them, and others I would not care to adopt. I look upon some of them as likely to prove pernicious in their effects. I allude to those which propose, that the election of members of the Assembly, and the sessions of the Legislature, shall be biennially, instead of annually, as at present. The only argument which has been urged in favor of this proposed change is, that it would occasion a saving to the Government, according to one gentleman, of twenty thousand dollars, according to another of forty thousand. Now, if the Legislature, when it assembles but once in two years, should sit no longer than it does at present, the argument would be correct. But is it not likely, that if it should assemble but once in two years, there would be such an accumulation of business, that the sessions instead of being eight weeks, would be double that time? If so, nothing would be gained in point of economy, simply from that alteration.

But, sir, there are evils to be apprehended from this proposed change. The powers of Government are derived from the people, and they who are intrusted with them, are responsible for the faithful exercise of them, and cannot therefore, too sensibly feel their dependence upon the source from whence those powers are derived. When this dependence is properly felt, the will of the people will be studiously consulted; it will be stamped upon the measures of government, and will infuse itself into the policy, to be pursued. Now in proportion as you render elections less frequent, you destroy this dependence. At present, does not every member upon this floor know, that if he disregards the known will of his constituents, he will endanger his re-election—that he will be before the people again, before the feelings which his inatten-

tion to their wishes may occasion, will have subsided, and that he will feel the effects. But if elections should take place once in two years, the representative will perceive, that he will not hazard his re-election so much, by departing from the wishes of his constituents; he may, with reason suppose that in eighteen months, the feelings, which his conduct may occasion, will have subsided; and within that time he will have opportunities of regaining his popularity, by courting the favor of the people.— Another inconvenience might result from biennial sessions of the Legislature. Should the Legislature assemble but once in two years, the people would be compelled to submit for some time to any obnoxious laws which might be enacted; but when it is convened annually, such laws are soon repealed. It is true, extra sessions may be called, but we know they are never had except in cases of great emergency.

As to diminishing the number of the members, I will remark, that by the present arrangement, the wants and wishes of the people are more intimately known, and more likely to be consulted, than if the number should be diminished; and that it is not, at present, too large for calm deliberation, nor overburdensome as regards expense.

Another and the most important change proposed by the Resolutions, and which is the bone of contention between the East and West, is that which regards our representation. That is the material thing. It is that chiefly, for which the West is struggling, and against which the East is contending. Western gentlemen say, they are entitled to the change, that the greater share of political power belongs to them; and that the proposed change will place it where it belongs. Their claim, they say, is founded in justice, and upon considerations of expediency. Let us examine it upon those grounds.

And suffer me first, Mr. Chairman, to advert to so much of the remarks of the gentleman from Rowan, as respected the large counties as such, as being interested in the change proposed. If it were a question between the large and small counties as such, throughout the State, we should see gentlemen representing the large counties in the East, contending on this floor, with their Western brethren, for a Convention; and those representing small counties in the West, opposing it with equal zeal with their Eastern brethren. But the fact is otherwise. We discover gentlemen from small counties, and the gentleman from Salisbury, although the borough system is threatened, contending with those from large counties in the West, for a Convention, and those from both large and small counties in the East, opposing it. Either the gentleman, therefore, must be incorrect in this view of the

subject, or every body else must be labouring under a delusion. I consider the first as most probable.

No, sir, the truth is, it is a struggle between the East and West for political power. In that view then, let us examine the claim of the West, upon the grounds upon which it is attempted to be supported. In urging the expediency of a change in our representation, the policy which we have heretofore pursued, has been stigmatized as "narrow and contracted, illiberal and unjust," and the blame has been thrown upon the East. It has been contended, that the West has been cramped by the legislation of the East, and the only instance pointed out to support this broad assertion is, the refusal of the East to erect new counties in the West. Now, the history of legislation, in regard to the erection of new counties, will shew, I apprehend, that they were erected as readily in the West, as in any other section of the State, until it was discovered, that the object in creating them was not so much to remove grievances, as to acquire strength in this body. When this was ascertained, and the object for which it was sought was considered, the East resisted the erection of new counties in the West, and will continue to resist them, I imagine, so long as the erection of them is likely to endanger the existing form of government. Most of the reasons which hold against a Convention, apply to the erection of new counties. If the East is justifiable in her opposition to a Convention, and we think she is, she is justifiable in her refusal to erect new counties. This policy then, can furnish no just ground to stigmatize the East with "narrow and contracted, illiberal and unjust" legislation. It is what prudence requires, for purposes of self protection.

Can any one else be pointed out, which will furnish even a pretext for such a charge? I think not, but on the contrary, there is abundant evidence of a liberal disposition on our part to the West. In the offices of government she has had her share. As regards the executive office, there is no cause to complain; both our Senators in Congress are from the West; and she supplies more than her share of our Judges. And in regard to internal improvement also, the East has acted in a manner, which ought to protect her from the charge of illiberality. It is true, we cannot boast of any splendid works of this kind, like the State of New-York and others of our sister States; but in the system which has been pursued, we have been superior to sectional feelings; we have aided in the construction of public roads, and schemes have been sanctioned, for developing the resources of the West, which prudence never warranted, and time has proved to be visionary and chimerical.

It is true however, that she does labor under disadvantages, but they are natural ones—such as her mountains and deep valleys, and

remote situation from market, oppose to a profitable disposition of her surplus produce. To remove these, is not within any of the means, to which our Legislature can resort, with justice to other sections of the State. Sir, if the treasure of the United States was lavished upon the West, these disadvantages would still exist to a considerable extent.

This charge, Mr. Chairman, of a "narrow and contracted, illiberal and unjust" policy, implies a considerable compliment to the West, at the expense of the East. It is in effect saying, that all just and liberal views of policy belong to the West. Sir, I will not arrogate such pretensions to the section of the State to which I belong; but I will remark, that such a charge from the West is on evidence that more enlightened views are entertained there, than in the East, and gives rise to suspicions that the opposite extreme to that which they reprobate, to wit, profligacy and extravagance, might characterize their policy should they succeed in their scheme of Convention.

Another argument is urged by the resolutions, and has been repeated in debate. It is said "local jealousies and divisions" exist, which a Convention will remove. Mr. Chairman, who gave rise to these "local jealousies and divisions?" The East? No, sir, so long as our Western brethren were satisfied with the present Constitution, they were unknown, and we were what the resolutions propose to make us by a Convention, "one people." But as soon as they discovered that by assuming another basis of representation, they would acquire more political influence in the government, they became dissatisfied, and have been since struggling to obtain that power, which they desire, by a Convention, when it was likely to succeed, and at other times, by the erection of new counties. The East has done nothing more than strive to maintain the existing government, and preserve that which our ancestors bequeathed. Nor in this, has she done any thing unnatural or unjust. Those "local jealousies and divisions" then, thus occasioned and kept alive, are urged upon the East, by the West, with about as good grace, as if one tenant in common were to wrangle with his co-tenant, for not yielding him his interest in the estate, and should then urge as a reason for so doing, the ill feeling thus occasioned. Such a proposition, seriously made and insisted upon, could scarcely fail to excite some indignation; and has nothing persuasive in it, when urged by the West upon the East.

