

circumstances to shew how next to impossible it was for them to form a constitution that would suit the future condition of the state. The same feelings that now are called *Eastern and Western*, then, and long before, existed in the Province of North-Carolina. If they existed among the people, it is reasonable to presume that they were not absent from the Congress of Halifax. Indeed the journals of that body furnish proofs of the fact. In the several Congresses before that of Halifax, the votes were always taken by "Counties and Towns." In that of Halifax, a proposition was made to change the mode so as that each individual member should have one vote. For this proposition every western county voted—against it, none but the smallest counties in the east voted. In the Congress that adopted the constitution, 35 counties were represented; of these, only ten were western: All that wide range of country lying west of Raleigh, was then divided into ten counties. That body being thus composed, suppose that an effort had been made to fix the principles of representation on other basis than the present, what would have been the result? The same feeling that will influence members on these resolutions would have put it down: the vote, in all probability, would have been 26 against 10.

These, sir, said Mr. F. were the circumstances under which our state government was formed; and this accounts for the features of aristocracy that appear throughout the constitution. In fact, few indeed were the alterations that the constitution made in the then existing laws and polity of the province: even the names were retained. The judicial department was but little altered:—and the legislature not much more, except that instead of the "House of Burgesses," the popular branch is called "the House of Commons," a name as appropriate for this branch, as the *House of Lords* would be for the Senate. The *General Assembly* was the term by which the legislature was called under the provincial government, and it is retained in the constitution. The qualification of fifty acres of land, and the representation by counties, were taken from the laws of the province. In short, sir, the provincial laws and customs were the materials out of which the constitution was built, and the constitution is but little more than a compilation from these materials. And this is the monument of wisdom that we are told it is sacrilege to touch! Sir, it is right to reverence the work of our forefathers, but its being their work does not make it perfect; like ourselves they were erring men; nor do I hold with the maxim of the "Holy Alliance," that "whatever is ancient, is good." Even admitting that the constitution was the best for the times in which it was made, sure its framers were not political prophets to foresee that it could suit equally well the conditions of future generations.

The old Congress, said Mr. F. that framed the articles of confederation, the first American government, was a body of men never surpassed for warmth of patriotism, clearness of intelligence, and force of sagacity; and yet, sir, these men, with all their wisdom and foresight, formed a government that in a few years began to tumble to pieces:—to save our infant republic, a new Convention was called, and a new Constitution was adopted. How is it, then, that the sages of the old Congress failed in their first government, and that the Congress of Halifax should at once have reached the point of perfection! It is not so;—our constitution is full of defects; and I will now proceed to point out some of them.

To dwell upon all the defects of the constitution, said Mr. F. would require more time than he could at present command. He would, therefore, only take up a part, and leave a wide field for his friends to occupy.

Of all the objectionable parts of our constitution, the *system of representation* is the most unjust and oppressive. Upon this, said he, I shall confine my remarks; and for the sake of being better understood, I shall consider, 1st. The representation of the people. 2dly. The representation of property; for the theory of the constitution seems to be, the representation of the people in one branch of the legislature, and of property in the other.

1st. Then as to the representation of the people. And here he said, that in practice, the people are not represented at all. It is not the people, in the true meaning, it is the counties, that are represented. If the people were represented, numbers would form the basis of the system. The counties are as much represented in this House as the States are in the Senate of the U. States: but not upon

