

VOL. IV.

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### CONVENTION DEBATES.

FROM THE RALEIGH REGISTER.

[CONCLUDED.]

Saturday, Nov. 15.—The Convention took up the report of the committee of the whole.

After reading the second section, Mr. Brevard moved to strike out the word that its commencement, as unnecessary and improper.

Mr. Yancey said, this word was found in the old Constitution, and was therefore retained, on the ground that he had been stated, that no alteration was recommended but such as the committee believed absolutely necessary. He hoped the word would be permitted to remain.

Mr. Brevard observed, that every step the Convention took, convinced him that they first ought to have gone into a committee of the whole, and fixed certain principles of action, instead of proceeding as they had done, the subject to a committee of seven. We referred to that committee, said he, the discharge of a business undefined in its nature, instead of instructing them to report on particular subjects, the consequence has been an unsatisfactory report, which members had been restrained from amending out of respect for that committee: but as this is the last day of the session, he hoped that gentlemen would bring forward such amendments as appeared to them necessary.

The chairman of the committee is willing to admit any departure from the words of the old Constitution, except on principle. But as the word that is unnecessary, and is omitted in the 1st article, he hoped it would be dispensed with in the 2d and following sections.

Mr. Yancey regretted that he was again called upon to justify the report of the committee of which he had been a member. He knew not how satisfactory that report had been; but he knew that the gentlemen who composed it had paid great attention to the subject, and had examined the business committed to them to the best of their ability, though it had neither been a very pleasant, nor a very easy duty. Gentlemen were certainly at liberty to propose whatever amendments to it they thought proper, but he hoped that all such as were proposed, would be of some importance, and not mere verbal criticisms.

The amendment was negatived.

Mr. Mangum again moved to substitute the word members for that of Representatives in the 2d line of the 3d section, which was agreed to.

The remaining amendments were concurred in without debate.

Mr. Cameron renewed his motion to give the towns of Newbern, Wilmington and Fayetteville representatives.

Mr. Fisher said he had somewhat changed his opinion on this subject. Several of the towns contained nearly a sufficient number of inhabitants to entitle them to a representative, and as their interests were somewhat distinct from the inhabitants of the country, he was willing to allow them a representative, deducting on that account a member from the county in which such town is situated.

Mr. Harne observed, that leaving policy out of the question, he thought justice and equity required that these towns contain men of talents at least equal to any other in the State, and they ought to have their due weight in the Legislature. He had lived both in town and country, and he knew there were prejudices existing between the inhabitants of town and country, which the measure proposed would have a tendency to remove.

Mr. Yancey thought, in the form the proposition was now made, it ought to pass. Newbern and Fayetteville, he believed, had now nearly 4000 inhabitants, which was the number required for a representative, and it was probable that Wilmington might have that number before the next census was taken. On taking a representative from the counties of Craven, New Hanover and Cumberland, he hoped the motion would be agreed to.

Mr. Williamson said he came to this place determined to put down borough members, but when this proposition was first made, he thought it reasonable, and voted for it, and he hoped it would be agreed to.

Mr. Phifer expressed himself to the same effect.

The amendment for inserting the words "and towns," in the former part of the section was agreed to.

Mr. Cameron then moved to add, "and the towns of Wilmington, Newbern and Fayetteville, each one representative."

Mr. Fisher moved to add the city of Raleigh to the proposed amendment. Its population, he said, is nearly equal to the largest of the other towns, and it is, besides, the seat of government, and the darling of the State. It will not fail to send to the Legislature an enlightened member, who would not only do credit to the city, but to the State.

Mr. Yancey observed that he had just met with a census of the population of the different towns, by which he found that Raleigh had more inhabitants than Wilmington, and but little less than the other two towns. He had little doubt that Raleigh would have a sufficient number of inhabitants before the next census was taken to entitle her to a representative. He hoped, therefore, the motion of the gentleman from Rowan, to add Raleigh to the towns proposed by the gentleman from Cumberland, would be agreed to.

Mr. Sanders was in favor of both propositions. Raleigh was the seat of Government, here were all public buildings, and here all our public officers resided. A representative in the city would be considered in the light of a sentinel over these buildings, as well as every thing in which the government was interested, and would be able to give information to the Legislature in relation to these subjects.

Mr. Mangum said, that it was, perhaps, unnecessary to add to the remarks which had already been made on this subject. He knew that complaints had been made against borough representatives. The term applied to the British system of rotten boroughs, had been improperly applied to it. But whenever a town contains a sufficient number of inhabitants to entitle it to a representative, justice and good policy require that it should have one. Indeed there was a good force in the remark of the gentleman from Cumberland, that towns had distinct interests which ought to be represented. And he trusted, that hereafter, those jealousies which heretofore existed in this quarter towards gentlemen from the west, as being unfriendly to the city of Raleigh, would no longer exist, as he was confident there was no foundation for it.