But, Mr. Chairman, they say, they have right on their side as well as considerations of expediency. Here then we are again at issue. I have already said, I view the question as a struggle between the Eastern and Western sections of the State; it is therefore important to ascertain, as near as we can, the division between

those two sections. The gentleman from Rowan assumed an imaginary line passing through Raleigh. I am aware that is the line heretofore assumed in the discussion of this subject. But I think it is not the correct one. In assuming a line between the Eastern and Western counties, how are we to be regulated? The obvious rule seems to be that indicated by their geographical situation, and their apparent interest arising from that situation. In examining a map of the State, (Mr. D. was here looking on a map which he held in his hand) we see no reason for an Eastern and Western interest, except in regard to measures of internal improvement. In regard to that subject, the counties situated below the falls of our chief rivers, and some above, but contiguous to them, seem to be interested in the same system—that system which has for its object the improvement of those rivers. I should therefore say, that from their geographical situation not only the counties of Person, Robeson and Columbus; but with proper deference to the judgment of the people and representatives of those counties, Caswell, Chatham, Cumberland and Moore, are connected in interest. And it seems that all, except the four last, now side with the East on this all important subject. I should therefore say, the second degree of longitude west of Washington, upon the map which I hold in my hand, classing the counties through which it passes in the Eastern or Western division, as they are supposed to be for or against a Convention, is a more correct line. It passes through Person, near Roxborough, through the eastern part of Orange, the south-west corner of Wake, nearly through the centre of Cumberland, through the north-east corner of Robeson, and through Columbus; including according to this arrangement, more Eastern territory in the Western division, than Western territory in the Eastern division. Sir, look upon the map, contrast these two divisions of the State, and does it strike the senses, as such monstrous injustice as gentlemen would have us believe, that the greater share of political power should be lodged with the people of the East?

But let us examine the claim of the West, upon principle. It is urged, as if federal numbers were the only basis of representation founded in justice, and ought, therefore, to be adopted. Representative government is better understood in the United States, both in theory and practice, than in any other part of the world. In some of the States, we find representation regulated by population; in others, by taxable inhabitants; in some, one branch according to taxation, the other by taxable polls; in some others, according to taxation and white population combined; in one, the Senate according to counties, the other branch by federal numbers, as proposed by the resolutions; and in several, both branches by counties as with us. These modes are intended, each to secure the advan-



tages of the representative principle, and no doubt, do secure them. They are mostly arbitrary means, for the attainment of certain ends. Upon precedent therefore, or in reference to the ends of civil government, which ought certainly to be chiefly considered, we have as much right to insist upon that mode, adopted by our ancestors, as gentlemen have to insist upon their favorite basis.

But let us see how the East and West stand, in regard to federal numbers, population, and taxation. It appears from the last census, that the difference in federal numbers, is upwards of 60,000 in favor of the West; in federal population between 9 and 10,000 also in favor of the West; but from the Report of the Comptroller, it appears that the amount of taxes paid by the East, exceeds the amount paid by the West upwards of six thousand dollars. Now, Mr. Chairman, there is one fact which we ought not here to overlook. The West is a gold mining country, and has been for some years back. On that account, people have resorted thither (but with a few exceptions perhaps, to return again) not only from other States, but from foreign countries; and also from the East, which has a double effect, one to swell the population and taxation of the West—the other, to diminish that of the East. Could a proper allowance be made, probably the West would still be entitled to the greater share of political power, on the basis of federal numbers; but on that of population, I think there is little doubt, but the East would have it; & according to taxation, I think there is as little doubt, that she would be entitled to a greater share than she now has. Now, Mr. Chairman, why insist upon federal numbers? Why not upon taxation, or upon population? Either, I think, would be as just a basis. If our Western brethren are determined never to acquiesce in county representation, may we not insist upon either of those modes which will preserve our political influence in the government, with as much appearance of justice, as Western gentlemen upon that basis which they prefer.

There is another view which I will submit. Government was instituted, not only to preserve the civil liberty of the governed and enable them to pursue their happiness, but also, for the protection of property, as subservient thereto. If sufficient guards were not thrown around it by the laws of civil society, one of the most universal incentives to human exertion would cease to exist; and those grand enterprises, often so honorable to the actors themselves, and which tend to the advancement of a nation's prosperity and glory, would seldom be witnessed. In the formation of civil government therefore, property should not be overlooked. It would seem, it creates an interest in the government, at least to some extent, and accordingly the framers of our constitution, and most of those of the other States, seem to have paid some regard to this truth, in

organizing their respective legislative departments. Now, sir, it appears to me, that this principle is more necessary to be consulted in reference to different sections of a State, greatly disproportioned in wealth, and differing, from their natural situation, in interest, as to important measures of policy, than in regard to the same community or the same section of a community, whose interest, in every respect is the same. In the one case, as well those who are in possession of property, as those who are not, have a voice in elections; and there will always be a sufficient number in the possession of property to provide for its protection; but in the other case, one section of country has no influence in elections which take place in another, and is disposed rather to pursue that policy which its own interest requires, and particularly to render the burden of government as light as possible, in regard to itself. And as it is property upon which that burden chiefly falls, the necessary protection must be afforded in the arrangement of the legislative power. According to this view, the East being greatly superior in point of wealth, has the greatest interest in the government. And, sir, if two partners are engaged in business, but unequally interested, which has the best right to control?

When we reflect upon these things, is there any reason why we should feel any remorse of conscience, for holding on to that political power, which we enjoy under the present Constitution? But on the contrary, is it not almost a matter of surprise, that our Western brethren should strive, with such unremitting zeal, to overturn a government, which experience has found to be good, because under it the greatest share of political influence is in the hands of their eastern brethren, when the mode of representation, which gives that influence, has been adopted by several States in the Union, and when also, other modes of representation, equally as just and equitable as that so strenuously insisted on, if not more so, would give the same influence with little or no variation? May we not here intreat our western brethren, to remove those "local jealousies and divisions" which they so much deprecate, and which we equally deprecate, by their acquiescence—by permitting this Convention question to rest forever, with even more reason, than they can urge us to remove them by a Convention. We are contending in support of well tried institutions, they, for innovation.

Sir, this view also leads me to enquire into the motives, with which this claim of power, is so eagerly prosecuted, in opposition to such strong considerations against it. Are our western brethren influenced merely by their love of a principle, which they believe to be the only proper one, or merely by the lust of power, to acquire the control in the government, in order to pursue the same policy, which their eastern brethren are likely to pursue. No, sir,