the same principles, or with the same propriety. The states are distinct sovereignties, and it is by compromise that they all have an equal weight in the Senate of the Federal Legislature; not so as regards the counties. There is not a greater disparity between the population of Rhode Island and New-York, than there is between Columbus and Rowan; and yet, in that branch of the Federal legislature where the people are represented, Rhode Island has only two members, while New-York has twenty-seven: but here in both the Senate and Commons, Columbus has as many members as Rowan—so that it is not the people, as a relative part of the whole, but the counties, as a kind of separate government, that are represented. The original of this feature in the constitution will be seen, when it is remembered that counties, in the first settlement of the province, were separate and distinct governments—we have altered the theory, but retained the practice. This then is a relic from the old colonial system; but, sir, come from where it may, it is a system under the operation of which, our state government has ceased to be a republic, and become a complete and perfect aristocracy. What is an aristocracy, but where the few govern the many? Is it not essential in a republic that all the citizens of the same grade of qualifications should have an equal participation in the rights and privileges of the government?—and that a majority shall rule? No government where these principles are absent, can merit the name of a republican government; and, sir, it will not be difficult to prove that this is the case under our constitution. To show that it is, said Mr. F. I ask your attention to a few calculations bottomed on the last census, and on the revenue laws of the state. Let me here premise, that in all calculations made on population, the *free population* alone is taken; for that is the only population entitled to representation under the constitution; and, when gentlemen are contending for the perfection of that instrument, they surely will not wish to assume data not recognized by it. Slaves are not felt in our legislature, either as population or as property; and where calculations are made to shew the operation of the system, we must confine ourselves to the provisions of that system. Mr. F. said he made these remarks, because some gentlemen may wish to assume the *federal numbers* as the data of calculations—an assumption which he could not admit.

*View I.* The State is divided into 62 counties, of very unequal extent and population,—yet each sending to the legislature the same number of members—making in all 193, including the borough representation. The free population of the state is 433,912 souls, which, divided by the number of members in the legislature, gives to each member 2248 souls; or, in other words, every 2248 souls, upon principles of equality, would be entitled to one representative. Take this then as the ratio of one member, and how will the result appear?—Why, the counties of Washington, Jones, Greene, Chowan, Columbus and Brunswick, each would be entitled to one member, while, upon the same calculation, Rowan would obtain 9, and Orange 7 members. But take the free population of Greene or Washington, as the ratio that shall send 3 members; and, then, each of the little counties just named, will retain their 3 members, while Rowan will send 27, Orange 22, and the other large counties in due proportion.

*View II.* To the six counties just named, add Tyrrel, Martin, Lenoir, Hyde, Gates and Carteret, making twelve counties. These twelve counties contain a population of 33,037 souls, while Rowan and Orange contain 37,963, nearly the same amount; but these twelve counties send 36 members, and Rowan and Orange only 6, exclusive of the borough representation.

*View III.* We have seen that twelve small counties contain 33,037 souls; contrast this with the population of twelve large counties, viz: Rowan, Orange, Lincoln, Guilford, Mecklenburg, Stokes, Rutherford, Burke, Iredell, Randolph, Surry, and Wake, with a population of 156,726. Thus 33,037 souls in certain small counties, send as many members to the legislature as 156,726 souls, existing in a like number of large counties—the twelve large counties contain 118,689 souls more than the twelve smaller ones.

*View IV.* The counties of Washington, Jones, Greene, Chowan, Brunswick, Columbus, Tyrrel, Martin, Lenoir, Hyde, Gates, Carteret, Ashe, Beaufort, Bladen, Bertie, Camden, Currituck, Franklin, Hertford, Haywood, Moore, Northampton, Nash, New-Hanover, Onslow, Pitt, Pasquotank, Perquimons, Warren, Wayne, Person and Richmond, in all 33, contain 144,928 souls, just about one-third of the free population of the state; yet they send 99 members, which is a majority of the whole legislature! Does it not plainly appear, from this view of the subject, that one-third of the population of the state completely govern and control the other two-thirds? What is this but aristocracy? The few govern the many: one-third controlling two-thirds—making all the laws—appointing all the officers, judicial, executive and military? Again: the eleven large counties (omitting Wake) enumerated in *view 3d*, also contain about one-

third of the free population of the state, viz. 144,041 souls; but these are entitled only to 33 members, or 66 less than what the same amount of population, in another part of the state, is entitled to.

