Mr. Bellamy Sr.
THE FLOWERS COLLECTION

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BY AUTHORITY.

LAWS OF THE UNITED STATES.
Passed at the First Session of the Twenty-Second Congress.

No. 31.

An Act to exempt the vessels of Portugal from the payment of duties on tonnage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no duties upon tonnage shall be hereafter levied or collected of the vessels of the kingdom of Portugal: *Provided always*, That whenever the President of the United States, shall be satisfied that the vessels of the United States are subjected, in the ports of the kingdom of Portugal, to payment of any duties of tonnage, he shall, by proclamation declare the fact, and the duties now payable by the vessels of that kingdom, shall be levied and paid, as if this act had not been passed.

A. STEVENSON,
Speaker of the House of Representatives.
J. C. CALHOUN,
Vice President of the United States,
and President of the Senate.
Approved, May 25, 1832.
ANDREW JACKSON.

No. 32.

An Act to extend the limits of Georgetown, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limits of Georgetown, in the District of Columbia, be, and they are hereby, extended, so as to include the part of a tract of land called "Pretty Prospect," recently purchased by the Corporation of the said town, as a site for their Poor's-house; beginning for the said piece of ground, at a stone marked number four, extending at the end of four hundred and seventy-six poles on the first line of a tract of land, called the "Rock of Dunbarton;" said stone also standing on the western boundary line of lot numbered two hundred and sixty, of Beall and Hawkin's addition to said town; and running thence, north, seventy-eight degrees, east thirty-eight poles; south eighty degrees, east three poles; south, eighteen poles, south twelve degrees, east nine poles; south eleven degrees, west twelve poles; south seventy-two degrees, west twenty-three poles, to the said first line of the "Rock of Dunbarton," thence, with said line, to the beginning.

Sec. 2. *And be it further enacted*, That all the rights, powers, and privileges, heretofore granted by law to the said Corporation, and which are at this time claimed and exercised by them, may and shall be exercised and enjoyed by them, within the bounds and limits set forth and described in the first section of this act.

Approved, May 25, 1832.

No. 33.

An Act for improving Pennsylvania Avenue, supplying the Public Buildings with water, and for paving the walk from the western gate to the Capitol with flagging.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the Public Buildings be, and he is hereby, authorized and directed to contract, after giving due notice by public advertisement, for improving the avenue, in the city of Washington, leading from the Capitol to the Executive offices, by paving the centre way thereof forty-five feet in width, with cobble or pebble stones, or with pounded stone upon the McAdam plan, or in any other permanent manner, as the President of the United States may direct; and also, for the graduation, and covering with the best gravel to be obtained, the sideways of said avenue, and for proper gutters and drains to carry off the water, for which purpose, the sum of sixty-two thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 2. *And be it further enacted*, That under the same direction as prescribed in the first section, the following sums be, and the same are hereby, respectively, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the following purposes, that is to say:

For conducting water in pipes from the fountain, on square number two hundred and forty-nine, to the President's house and public offices, and the construction of reservoirs and hydrants, five thousand seven hundred dollars.

For bringing water in pipes to the Capitol, and the construction of reservoirs and hydrants, and the purchase of the rights of individuals to the water, forty thousand dollars.

Sec. 3. *And be it further enacted*, That the Commissioner of the Public Buildings is hereby authorized and directed to contract for the purchase, delivery, and laying of Seneca flagging on the walk from the western gate to the Capitol; and for this purpose, the sum of seven thousand one hundred and two dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, May 25, 1832.

No. 34.