if they were disposed to pursue the same policy, had they the control, the considerations against a Convention would prevail with their patriotism to restore harmony to our countries by burying in eternal oblivion this question of a Convention. In what respect then, would the policy of our western brethren differ from that, which we are likely to pursue? As to that we can only conjecture; but it is a very necessary conjecture on the part of the East and Cape Fear. I imagine, sir, we have been a little too economical in our expenditures, for the West. The system of internal improvement, which we should likely pursue, would not be sufficiently grand and magnificent. Give them the power they seek, and, in all probability, you would, in a few years, see every dollar voted out of the Treasury, towards wild and unprofitable schemes of internal improvement, and an onerous system of taxation resorted to, in furtherance of the same policy; Rail-roads would become the order of the day, and rivers, those natural highways which the God of nature has furnished for the convenience of mankind, would be regarded as useless. The Central Rail-road, with lateral branches in the West, would perhaps become a favorite project. The publication alluded to by the gentleman from Rowan, affords some ground for such a belief. To complete such a work would require millions. Should it ever be attempted, therefore, at the expense of the government, an oppressive system of taxation must be resorted to. The produce of the West is transported to market, at considerable trouble and expense; the people of the East are more conveniently situated in this respect; the advantages of such a Rail-road, therefore, might more than compensate the people of the West, for the taxes which they might contribute, but would afford poor remuneration to those of the East and Cape Fear. If there was a reasonable ground to suppose, that such a scheme would be profitable, there would be some inducement for us to submit to high taxes for a while, in prospect of, perhaps, entire relief hereafter, by means of the revenue which such a work would afford. And perhaps, from the splendid success of the New-York Canal, there are some who believe, this Rail-road project would be equally successful. I, for one, cannot believe so. Cast your eye upon a map, Mr. Chairman, take a geographical survey, and see what an extent of back country there is, whose trade the city of New-York, the first Commercial city in the United States, and among the first upon the Globe, draws through that canal — Then turn to this contemplated Rail-road, and view the back country, whose trade we might reasonably calculate on, and you discover a wide difference. Shall we draw to it any of the trade of South-Carolina? or that of Virginia? Very little I fear, if any. We must rely upon our own State. But much of the surplus pro-

duce of the West is consumed by those engaged in the gold mining business, and besides, at the end of this Rail-road, we should have no city like that of New-York, to operate as a magnet upon the trade of the surrounding country. Let us not then, be deceived by the success of the New-York Canal. Sir, I fear, that heavy taxes would not only be necessary to construct such a road, but also to keep it in repair. When such would be some of the probable fruits of that system, which our western brethren would likely pursue, should they acquire the control of our councils, shall we consent to a Convention? Shall we run the risk of perpetual taxation, for the exclusive benefit of one section of the State only?

But it is said "the Convention shall determine on the expediency of removing the Seat of Government." This, I conceive, is thrown out as a bait to the Cape-Fear: (the gentleman from Richmond will pardon the expression; I assure him I intend not the slightest disrespect—I give him credit for the caudor and frankness which he displayed on a former occasion: for can it be because gentlemen really believe it is expedient to remove the Seat of Government? Sir, there are the strongest considerations against it. To say nothing about the pledged faith of the State—the public property which must be sacrificed in case of removal of the Seat of Government—the remains of the old Capitol, and quarry of excellent Stone in the immediate vicinity of the place, which should be used in rebuilding—the difference in the expense of rebuilding here, and building at Fayetteville [for that is the place whose pretensions are urged] which must be very considerable—does not the former possess advantages over the latter place, in central position and health, which give it a decided preference? Can any considerations in favor of Fayetteville be contrasted with these, when viewed in reference to the true interest of the State at large? I think not. This provision in the resolutions then, must be intended as an inducement for the Cape Fear to go into a Convention, and run the risk of the evils which I have been endeavoring to portray, for the mere contingent advantage of getting the Seat of Government to Fayetteville—perhaps as an intimation of the price which will be given for that political influence, which is sought to be obtained by a Convention. And to render it more tempting, the greatest benefits have been represented as likely to flow from such removal. Gentlemen would have us believe, that it would render Fayetteville a great commercial city, a second New York, and North-Carolina a commercial State. Let not gentlemen of the Cape-Fear overrate the advantages which they would derive from the removal of the Seat of Government. Of what important advantage would it be, in a commercial point of view? The amount of money spent here now by the members, would be spent at Fayetteville, and so

benefit a few merchants, shop-keepers and boarding-houses—it would add something to the population of the place, and thereby enlarge a little the demand for the necessaries of life, raised just in its immediate vicinity. But what commercial advantages would it confer? Would it add any facilities to the transportation of produce, either to, or from the place? Would not the same barriers which exist between Fayetteville and the West still continue?

The idea that such removal will render us a commercial people is less plausible; indeed it is visionary. The situation of our State forbids the belief, however desirable such a result may be. Look at our sea-coast—behold the sand-bars, shoals and dangerous capes which it presents; and which seem by nature, to have been designed as some protection against the sudden attacks of invading foes, and to have destined us essentially to be what we have heretofore been, an agricultural people. Could you remove these sand-bars, shoals and capes, and give us long and navigable rivers, extending far up into the interior of the State, we might hope to become a commercial people.

But, although you cannot overcome natural obstacles so far as to render our State a commercial one to any considerable extent, yet, by removing the barriers between Fayetteville and the West, you may increase the commercial importance of that place. With a view to the accomplishment of that object, would it be safe for the people of the Cape-Fear to suffer political power to remain where it is, or to transfer it to the West. If the result should prove the conjecture to be true, that the Central Rail-road would become a favorite scheme with the West, it might, with more safety, be permitted to remain where it is. Should this Rail-road be completed and kept up at the expense of the government, or otherwise, of what advantage would be the situation of Fayetteville, at the head of boat navigation of one of the finest rivers in the State? None; for although the Cape-Fear and Yadkin Rail-Road should go into operation, it would possess advantages which would enable it to command the trade of the West, it would be a more direct and expeditious route to the ocean, and free from the delay, trouble and expense of loading and unloading, and double commissions, which the other route would incur.

When the trifling advantage of the removal of the Seat of Government to Fayetteville is contrasted with the evils which a Convention would probably entail, I trust gentlemen of the Cape-Fear will deliberate long, before they give their sanction to such a proposition as these resolutions involve.

MR. WEAVER, rose and addressed the Chair, in substance as follows:

*Mr. Chairman*: If I have correct views on this subject, of which the committee will judge on hearing them, there are two things to be considered in deciding the question now before the committee. The first thing to be determined is, what constitutes the true and proper basis of representation in a republican representative Government. It will then be necessary, in the second place, to compare such basis of representation, thus ascertained, with the one established by the present Constitution of North-Carolina, with a view of ascertaining the true character and extent of the defects, if any there be, in relation to our representation, as based by the Constitution. In relation to these two particulars I wish to make a few remarks.

First, in relation to the true and proper basis of representation: The objects of legislation ought to be the protection of persons and property: from which it follows that neither *persons*—that is population—nor *property*—that is taxation, ought to constitute the sole basis of representation; but that both *persons* and *property*—that is, population and taxation, ought to be taken into the account in fixing a true basis of representation. How far these two principles ought to be consulted in fixing the basis of representation, I shall now undertake to show.

It is proposed in the resolutions on your table, to base representation in the House of Commons, upon federal numbers. This basis includes the whole white population, and three-fifths of the slaves. And here I would remark, that slaves are not entitled to be represented *as persons*, but merely as *property*. It was so settled in relation to the Federal Government. The Southern States agreeing to have three-fifths of their slaves *taxed*, were permitted to have three-fifths of the same represented in the Congress of the United States. It is only on the principle of their being *taxable*, that they are entitled to be represented at all. And I think it will be found, upon examination, that three-fifths of the slave population will, at all times, include the whole number of taxable slaves; so that basing the representation on federal numbers, we give to the slaves the full amount of their representative weight; or rather, we give to the owners of slaves, a sufficient guarantee that their property and their rights shall be respected.

I will now advert to one other species of property; and which, in my opinion, is the only species of property that now remains to be provided for: it is landed or real estate. This property is, at present, protected in the Senate, but, as we shall presently show, in a manner very unequal. If landed, or real estate, is a proper subject of representative protection, the degree of that protection can only be ascertained by the value thereof, or the amount of land-tax paid to the government, which is in consideration of said legis-

lative protection. If this position be correct, representation in the Senate ought to be regulated by land-taxation alone.