Is this, said Mr. F. justice, or is it republicanism? Is this giving to the citizens of different sections of the state an equal participation in the rights and privileges of the government? Surely not. But perhaps this system has its palliatives! Since we have not an equal voice in making the laws and appointing the officers for their execution, perhaps, by way of atonement, we are exempted from bearing an equal share of the burdens of the state? No, sir, we pay our full share of the taxes, and, in times of danger, we furnish our full quota for the public defence. Yes, we are *taxed by population*—but we are *represented by counties*. What would gentlemen say, were we to propose as a law, that each county in the state should pay the same amount of taxes into the treasury, and in times of war that each county should furnish the same number of men for defence? We would soon be stung by the cries of injustice! injustice! And, sir, where would there be any thing more unjust or oppressive in this, than that each county should have the same share in making the laws! But let us see the proportion of taxes paid by some of the counties, in comparison with that paid by others. The counties of Columbus, Carteret, Currituck, Ashe, Tyrrel, Washington, Haywood, Hyde, Brunswick and Moore, ten in number, in the year 1819, from all the sources of taxation, as returned by the sheriffs, paid into the Treasury \$4,195 85: while Rowan and Orange themselves paid within a fraction of \$5,000. But nothing more strikingly exposes the injustice of our system of representation, than the fact, that there are a number of small counties that do not furnish taxes enough to pay the wages of their own members.

The counties of Currituck, Columbus, Carteret, Ashe, Tyrrel, Hyde and Haywood, in the year 1819, paid into the treasury \$2,607, and for the same year their members drew out \$3,441, or \$834 more than was paid into the treasury.

Again: for the year 1820,

	Taxes paid into the Treasury.	Pay drawn out by Members.
Hyde	\$407 24	\$466 90
Tyrrel	384 29	435 40
Haywood	245 87	530
Carteret	406 09	449 80
Columbus	345 55	383 20
Currituck	460 62	468
Ashe	259 77	472 80
	\$2,509 43	\$3,206 10

From this sum of \$2,509 43 deduct \$168 50, repaid to the sheriffs of those counties for mileage in attending to make settlement, and you have the sum of \$2,340 93 as the amount paid into the treasury for that year; while their members drew out the sum of \$3,206 10, or \$865 17, exceeding the amount of their taxes. The proportion of each county, the expenses of the judicial and executive branches of the government, is about \$465 annually; which added to the \$865 17 makes these seven counties an equal expense to the state of \$4,120 over and above their taxes. At this rate, from the taking of the census in 1820 to 1830, when another enumeration will take place, they will have cost the treasury beyond their taxes, the sum of \$41,000, a sum not very far short of the whole amount of the taxes of the last year on lands and slaves. Now, sir, is there any thing just or equitable in a system that operates in this manner? Is it not enough that we must permit these small counties to equal powers with the larger ones—Must we actually pay them for making laws for us?

I shall, now, said Mr. F. leave this part of the subject, and proceed to the next branch of it—the *representation of property*. It is a principle now universally acknowledged, that property ought to be felt in the councils of the government; not to have a predominating influence, but a proportionate weight. One of the great objects in establishing government is for the protection of property, and nine-tenths of all the taxes that support government, are raised directly or indirectly from property. It is, then, nothing more than justice and good policy that property should have something like a relative representation in the councils of this state. Is this the case under our constitution? Is the weight of property graduated and represented as it ought to be? Certainly not. One species of property only is represented, viz. land; and the land-holders have just double the weight in the legislature that population and every species of property put together have. And to make the system still worse, even land is very unequally and unfairly represented: 1st, as to value. The lands of Gates, Columbus, Lenoir, Ashe, Haywood, Perquimons, Pasquotank and Tyrrel, containing 1,300,000 acres of land, in 1815 were valued at \$1,741,810. But the lands of Rowan alone were valued at \$1,870,142, and Halifax at \$2,802,515: And yet each of these poor counties have as much weight in the Senate as Rowan or Halifax. 2dly, as to extent. Rowan has a greater extent of territory than some four or five of the little counties just named—but she has no more influence in the Senate than either of them. Can there be any thing more unjust, than that the holder of fifty