An Act to amend an act, entitled "An act to enlarge the powers of the several corporations of the District of Columbia."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Corporation of Washington be, and it is hereby, empowered to collect, annually, the tax at the rate of one per centum and thirteen hundredths of one per centum, on the assessed value of the real and personal estates within the city of Washington, assessed and laid by the fifth section of said act, or any part thereof, for the purposes and objects designated in said act, by the same officers, process, and means by which said Corporation is now, or may hereafter be, empowered to collect any other taxes; and to pay over said money, when so collected as aforesaid, to the Treasury of the United States, in the manner, and within the times, prescribed by the acts to which this act is a supplement; and that, in default made by the said Corporation, either in collecting or paying over as aforesaid, that then, and in such case, the President of the United States may proceed to exercise the powers reposed in, and conferred on, him, in and by the said fifth section.

Sec. 2. *And be it further enacted*, That the Common Council of Alexandria shall have the power to appoint one or more Inspectors of Tobacco for the town of Alexandria; and the said Inspectors shall take an oath before a Justice of the Peace of the County of Alexandria, or the Mayor of the Corporation, for the faithful discharge of the duties of office of Inspector, a certificate of which he shall return to the Clerk of the Common Council: And the said Common Council shall have power to pass all needful laws for the due and proper inspection of Tobacco, and for regulating the conduct of the said Inspectors; And the said Common Council shall have power to remove, for just cause, any Inspector, and appoint another in his place.

Sec. 3. *And be it further enacted*, That this act shall commence and be in force from the passage thereof.

Approved, May 25, 1832.

CONVENTION.

GENERAL ASSEMBLY.

House of Commons, Jan. 4, 1832.

Debate on the resolutions providing for the call of a Convention to amend the Constitution of North Carolina.

MR. LEAK said, 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 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 those resolutions. (I allude, Mr. Speaker, 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 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 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, and relieving us against those inconveniences under which we labor, they would entail perpetual evil on our most distant posterity, without for a number of years a possibility of any amelioration. I believe, Sir, that if these resolutions are acted up to in Convention, that hope for a season would bid the West farewell; and for one I am free to declare, that, although Convention always has 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 this 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, or you shall redress the grievance. This, Mr. Speaker, is the language of truth, conscious of the justice of its claims. The other, Sir, is a kind of huckstering policy, which I am confident was not well considered by the gentleman from Macon who introduced the resolutions. Let me not be misunderstood, 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, Mr. Speaker, a compromise to be just, should be reciprocal; and where, Sir, is the reciprocity of this? Recollect, Sir, that next to inequality of representation, the great grievance under which the West labor, are 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 80 miles. To obviate this inconvenience, we wish a Convention—not that a Convention is necessary to erect counties; but the East having a majority in this House, will not erect counties, knowing that their creation will give the West power.