Apply this principle to our present mode of representation by counties, and you will discover (my premises admitted) that there exists a radical defect, or want of equality, in the mode of representation in the Senate. By referring to the Comptroller's report, you will find that the land-tax paid within the different counties in this State, varies from \$70 39 to \$912 71; that this difference is not entirely Eastern and Western, but a wide difference exists between counties, both in the East, and in the West.

There are 36 counties in this State that pay a land-tax of \$18, 202 70; while there are 28 other counties, eight of which are Western, and the remaining twenty, Eastern counties, which only pay a land tax of \$5,338 86. Surely, sir, no gentleman will say that this is equality: nor do I think that any gentleman will seriously call in question the position which I have taken, as to the proper basis of representation. Admit the fact, that *all* taxable property ought to be represented *equally*, or else not at all, and you are at once driven into a ridiculous, and even ruinous situation. The tax imposed upon billiard-tables by the laws of this State, is \$500 each—a sum greater than the entire tax paid by several individual counties in this State. Will any gentleman, however, contend that a billiard-table ought to be represented in either branch of the Legislature? Surely not. The same might be said in relation to a great many items in the list of taxables. So far then from its being proper, in fixing the basis of representation, that all taxes should be taken into the account, the extension of the principle, beyond land and negroes, would not only be unreasonable, but in many cases, ruinous.

If it be contended, that slaves are of a mixed nature, participating both of property and person in their political character, yet from no view of the subject can it be demonstrated, that they are not as fully and fairly represented, upon the principle of federal numbers, as they are, in either case, or both, entitled to be; for although they be men, they have neither political rights, nor any thing else, as *freemen*, to be protected. Nor are they bound as *freemen* are to protect their country's rights, or shed their blood in her defence, in the hour of danger. Then admit slaves to be *men*, yet while *slaves*, they are not to enter into the basis of representation, even as men, much less as *freemen*.

But it was suggested yesterday, by the gentleman from the town of Halifax (Mr. Long) that in all probability, aspiring demagogues would seek to exclude slaves altogether, and to base representation upon white population alone. I suppose the gentleman means *Western* demagogues, as it could not now be the interest or

policy of any *Eastern* demagogue to seek thus to exclude federal numbers, and adopt that of white population. But gentlemen are mistaken, when they suppose that it would be to the interest of the West to base representation upon white population only. Gentlemen may be, and no doubt have been, led into this error by the consideration that the largest number of negroes are now in the Eastern counties; and they seem to infer from this, that gentlemen would prefer white population alone. But I would have gentlemen to know that we have slaves in the West; and no one of ordinary discernment, upon taking a view of the Western part of this State—its extensive territory—the fertility of its soil, and the genial climate which prevails it, can doubt for a moment, that Western Carolina is destined to contain the burthen, not only of white, but also of the slave population. Western gentlemen, would, therefore, be found as ready as Eastern, to give to slaves all the representative weight to which their character and condition politically entitle them. Representation by federal numbers is our motto.

Gentlemen have said much as to the danger of calling a Convention, and of dissolving ourselves into what some have been pleased to call our original elements; but the people have virtue, intelligence and patriotism sufficient to enable them to amend these radical defects in their Constitution, without degenerating into anarchy, or in any wise endangering their political safety. To deny it, would be a libel upon the improvement of the present age. But it seems that gentlemen, with a view, perhaps, of evading this question, or of weakening the claims which it has upon their understandings, have reasoned themselves into fatal, I had almost said irretrievable error. The gentleman from Halifax, (Mr. Loog) entertained doubts as to man's having, in reality, a *natural* state, by which I suppose he meant a state of equal rights. The gentleman from Bertie (Mr. Outlaw) comes out decidedly on this point, and asserts that there is no such thing; but on the contrary, that the minority have as just a right to govern the majority, as the majority have to govern the minority. These were not the views of those patriotic worthies who laid the foundation of our country's independence and glory. Hear their language: "We hold this truth to be *self-evident*, that all men are created *equal*." And, Mr. Chairman, this is still a self-evident truth, and it would therefore be an insult to the common understanding of mankind to attempt its proof.

[Here Mr. Outlaw rose to explain. He said he did not intend to have stated that there was no such thing as equal rights; but only that there was no such thing in this government.]



Mr. Weaver resumed. There is no such thing as equality of rights in the government of North-Carolina; and this, Mr. Chairman, is, in truth, what we are contending for—equal rights and privileges—an equal participation in the blessings as well as burthens of society. But the gentleman from Halifax indulged with much apparent satisfaction, in a contrast which he drew between our happy situation, and that of several of the powers of Europe; nor was his patriotic pride in the least abated by contrasting our situation with the weak and morbid republics of South-America. I could not forbear following out the image, and congratulating my happy country upon the many advantages which she possesses over Africa itself. But I was sorry to find my worthy friend leave the comparison without once placing North-Carolina by the side of her sister States, and seeing how she stands in relation to them, as one of the original States. Why did he not compare her with New-York, Pennsylvania or Virginia? Such a comparison would not have been so grateful to his love of country. North-Carolina, instead of vieing with the original States in improvement, is far outstripped by many of her younger sisters. North-Carolina was one of the first States in the Union to form a Constitution and code of laws. Her Constitution was formed by men just emerging from the bands of tyranny and oppression, with but few practical advantages in the science of self-government. This Constitution is, therefore (these circumstances considered,) a most noble production, and must be acknowledged to do undying honor to the wisdom and patriotism of our fathers; but it is no disparagement either to their wisdom, or patriotism, to say, that it is now defective. It is rather a matter of surprise, that an instrument could then have been formed, that would after the lapse of half a century develop so few defects.

A few remarks, Mr. Chairman, in relation to what was said by the gentleman representing the county of Halifax, in opposition to one alteration proposed by the Resolutions on your table, namely, that of biennial sessions of the Legislature. This gentleman, (Mr. Daniel,) seems to apprehend the most fatal consequences growing out of this alteration. He says, that laws of a very dangerous character might be passed, and seems to think that, to wait two full years before a repeal of such laws could be attained, would be perfectly intolerable. Now, sir, I cannot see any thing real in all this. It is a fact, that one year is generally a time too short to test the real operation of any law; and further—that laws which may be in themselves salutary, when once in full operation, may often, like wheels newly put together, work roughly at the commencement. And hence it is, that many laws are repealed by the Legislature of this State, before the real effect of such laws has been fully tested.

Again, this gentleman imagines, if the Legislature should meet only once in two years, that such a multiplicity of business would crowd upon them, as would require them to sit much longer than they now do. In this, too, I think the gentleman is mistaken.—From an experience of two years, instead of one, the representatives of the people would be better informed, as to the real evils which required to be removed by legislative interference, and there is good reason to believe that their attention would be more generally directed to proper objects of legislation, than ours can possibly be now; and their numbers considerably reduced, there can be no doubt, but they would do business faster and better than it could possibly be done here. It would not be at all surprising, if a Legislature composed of two-thirds of the number of members which are now required, should do the business in *four*, which now requires *eight* weeks.

By adopting this amendment, it is very reasonable to expect an annual saving of more than one-half the legislative expenses of the State. We may in round numbers, save \$25,000 annually.