acres of the barren sand banks of Currituck, or the rocks of Haywood, not worth one cent per acre, should be entitled to vote for a senator, while the same privilege is denied to him that owns forty-nine acres of the rich bottom of the Roanoke, worth \$50 per acre! How, sir, could this strange and unequitable provision have got into the constitution? Like all the rest—a mere copy from the colonial government. Under that government, fifty acres of land was a qualification to vote for a member of the House of Burgesses. By the act of 1764, which established by law the Church of England in the Province, fifty acres of land entitled a person to vote for Vestrymen; and by an act of 1723, only freeholders of fifty acres of land were permitted to keep a horse of a certain description. In fact, this freehold of fifty acres, seems to have been the general qualifier for all officers among the provincial law-givers; and perhaps for this reason it was carried into the constitution. Thus land weighs down population, and all other kinds of property put together, while slaves, our next valuable species of property, is neither felt in the legislature as property, nor as population.

Sir, said Mr. F. have I succeeded in shewing that there are defects in our constitution, that ought to be amended? If so, why not do it now? Can there ever be a season more favorable for such a work than the present? We are at peace with ourselves, and the world;—no violent factions harass and vex the passions of the people;—the public mind is at rest, save on this one subject;—feelings of harmony and liberality reign throughout the land. It is a time, indeed, that invites to a review of our political institutions. It would seem as if the genius of our republic had lulled to repose the hydra of faction, on purpose to give her favorite people an opportunity to perfect their system of government; and, accordingly, we see our sister states availing themselves of the happy season. Massachusetts, that framed her government under more favorable circumstances than we did, has, nevertheless, revised her constitution. Maine, her eldest daughter, has erected a new one. Connecticut, the land of steady habits, the people that are fond of ancient things and prejudices, has remodelled her government, and made it more republican. The great state of New-York has just completed the important work, and given to the people a new and better constitution. Besides these, all the other old states have made important changes in their constitutions, and all the new states have held conventions and framed governments. What does all this prove? That the people of other states do not consider their constitutions perfect! How, then, does it happen that ours alone should require no amendment? And, sir, after all, what is it we ask of you? Not to lay violent hands on the constitution, tear it to pieces, and scatter it to the winds of heaven! No: only to put the question to the people—Will you, or will you not, have a Convention to revise the Constitution? Even if you doubt the propriety of altering the constitution, surely you will not withhold the question from the people. If a majority of the people are opposed to the calling of a convention, we will at once submit without a murmur: if a majority are in favor of the measure, then, surely, there is not a man on this floor so unjust and anti-republican as to prevent it, even if he could. Then let the question go to the people—to the source of all political power; and whatever they determine, let us, like good republicans, submit to. What is it that our eastern brethren fear from a convention? Are they afraid to trust the people with their own rights? Are the people of North-Carolina less enlightened, less virtuous, than those of the other states? Are they less enlightened and less virtuous now, than they were forty-years ago? Say not so—it is a libel on the state!—on the march of the human mind!

But gentlemen apprehend, if a convention is called, that the power will fall into the hands of the people, and that a majority of them live in the West. Admit it, and what then? Ought the power not to rest with the people? And what have you to fear from the people of the west? Are our interests not the same? Are we not brothers? Can we in the west adopt any measure, or pass any law, that will injure you, without, at the same time, injuring ourselves? Surely not! No: we expect nothing from a convention but justice, but equal rights in common with the people in every other section of the state! These, sir, are our claims, and are they not just, and reasonable? We appeal to your magnanimity and republicanism. The rights that we claim, were won by the joint exertions of our forefathers. Your fathers and our fathers mingled their blood in the same holy cause: they won the boon together. Why, then, will you, in dividing, claim the greater half? Where is that love of justice, and of right, that fired the bosoms of our *Nashes*, *Davidsons*, and *Moore*s, and their generous compatriots?—Has it fled forever? Say not so. May it return and inspire our eastern brethren with the influence of that sacred maxim, of doing unto others as you would wish others to do unto you. It is all we ask; give us but an equal participation with yourselves in the rights of

the government, and we ask no more—this we ought to have, this we must have; and, without the smallest intention to menace, I may add—this we will have. (Debate to be continued.)