It is true, Sir, that in one House we get a majority of 7, but what availeth this, when upon a joint ballot 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, I think, is by no means desirable. It would only perpetuate a kind of political 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 lethargick inactivity; we wish to burst asunder those chains of narrow and contracted legislation which has hitherto kept N. C. in the back ground. We wish, Sir, to have that spirit removed from our people which has dictated a course, illiberal, iniquitous and unjust to the Western part of this State; which has almost made us believe that we were not the 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 almost 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, 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 surprized that all, more or less, yield to its influence; for, Sir, prejudice is said to be a monster, which every man dreads, but which no man escapes, and never may we expect to exorcise this 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 their territory, their population or taxation? In proof of it, Sir, have we not this session memorialized you? Have we not shown 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 counties in the Western part of the State have now 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 in the East? Why then are they denied admission? Why then are equal privileges refused them? It is, Sir, for a reason which 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 a love of power. If then, Mr. Speaker, under the present order of things, while the East possesses a majority in both Houses, it is next to an impossibility for us 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 House? For, Sir, 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 submitted by the gentleman from Macon, unless they can be amended as is proposed by the gentleman from Rowan. If amended, they will have my support; for I believe, Sir, that all power emanates from the people, and that all legislation, to be just, must be based on the principle either of white population and taxation, or free white population, including 3-5 of all others. Adopt either of these, and I am satisfied. Reject them, and I shall always raise my voice against the existing state of things, as unjust, unwise and unrepublican. I shall not be compelled, from a sense of duty, to cry aloud and spare not, notwithstanding it may offend the East, whom yet I consider as brethren, as children of the same family, although remiss in the same time that he as an unkind elder brother, they are denying to us our 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 recognised in the last will and testament of our father, for it is there clearly set forth that a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty; and yet, Sir, with all grievances even 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 if 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 our equal portion, and all unkind feeling will instantly cease. Refuse it, as has hitherto been done, and, in spite of all asseverations to the contrary, we cannot but look upon those who withhold as enemies to our political prosperity. Yes, Sir, deny it not. This, and this alone, has always created unkind feelings, 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 analyses 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 a population of 377,515, while the 26 Eastern counties have only 27,[illegible] tax, that then the Western counties pay several thousand dollars the most. Upon any and upon every view, justice is on our side; and yet, Sir, that justice is withheld from us; and, Sir, as well might we expect to remove one of those columns which supports 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 of the case to a change—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 one 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 the 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, unless 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 the gentlemen will have it in that light, for argument sake let it be so considered; and I would then ask them to say, whether power should not accompany right? If we have the right, in the name of justice why not give us the power? We know and admit that 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 a principle as the governing motive, when the same research would 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 ought to have double the political weight of another man in a different section of the State. I am opposed to the principle, as at present, of county representation, independent of taxation or population. I am opposed to borough representation, unless that borough have within its precincts a given population. I wish also that our Legislatures should sit biennially. Legislation would progress much better where the legislators met but once in two years. This, sir, would save the State about $40,000 annually, and would better your 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 excess, ceases to be valuable. The time [illegible] should be so long as to enable him to become acquainted with the interest of those he represents, and the duties of his office; and yet, sir, it should be so short as to secure his fidelity to them, which will always be done when he is dependent on their approbation. I am also, Mr. Speaker, in favor of a Convention for the purpose of removing the Seat of Government. I believe, sir, that the true interests of the State require it. I believe that it never was placed here by the wishes of the people of N. C. If you want evidence to support this assertion, look at the history of the day. Look to the evidence which is afforded you in the manuscript journals of 1787, 1788, 1789. 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 by the ordinance of '87, was at that day a party vote; that it was the vote of the East, with the vote of the seven counties which were then in N. C. but now in the State of Tennessee. You will find that those counties, then West of the Allegany, to your astonishment voted for this to be the seat of Government, while a majority of the counties of N. C. proper were opposed to it. We have heard much said about bargain and intrigue—much, sir, about log rolling, understanding and management. This to me seems to squint a little that way. Is it reasonable that those counties, then in this State, now in the State of Tennessee, would have fixed the seat of Government 500 miles from them, if they had calculated on remaining in the State? No, sir, it is not reasonable; and you accordingly find them immediately thereafter erected into a separate 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 the Treasury of N. C. as much as the rich and fertile lands 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 of it, although no serious inconveniences should immediately ensue, and, with the imortal Hampden, to exclaim that the payment of 20 shillings does not impoverish us; but that less than 20 shillings yielded to, and claimed as a right, (when none such existed,) would make us slaves. Yes, sir, we are in reality nothing but hewers of wood and drawers of water to our brethren of the East; and the most mortifying reflection of all is, that while they rule us, they will do not nothing to better their or our condition. Hence it is that N. C. is always in the back ground, and always will be until we correct this mistake.

In conclusion, I will only ask, is it right in principle, is it Republican for counties to be represented independent of population? 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 N. C. I will cry aloud and spare not.

(Debate to be continued.)

From the Richmond Enquirer.

THE SWEEPING DOCTRINE.