But the gentleman from Halifax (Mr. Daniel) has been kind enough to remind us, that we have already received the “loaves and fishes.” Why? the gentleman says our Senators in Congress are Western men; the West has had Governors, Judges, Speakers, &c. &c. It is so, sir, but how does this happen? Is it because the West have a majority of votes in the Legislature, and therefore through mere sectional feelings and partialities, elect a man from among themselves, without regard to his talents or his principles? No, sir, it is rather because the West have at all times been able to produce men of the first character and talents,—men whose moral, political and intellectual greatness commands respect from all parties, and thereby influences all parties to join in electing them. These are the “loaves and fishes,” sir, and yet these are the considerations urged by gentlemen why no Convention is necessary.

But, sir, we are not to be so easily gulled in this way. We want the rights and privileges of freemen. We are told that no provision is made in the Constitution for its future alteration or amendment; and we have been further reminded of the fact, that we have solemnly sworn to support this Constitution. All this may be very true, yet the right, the inherent and unalienable right of a people, to reform their government or amend their Constitution, in a deliberate and regular manner, is most unquestionable. You must revoke the laws of nature, before you can fetter down a nation, or community, in this way.

It has been said again, that equal rights was not so much the object of Western gentlemen; but that they want to handle the

public funds more readily. They want to carry on works of great Internal Improvement—they wish to spend the public funds with prodigality. I would ask, sir, if this be a fact? It has been said that “history is philosophy teaching by example;” and what does history say, in relation to this matter? Does it accord with what the gentleman has stated? Or does it not rather repudiate the charge, as being base and unfounded, when preferred against gentlemen in the West. Where have the funds of the State been squandered? In levelling the mountains of the West, or deepening the channels of the East? Let history decide this question.

Again, Mr. Chairman, it has been said, that this is a mere “scramble” for power. If, sir, power means *right*, then indeed are we striving for it,—then is there a general scuffle for right; and he is a traitor to himself, who does not unite in the general struggle for right, that now agitates the world. Is there any thing inglorious in a man's contending for his rights? It is only when a man contends for that to which he is not entitled, that his conduct is rendered odious. Are we not entitled to what we claim? Why, it is said the East have wealth and population equal to the ratio of their representation. All we want is that to which we are reasonably entitled. If the land is in the East, and if the taxes are paid in the East, as has been intimated, then the East cannot lose by it. What we want, is a fair and honorable adjustment of this matter, according to principles which ought to govern in all civil institutions of this kind. And Mr. Chairman, wherever we show an unwillingness to be governed by the great and fundamental principles of republicanism, then, sir, hold us up to the execration of an impartial world, and the common censure of mankind. But let those who oppose this struggle for a fair and honorable adjustment of our difficulties, know that their conduct, too, will be judged of by mankind; and that they likewise will be rewarded by posterity, according to their doings.

We do not want more than equal rights and privileges with our Eastern friends; and we believe it is all important for this matter to be amicably settled. At present, the State is laboring under strong party excitement, and sectional jealousies. The situation of North-Carolina, at this time, is truly a deplorable one, to every true and generous patriot. Her interests disjointed and shattered; and her legislative halls present little more than one continued scene of intemperate party rage, and factional strife! Disgusted with such a state of things, your noble, generous and enterprising youth, have been for years flying from your country, and are now adorning the bar, the bench, and the legislative halls of nearly half the States in the Union. How long, I would ask, shall this state of things continue? Let gentlemen pause, and ponder well this matter.

But I have trespassed too long upon the attention of the committee. If I, in the course of my remarks, have said aught calculated to wound the feelings of any gentleman, I regret it, and beg him to be assured that it was not my intention to wound the feelings of any member of this committee. I am young and inexperienced, and have therefore, chiefly to regret, that a subject of so much importance could not find in me an abler advocate. - But if I could have the vanity to believe that any thing I have been able to say, would, in the least, advance this all important measure, I should esteem this the happiest moment of my life.

Mr. FISHER arose to address the committee, and commenced by observing, that in the course of what he had to say, he would endeavour to avoid all remarks that might have a tendency to arouse sectional prejudices, which unfortunately already existed to too great an extent in this Legislature, and in the State at large. Nor was it his purpose to deliver to the House a studied speech, made up of flowery declamation, and finely turned periods. A few plain arguments, based on facts, and figures, will compose all I have to say. Even if I were disposed to go farther, the state of my lungs will not permit me to do so.

First, a word or two, as to the Resolutions before us. Some regrets have been expressed that the *West* were not united among themselves on these resolutions. Mr. F. said he was fully aware of the cause of these divisions, but considered it a matter of no importance. The object we have in view is to discuss the subject of *Convention*, without any hope of passing the resolutions. This was expected from us by the *West* and by the *East*, and we ought not to disappoint the expectation. Although his agency in bringing forward the resolutions was known, he would take occasion to say they were not in all respects, what he would prefer, but they were presented on the principle of *compromise*, and a compromise always implies that each party should give up something in order to meet on middle ground. He was well aware that on a subject of this nature, where prejudices were so strong, it was almost as difficult to meet on middle ground as to carry the whole question; neither party were disposed to yield. This subject of *Convention* was like an unfortunate man, he had once read of—this man had one good, and one defective eye. He sent for two artists to paint his likeness; one happened to be his friend, the other his enemy. When his friend painted him, he selected the side of his face having the good eye, when his enemy set to work he chose the other side, and represented the defective eye. So it was with poor *Convention*; the friends of the measure saw nothing but good, while its enemies saw nothing but evil; but certainly there is a middle view of this subject, and moderate men of both sides ought to take it.

Mr. F. said, gentlemen were too much in the habit when discussing the subject, to place it on the grounds of *East and West*. The true question was between *large and small counties*. He went on to state the cause and origin of this *Eastern and Western* feeling, and asserted that it grew altogether out of the circumstances under which the Seat of Government was located at Raleigh. It was an unfortunate division of parties, one that had greatly retarded the State in every kind of improvement, and would continue to do so as long as it existed—and it would exist until a Convention could be obtained, and the Constitution amended.

But, said Mr. F. let us approach the question, and see on what grounds we wish a Convention. Some say, all we want is power. This is unkind in our opponents. Why suspect us of an impure motive, when we can give open, fair, and unanswerable reasons for desiring a Convention.

No, sir, we are not seeking after power, we are only asking for equal rights. We wish a Convention, because we know that the Constitution is defective, and requires amendment.

A government to be just, said Mr. F. should be equal in all its operations; its benefits and its burdens should fall equally on all, the object is the good of the people, and the rights of the people are equal. At this day and age, he hoped it was not necessary to prove the soundness of these principles; they will hardly be denied in this House. Now, sir, if we can show that the Constitution of North-Carolina acts unequally on the people of the State, our case will certainly be made out. Passing over all minor defects in the Constitution, I will now proceed to show the unequal and unfair representation of the people of North-Carolina in this General Assembly.

As I before remarked, I deprecate the division of this question into Eastern and Western, but as some who have preceded me in the debate, have taken that view and have urged that the Western counties have no cause to complain, let me meet them on their own ground with a plain calculation or two.

#### I. VIEW—*White Population.*

27 Western Counties, contain	281,069 souls, send to Legislature	81 members.
37 Eastern Counties, contain	192,465 " " "	111 members.
	88,604	30

The Eastern Counties with 88,604 white souls *less* send 30 members *more*, than the Western Counties.