## INTELLIGENCE.

He comes, the herald of a noisy world, News from all nations lumbering at his back.

## FOREIGN EXTRACTS.

LONDON, JAN. 5.—The project of the law of the public press proposed by the new French Ministers, is given in our preceding columns. These men pledged themselves, when seeking office, to dispense with the previous censorship, but actual possession of office appears to have had a wonderful effect upon their memory. They proposed to limit the exercise of the censorship, it is true, but in place of the curtailment, they substitute a measure of increased severity, which enables Government to suspend or entirely suppress any journal which has not the good fortune to find favour in their sight. It is not probable that a Ministry got into power by the affectation of liberal views, should survive the insult offered to public opinion on the proposals of a law that completely extinguishes the liberty of the press, and with it aims a deadly blow at the constitution and the liberties of the country.

German papers, and a Dutch Mail, the latter with papers to the 2d instant, arrived this morning. They contain an account of a curious affair between some Turkish and Russian soldiers on the Pruth, but was merely an accidental encounter. The *Austrian Observer*, from the 19th to the 22d Dec. inclusive, has no news from Turkey and Greece. The story of the assassination of the Grand Seigneur is now become an exploded fabrication.

There is no agitation in the funds this day. They remain steady.

The Government Officers were all busy yesterday, and it is understood that several important orders were issued, with reference to the Declaration of war by Russia, which is now hourly expected.

[Morning paper.]

We understand that Lieutenant-General Sir Edward Paget, G. C. B. now commanding the Forces at Ceylon, is appointed Commander in Chief in the East Indies, from which the return of the Marquis of Hastings, who holds that appointment, as well as that of Governor-General, appears certain; as also that a Civilian will succeed the Marquis as Governor-General.

## NEW LAW OF THE PRESS.

PARIS, JAN. 2.—Great expectation was to-day excited by a report which was spread in the morning, that Ministers had at last resolved to come forth from behind their veil of mystery and indecision, and to propose to the Legislature their new law for the journals. Accordingly, though no ministerial communication was announced, great numbers of people proceeded to the Chamber of Deputies.—The late change of the Cabinet, in consequence of the declared dissatisfaction of the Chamber—the withdrawing of the late ministerial project of law, when it was about to be discussed on account of its repugnance to public opinion—and the known sentiments of many of the Ultras against any other project that should involve a previous censorship (with which, nevertheless, it was supposed Ministers could not immediately dispense,) gave an extraordinary degree of interest to this first legislative essay of the new Ministry. It was presented to day. All the Ministers were present. The fruit of their protracted labours and renewed consultations cannot fail to inspire you with wonder, and may be considered as decisive of their fate. Their project has struck all the lovers of free discussion with horror. It embraces the censorship in certain cases, and introduces arbitrary power into the Courts when arbitrary power ceases in the censors. If the *Court Royal*, after a solemn sitting, and without a jury, thinks a journal conducted on bad principles, it may suspend and even suppress it. Of course any Opposition Journal may, in the opinion of the Ministry, be considered as conducted in a bad spirit. I have not been able to get you a copy of the new law, but the following is the substance of its most important provisions.

Art. 1.—No Journals, except those which at present exist, can henceforth appear without the authority of Government.

Art. 2.—The offences of the journals against individuals will be prosecuted in the ordinary manner.

Art. 3.—In case the spirit or general tendency of any journal or periodical writing shall be of a nature to injure the public peace, or the respect due to the religion of the State, or the other religions recognized in Faance, or the authority of the King, or the stability of constitutional institutions, the Royal Courts, within the range of whose jurisdiction these journals are published, shall have the power, in a solemn audience, to suspend the said journals or even to suppress them.

Art. 4.—If, in the interval of the Session of the Chambers, grave circumstances should momentarily render insufficient the measures of guarantee and repression at present established, the cen-