"To pay the debts of the United States was the first of the objects for which, by the Constitution of the U. States, the power to lay and collect taxes, duties, imports, and excises, was conferred upon Congress—to provide for the common defence and general welfare was the second object; and those expressions, broad and comprehensive in their import, far from being without meaning in the intention of the founders of the Constitution, embraced the great purposes for which the Constitution itself was formed. They are introduced in that solemn preamble, by which the whole People of the United States, speaking in the first person, "We the People of the U. S." announce the great purposes for which they do ordain and establish this Constitution; they are emphatically repeated in the eighth section of the first Article, containing the grants to Congress of power; *and they are not only grants of power, but trusts to be executed—duties to be discharged for the common defence and general welfare of the Union.*"—Mr. Adams's Report on Manufactures.

We have this morning a very important letter of Mr. Madison to lay before our readers. The History of it is soon told. Some time in the course of the year 1830, Mr. Stevenson, the Speaker of the H. of R., being on a visit to Mr. Madison, some conversation took place on the general phrases in the Constitution, "the common defence and general welfare." Mr. M. shed so much light, and produced so many new facts, upon the subject, that Mr. S. subsequently determined to write him, and to obtain his views, for the purpose of laying them before the Public. Mr. Madison complied—but the letter has never yet been published. As soon, however, as we had read Mr. Adams's late Report, to the H. of R., we thought the time had come, when mr. M's letter should be called forth—A case had occurred, which would justify its publication. It was the *cignus vindice nodus*. The Advocate who had appeared in favor of the contested doctrine was worthy of great respect. We accordingly applied for permission to publish the letter. mr. Stevenson has been polite enough to send it for the purpose of publication. If there be any thing like Demonstration in Politics, it will be found in this letter. It completely overthrows the heresy, which mr. Adams has adopted in his report:

Montpellier, November 27th 1830.

Dear Sir: I have received your friendly favor of the 20th instant, in which you refer to a conversation when I had lately the pleasure of a visit from you, in which you mentioned your belief that the terms 'common defence and general welfare,' in the 8th section of the first article of the Constitution of the United States, were still regarded by some as conveying to Congress a substantive and indefinite power; and in which I communicated my views of the introduction and occasion of the terms, as precluding that comment on them; and you expressed a wish that I would repeat those views in the answer to your letter.

However disinclined to the discussion of such topics, at a time when it is so difficult to separate in the minds of many, questions purely constitutional from the party polemics of the day, I yield to the precedents which you think I have imposed on myself, and to the consideration that without relying on my personal recollections, which your partiality overvalues, I shall derive my construction of the passage in question, from sources of information and evidence known or accessible to all, who feel the importance of the subject, and are disposed to give it a patient examination.

In tracing the history and determining the import of the terms 'common defence and general welfare,' as found in the text of the Constitution, the following lights are furnished by the printed Journal of the Convention which formed it.

The terms appear in the general propositions offered May 29th as a basis for the incipient deliberations; the first of which 'Resolved that the articles of the Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely: common defence, security of liberty and general welfare.' On the day following, the proposition was exchanged for 'Resolved that an union of the States merely federal will not accomplish the objects proposed by the articles of confederation, namely: common defence, security of liberty and general welfare.'

The inference from the use here made of the terms, and from the proceedings on the subsequent proposition is, altho' common defence and general welfare were objects of the Confederation, they were limited objects, which ought to be enlarged by an enlargement of the particular powers to which they were limited, and accomplished by a change in the structure of the Union, from a form merely federal to one partly national; and as these terms prefixed in the like relation to the several legislative powers in the new charter, as they were in the old, they must be understood to be under like limitations in the new as in the old.

In the course of the proceedings between the 30th of May and the 6th of August, the terms 'common defence and general welfare' as well as other equivalent terms, must have been dropped: for they do not appear in the draft of a Constitution reported on the day, by a Committee appointed to prepare one in detail; the clause in which those terms were afterwards inserted, being in the Draft simply 'The Legislature of the United States shall have power to lay and collect taxes, duties, imposts and excises.'

The manner in which the terms became transplanted from the old, into the new system of Government, is explained by a course somewhat adventitiously given to the proceedings of the Convention.