#### II. VIEW—*White and Black Population.*

27 Western Counties,	372,424 souls,	81 members.
37 Eastern Counties,	346,222 " "	111 " "
	25,902	36

III. VIEW—6 *Large and 24 Small Counties.*

Orange, Lincoln, Rowan, Buncombe, Guilford and Rutherford, contain a population of				106,174 souls.
Tyrrel, Lenoir, Washington, Columbus, Jones, Haywood, Macon, Hyde, Greene, Carteret, Camden, Chowan, Brunswick, Ashe, Onslow, Moore, Gates, Bladen, Perquimons, Cabarrus, Hertford, Martin, Nash and Richmond, in all 24 counties, contain a population of				101,925
24 <i>Small Counties,</i>	101,925 souls,	send	72	members.
6 <i>Large Counties,</i>	106,174 “	send	18	“

54

Here we see a population of 101,925 souls, in some parts of the State, send 72 members to the Legislature, while a *greater* population, in other parts of the State, send only 18 members, or 54 less.

IV. VIEW.—10 *Large Counties contrasted with 10 small ones.*

Burke,	Brunswick,
Buncombe,	Chowan,
Guilford,	Columbus,
Lincoln,	Gates,
Rowan,	Hyde,
Orange,	Jones,
Stokes,	Lenoir,
Mecklenburg,	Tyrrel,
Cumberland,	Washington,
Rutherford,	Camden.
10 <i>Large Counties,</i>	141,218 souls send 30 members.
10 <i>Small Counties,</i>	33,326 souls “ 30 members.

107,892 difference.

Here we see a population of 141,218 souls, in one part of the State, send 30 members to the Legislature, while 33,326 souls, in another part of the State, send just the same number; one man in the 10 small counties, has the political weight of 4 men in the 10 large counties.

There are 23 counties, all in the East except two, which contain only 91,405 white souls, and there are 6 counties in the West, which contain 92,305 white souls.

The 91,405 souls in the East, send 69 members, while the 92,305 souls in the West, send only 18 members, or 51 less. In the 23 counties every 1,333 souls send one member; in the 6 counties every 5,111 send one member, or *one* man in the 23 counties has five times the political weight of one man in the 6 counties.

But it is said, that population alone is not the true basis of representation. I admit it; I hold, that *property* should be felt as well as population. In peace and war, property supports Government, as well as population, and one of the great objects of Government is to protect property. The true basis therefore, is property and population combined on some just and fair arrangement. On this principle, therefore, let us see if the Constitution is just, and our representation equal.

## V. VIEW.

The counties of Cumberland, Lincoln, Rowan, Orange, Edgecomb, Mecklenburg, Granville, New-Hanover, Wake, Halifax, Northampton and Craven, pay taxes, \$24,105 39.

The counties of Ashe, Brunswick, Beaufort, Jones, Lenoir, Carteret, Currituck, Camden, Onslow, Tyrrel, Columbus, Hyde, Haywood, Washington and Greene, pay taxes, \$6,964 55.

15 counties paying	\$6,964 55	send	45 members.
12 counties paying	24 105 39	send	36 members.
			9
Difference,	17,140 84		

If taxation was the basis, the 15 counties would have 20 members, or 25 less than they now have, and the 12 counties would have 69 members, or 33 more than at present.

If taxation and population combined, formed the basis of representation, then the 15 counties would have 18 members, or 27 less than now, and the 12 counties would have 60 members or 24 more than now.

## VI. VIEW.

The 10 large counties named in VIEW 4, pay	\$16,735
The 10 small counties there named,	pay 5,563

Difference, \$11,172

*White population*, on principles of equality, would give the 10 large counties 59 members, they now have 30; would give the 10 small ones 14 members, they now have 30.

*Taxation*, would give the 10 large counties 48 members, or 18 more than now; would give the 10 small counties 16 members, or 14 less than now.

*Taxation and population combined*, would give the 10 large counties 53 members, or 23 more than now; 10 small counties 15, or 15 less than now.

## VII. VIEW—Expences of the State Government.

Total expence of the State,	\$81,779
Which gives to each county,	\$1,270

Now there are 45 counties out of the 64, which do not pay their portion of expence, that is, each county costs the State \$1,270—and there are as many as 45, neither of which pay the amount, yet these 45 counties send 135 members out of 196.

There are 14 counties that do not pay their part of the expences of the Legislature alone, or do not pay their own members with incidental expences, and yet these 14 send 42 members, or really *one fourth* of the whole.

## VIII. VIEW.

The expence of each county to the State is \$1,270.

Columbus, Hyde and Tyrrell, paid last year into the Public Treasury, \$1,144 50 all three less than the charge of *one* to the State.

Add Currituck and Carteret, and the 5 will pay \$2 085, not as much as *Wake* alone, and yet they send *fifteen* members, while *Wake* sends only *three*.

IX. VIEW—*Congressional Districts.*

6 Eastern Congressional Districts, have a population of 174,829 souls—pay 35,216 dollars, and send 105 members. 6 Western Districts have a population of 265,991 souls—pay 27,998 dollars, and send 87 members.

On a mixed basis, the 6 Eastern Districts would be entitled to 86 members, and the 6 Western, to 95 members.

X. VIEW—*Population of 4 Small and 4 Large Counties compared.*

	White.	Total.
Brunswick,	3,614	6,525
Chowan,	2,761	6,688
Columbus,	3,001	4,141
Washington,	2,759	4,541
	<u>11,535</u>	<u>21,913</u>
	White.	Total.
Lincoln,	17,604	22,625
Rowan,	14,460	20,796
Orange,	15,908	23,875
Mecklenburg,	12,791	20,076
	<u>60,763</u>	<u>87,372</u>

There are 13 counties in the State each containing a larger population than these 4 small counties, and 3 others, each containing an equal population.

If *Columbus* is entitled to 3 members, then on the basis of equality the 4 larger counties above named would be entitled as follows :

	On White population.	White & Black.	On Taxation.	Mixed basis.
Lincoln,	18	18	18	18
Rowan,	15	15	18	18
Orange,	15	15	21	18
Mecklenburg,	12	15	18	15

Thus we see whether you take White population, or White and Black, or Taxation, or Taxation and Population mixed, it is equally clear that our representation is unequal in the highest degree.

Let us see how it stands in point of *effective force*, according to Militia returns :

	Militia.
Perquimons,	556
Carteret,	540
Greene,	419
Brunswick,	361
Columbus,	438
Halifax,	445
Jones,	346
Washington,	420
Tyrrel,	459
	<u>Total, 3,984</u>

9 Counties with a militia of 3,984 men, send 36 members.

	Militia.
Lincoln,	2,147
Mecklenburg,	1,756
	<u>3,903</u>



2 Counties with a Militia of 3,903 men send 6 members. Rowan contains 1,680, Stokes 1,662; even youthful Macon 735 Militia.

And here, said Mr. F. let me drop a word in answer to what had been said in the course of the debate, as respects the small sum paid by Macon. Why is it that Macon does not pay more? Because you keep her lands out of market. Let the lawsuits respecting that country be once settled, and those lands brought into market, you will soon see *Macon* appear not only strong on the muster-roll, but also on the tax-list. In fact, as it is, Macon has paid more money into the Public Treasury than three-fourths of the counties. She has paid fully \$140,000. Even as Macon now stands, with her hands tied up by hard policy, let but the country stand in need of strong arms and stout hearts, and nowhere will they be sooner found than in patriotic *Macon*.

Mr. F. said, he held in his hand several other calculations, to show the *inequality* of our system, but he thought he had exhibited enough. If these were not sufficient to make out the case, he would give it up: but he thought all would admit, that these views show the great defects of the Constitution in one particular at least, and the consequent necessity for a reform.

Mr. F. said, he was not one of those, if there be any such, who believe there are no good parts in the Constitution; on the contrary, he was deeply attached to it, and if it were cured of its defects, he thought it a most admirable Constitution.

That it should have defects ought not be a matter of wonder, when we recollect the times in which it was framed. North-Carolina was one of the first Colonies to stand up for her liberties, and establish an independent government for herself. She had but few lights to go by, and therefore very naturally committed some errors.

This was not so much the case with some of the other States, and yet what is the fact? Why, every one of those States that formed Constitutions subsequent to North-Carolina have held Conventions and reformed their Constitutions, some have held even more than one Convention.

How has it happened, said Mr. F. that all these States were so unfortunate as to have defects in their Constitutions, when North-Carolina alone happened to make a perfect one?

No, it is not that our Constitution is grossly defective, as I have shown, but causes have conspired to prevent us from amending it; these causes may be found in the sectional jealousy which exists in the State, and which have thus long kept justice at bay; but this cannot be the case much longer. This contest must come to a close; gentlemen may flatter themselves that it will not, but they only deceive themselves. Population is going to the West and so is

wealth. Compare the amount of taxes now paid in the West, with what was paid 10 years ago, and you will see that wealth keeps pace with population. True, owing to Federal legislation, neither population nor wealth increase as rapidly as they ought. I only speak of this increase in contrast with the Eastern part of the State.

Where population and wealth travel, there will power go. You cannot arrest its march. You might as well attempt to stop the Neuse in its course to old Ocean.

Yes, we must have reform in North-Carolina. Why should we not have it, when the spirit is abroad on the Globe? Where do you not see it? Even in the old governments of Europe it is at work, we witness its progress in England, the nation from which we derive our Institutions. The gentleman from Halifax, (Mr. Long,) remarked in his speech, that there is no analogy between the struggle in England and ours; he is mistaken, it is the very same struggle; equal rights is what both are contending for. The fact is, our institutions in North-Carolina greatly resemble those of England in some striking particulars. What is it they are endeavoring to get rid of in England? The *Borough* system. What is it we are complaining of? The *County* system.

The evil in England is greater than here, but it is bad enough here in all conscience—too bad to be borne many years longer. A Convention then is wanting for the purpose of reforming the Constitution, and to expel many evils that exist in the body politic, to break up local divisions, to allay the heart-burnings and jealousies, that exist in this Legislature, and to make us feel as one people. Who can look at these unfortunate divisions and not deplore their effects? They prevent us from doing any thing for the State. What have we ever done? What have we done for the education of the rising generation? Almost every State in the Union has laid down plans for common schools and general education, except North-Carolina. We have literally done nothing, except to create a small literary fund, from which we occasionally borrow a few thousand dollars to pay the members. Intelligence is the only safeguard for the rights of the people, and but little have we done for this cause. What have we done for developing the natural resources of the State? Nothing—literally nothing—and how does this happen? Why we are so much divided by sectional jealousies that we cannot act altogether; start a project and some will pull this way, and some that.

As a proof that I do not exaggerate, witness the feelings that have been displayed on the Rail-road bills now before us. And here, said Mr. F. it is proper to notice some of the remarks made by one of the members from Rowan on this subject. (Mr. Pearson.) I was one of those who attended a meeting in Salisbury, held dur-

ing the last fall, in favor of a Central Rail-road. I certainly did so with feelings and motives of the most patriotic kind, and the worthy citizen of Salisbury who was most active in getting up that meeting, I am sure was influenced by no other consideration. But this meeting was responded to by meetings held in Raleigh, Newbern, Carteret, Hillsborough and other places, and now behold all this is discovered to be nothing more nor less than a **POLITICAL COMBINATION**. I intend to make no personal allusions, but really there are some men in this world so perfectly incapable themselves of all disinterested and patriotic motives, that they suppose every body else to be like themselves; hence, whenever a man performs an act, if, by any possibility, it can be made susceptible of two constructions, drawing the rule from their own bosoms, they are sure to assign to it the worst motive. It has often been my lot in life to encounter such men. It is also insinuated, that I had been opposed to the Central Rail-road, when first started by the venerable President of the University, and had looked on it as visionary, wild and extravagant, and that now, for political purposes, I have turned in favor of it. Mr. Fisher said, he would not so far forget the respect due to the House, as to pronounce the charge false, but he would, with becoming decorum, *prove* it so.

The first time that the subject of Central Rail-road was ever brought before this House, it was by a resolution, directing the Governor to apply to the General Government for a Corps of Engineers to make a Survey of the route. This resolution, as I understood, at the time, was drawn up by Doct. Caldwell, and placed in the hands of the gentleman from Newbern (Mr. Gaston). That gentleman, for good reasons no doubt, handed it over to Mr. Alexander, a member from Mecklenburg, who introduced it, together with a letter from the Secretary of War, consenting to cause the survey to be made, *provided* the Legislature would make the request. Objections were soon raised to the passage of the resolution, on the grounds that it might, in the end, turn out to be an encroachment on State rights. Mr. F. said, he had always been an advocate for State rights, but he could not see how this resolution would infringe them, and therefore was in favor of its adoption. But wishing to remove all objections, I drew a substitute, so as to place the whole affair *under* the direction of the *State*, and also requiring some other survey to be made; which substitute, I offered and supported, but which, together with the original, failed. Mr. F. here produced the Journal, and read the final vote on the resolution. This is enough, I think, said he, to disprove the charge that I ever was opposed to the scheme of a Central Rail-road.—But, continued Mr. F. it has been said, that I was once friendly to a Rail-road from Fayetteville to the Yadkin, and that I was the

first person who moved a resolution for that purpose. To prove this, the gentleman from Rowan has searched up the Journals, and has actually found the resolution itself. Yes; the gentleman is right. I was *then* in favor of the plan, and what is still more, am *now* in favor of it; and not only of this, but of every other scheme of improvement, which will go to develop the natural resources of the State, and improve the condition of the people. I am not one of those who wish to see but one part of North-Carolina progressing; my affections for the State are large enough to spread over the whole; and whenever I see improvements going on, whether in the East or the West, there my good wishes are sure to fall.— Yes, I am not only in favor of the Central Rail-road, but of the Cape Fear and Yadkin Rail-road likewise, and I will go as far in voting appropriations on these subjects as any other member of this Legislature. If the gentleman from Rowan had searched a little further in the Journals, he would have found that one of the provisions in my substitute for Mr. Alexander's resolution was, that a Survey should likewise be made of a route from Fayetteville to the Yadkin. He might have discovered still further evidences of friendship to the Cape Fear section of the State; for I will venture to say, he will find my vote recorded in favor of every appropriation made for the improvement of the Cape Fear, during the years I have been a member of the Legislature; also, the appropriation for the flats below Wilmington, not only always received my votes, but in moments of danger, my open and active support in this House. But, sir, all this is forgotten, and I am denounced here, and in the Fayetteville papers, *because* I am in favor of the Central Rail-road, and suspected to be one of those who doubt the policy of removing the Seat of Government from Raleigh.

Is this, sir, the way to treat friends? or, to make friends? Time will prove all things.

Mr. Fisher could but regret that the gentleman from Rowan had thought proper to turn the discussion away from the Convention Question to other matters. He no doubt had his motives for so doing, and the House might judge of them.

I hope, said Mr. F. I have said nothing in the course of my remarks to increase sectional jealousies, or to wound any member's feelings on this floor. Although we may not all possess equal talents and qualifications, we all possess equal rights and privileges, and to me it shows a want of good feeling, for one member, because he has a better use of his tongue than another, to sport with his feelings or wound his sensibility; such has never been my practice and never will be.

After Mr. Fisher sat down,

Mr. PEARSON said, the gentleman from Salisbury is not mistaken in supposing I meant my remarks for him. I did so, under

the belief that he was the writer of the letter I then read. The great cause of Convention has been injured by anonymous newspaper scribblers, who are attempting to get up a rumor and belief that there is a "coalition;" and in this side-way to throw odium upon the measure. I thought it my duty, as an advocate of the Convention, to hold up the author of that publication to public execration. I believe the arrow came from the bow of that gentleman, and fully according with the sentiment he has just expressed, that it is unmanly and ungenerous to shoot in the dark, I chose, in the face of day, and in the presence of this honorable body, to make the charge. I have never, and I hope will never resort to the miserable practice of newspaper scribbling. If the gentleman from Salisbury will say that he did not write that letter, I will admit that I have unnecessarily brought him into this debate, and will apologise in the presence of this House. While I am up, let me convince you and him, that I have not fixed upon him without good cause. When I first read that publication, it struck me that the style was his, and I recollected having heard that he had seen the letter from Beaufort, in the hands of the member from Newbern. Still I was not determined to act until, in his preliminary remarks on these resolutions, he made use of the words precisely that are contained in the conclusion of the letter—"I believe the moderate men, both of East and West, wish to see the question compromised." When these very words fell from him, I conceived myself justified in my belief, and acted upon it.

Here Mr. FISHER rose and said, the gentleman's remarks required a short reply. He has put the question to me, whether I was the author of the letter which he has just read in the Western Carolinian. He is too late in asking me that question. If his purpose had been a straight-forward one; if his object had been to vindicate himself and not to attack me, why did he not come to me when he first saw the letter, and say, sir, I find a letter here which reflects on me; I suspect you to be the writer—are you, or are you not, the writer? Had he adopted this open, manly course, he should have had my answer at the risk of my life. But how has he acted? Why he gets up here to make a speech on the Convention, but quits the subject, takes up the letter, and aims a great many ill-natured inuendoes at me, evidently intimating that I am the writer, and now, when I reply to his remarks, he gets up and asks me if I wrote the letter. Every gentleman in this House will at once see that the course he has pursued, forbids that I should condescend to answer him. He has made his election of the manner of attacking me, and he may make the most of it. I will not so far forget the respect due to myself as to answer the question.

A few words as to the meeting in Salisbury. That meeting assembled for the purpose of recommending the Central Rail-road;

and had no objection, I am sure, to the other Rail-road. If any person had stepped forward, and proposed that the meeting also recommend a Rail-road from Fayetteville to the Yadkin, there would not have been a dissenting voice. But how was it? The gentleman's brother, Mr. Joseph Pearson, a citizen of Washington City, went into the meeting and made a speech of two hours length, against the Central Rail-road and in favor of the other, moved to strike out the one, and insert the other in the resolutions. This it was that created opposition. Had Mr. Pearson simply proposed also to recommend the Fayetteville Rail-road, it would have been adopted, and all have passed off in harmony.

While I am up, a word or two further as to these Convention resolutions. I drew up the resolutions now on your table. The gentleman from Rowan (Mr. P.) came to my room and asked me to do so, and that he would introduce them. I drew them according to his wishes and gave them to him to introduce; he kept them until I found he was not going to introduce them, when I placed a copy of them in the hands of my friend from Macon, who offered them to the House; and now the gentleman from Rowan has come out and opposed them. As I said before, I have no particular desire for these resolutions; but I believe that the subject of Convention ought to be discussed at this time, and I believe that there is a disposition among many members to compromise on liberal principles.

Mr. PEARSON said, I am sorry the gentleman has refused to admit or deny having written the letter. If not out of love for me, at least in self-respect. If he be not the author of the letter, he should say so. The public eye is fixed upon him. Sir, I am very much amused that he should attempt, without admitting or denying the fact, to prove that he cannot be the writer. He says he never read the letter, although the gentleman from Newbern told him the contents, and promised to let him see it.

Mr. Fisher here said, the gentleman from Rowan is mistaken, I have not attempted to disprove it.

Mr. P. continued, I can't say what the gentleman from Salisbury would call disproving—it is very certain, he said he had never read that letter. The House can say whether this remark was not intended to show that he was not the writer of *this*, and they can say whether it is not as easy to refer to a letter in an anonymous communication, after having heard the contents, as after having read it.

I repeat, sir, if he be not the author, self-respect should induce him to say so. The publication has spread far and wide, public attention is fixed on him as the writer, and I have given him a fair opportunity *in public* to avow or disavow the authorship. If he

persist in refusing to admit or deny, I shall always believe he wrote it. The public will always believe so. His remarks as to a relation of mine, goes to convict him of having thought much about this matter.

Mr. FISHER said, the gentleman says since I decline answering his question, whether I wrote the letter or not, he will take it as an acknowledgment that I did write it. As to that, all I have to say is, that he may consider me as the writer or not, just as he pleases—to me it is a matter of perfect indifference.

Mr. GASTON concluded this debate, as well as that on the Appropriation bill; but as we have not received our Notes, which we sent to him for correction, we are under the necessity of publishing the Pamphlet without his remarks.

The question on the indefinite postponement of these resolutions was carried 69 votes to 56.

The Yeas and Nays were as follows:

YEAS.—Messrs. Arrington, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Chamblee, Cherry, Cloman, Cox, Crump, Daniel, Davis, Flowers, Freeman, Gause, Gillespie, Glenn, Grandy, Gaston, Harper, Haywood, Hartley, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, Jenkins, Larkins, Long, Lyon, Moody, Moore, McCleese, McMillan, Nelson, Nicholson, Outlaw, O'Brien, Pittman, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Settle, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Speight, Spruill, Stallings, Stephens, Sumner, Swanner, L. Thompson, G. A. Thompson, Toole, Townsend, Wilson, A. W. Wooten, C. Wooten, W. Wright and Wyche.—69.

NAYS.—Messrs. Abernathy, Allison, Barringer, Bogle, Brevard, Brooks, Burgin, Calloway, Cansler, Clayton, Courts, Cunningham, Davidson, Doherty, Edmonston, Emmett, Fadlis, Fleming, Garland, Glass, Gwyn, Hart, Henry, Hill, Hogan, Laspeyre, Leake, Mask, Mebane, Miller, Monk, Morris, McCain, McLaurin, McLean, McNeill, McQueen, Pearson, Peoples, Petty, Polk, Seawell, Sherwood, Sloan, Smith, Tatham, Thomas, Wadsworth, Watson, Weaver, Webb; Whitaker, Winston, Witcher, Worth and Ziglar.—56.

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