Mr. Cameron accepted of the proposed amendment as part of his motion, which was carried nearly unanimously.

Mr. C. then introduced a new section (the 42d) regulating town elections, which was agreed to.

The next section providing for the election of Senators was agreed to, as already mentioned, after some rather irregular debate.

The amendments reported by the committee of the whole being gone through, Mr. Harrington renewed his motion to strike out the 26th and 27th sections, which have relation to Preachers of the Gospel and religious opinion. And lest he should be misunderstood when he made his former motion, he now disclaims all particular partiality for clergymen, and any hostility to religion generally, or any other particular sects of religion; but believing that these sections contain unnecessary restrictions, and militate against the principles of Civil and Religious Liberty, he had determined to make another attempt to expunge them from our Constitution. He was unwilling to consume unnecessarily the time of the Convention, but feeling more interest in this matter than on most others, he hoped he should be allowed an opportunity of recording his vote against these sections. He therefore moved that the question be taken by Yeas and Nays.

Mr. Yancey hoped that his friend from Anson would consider what he said on this subject, which no doubt would go out to the public as a sufficient protest against retaining these sections.

Some other remarks were made, proposing that the gentleman might enter his protest on the journal.

Mr. Harrington said, he believed there were more gentlemen in the Convention who agreed with him in opinion on this subject than were willing to declare it publicly, he would not enforce his call, but withdrew it.

The motion was negatived.

Mr. T. G. Polk proposed to add a new section to the Constitution (the 49th and last) providing a way in which future amendments to the Constitution might be made. The proviso at the close of it was added by amendment.

Mr. Yancey hoped this amendment would be adopted. Some provision ought to be made for future amendments, which should not be made too easy, as it is not to be presumed that any future amendment would be desired, except it were manifestly necessary.

Mr. Mangum said, he was unfortunate in being under the necessity of offering in opinion with gentlemen. He was opposed to this amendment, and would give the reasons why he was so. He was opposed to it because he required two thirds of each house of the General Assembly to pass a bill on this subject. Though he knew that a similar provision to this is to be found in the Constitution of the United States, and in several of the Constitutions of our sister States. But he took it to be a fundamental rule in Republican Governments that a majority ought to rule, and he did not think this Convention had a right to prescribe a rule that shall require two thirds of the Legislature to pass a bill on any subject. A majority of the people have an inalienable right to revise and alter their Constitution whenever they please; and having this right, he should dislike to do any thing which should seem to surrender or abridge that right.

Mr. Polk had no idea of attempting to deprive a majority of the people of their right to act in their sovereign capacity at any time, on this or any other subject. He wished only to provide a mode by which the Legislature might amend the Constitution in future, and to guard against untimely attempts to amend it; but his health would not allow him to enter into an argument on the subject.

[Mr. Phifer was opposed to permanent amendment.] There is a distinction between a Constitution formed by the people, and altered and amended by the Legislature; I hope this house will always keep it in view, and that they will never forget it, when you leave it discretionary with the Legislature to alter and amend your Constitution, you break down the barrier which separates the Constitution from the Legislature, and unbind every dot which leads to fraud and corruption. Can any man in this house prophesically say, that the Legislature will never become corrupted? If he can, you have nothing to fear. But, as long as vice shall cling to the human family, you have the strongest reason to guard against the rights of the people. Sir, I contend that this is a correct way to destroy the liberties of a free people. Are gentlemen willing to throw away the sovereignty of the people into the hands of the Legislature? The other day we were called upon to give up an important check, and now we are called upon to throw away another. This amendment is in opposition to the sentiments entertained by Hamilton and Madison. Sir, the British government afford us an example on this subject; they had what is called their triennial Parliament; they declared that parliament was supreme and uncontrollable, and thereby altered some of the fundamental principles of government; they altered from a triennial to a septennial parliament, extending their term of service four years beyond what they were entitled to. Sir, if it be left discretionary with the Legislature to alter and amend this Constitution, the bands of this Constitution will be no more than flax before the fire, or chaff before the whirlwind!

Mr. Yancey perfectly agreed with the gentleman from Orange, that a majority of the people have a right to alter the Constitution whenever they please; nor could he perceive that this amendment proposed a surrender of this right. It simply points out the mode in which the Legislature may bring about an amendment of the Constitution. What is the mode? It requires that a bill for the purpose specifying the alterations proposed, shall be read three times in each House on three several days, and be passed by two thirds of each, and then published for three months. It is then to become the test at the next election, and if two thirds of the next Legislature confirm what had been passed by the preceding Legislature, the proposed amendment shall become a part of the Constitution. This provision will render unnecessary future Conventions for the purpose of amending the Constitution, and thereby prevent excitements amongst the people. Indeed no thing would have induced him now, to have touched the Constitution in the only way in which it could be done, but the present great inequality in our representation.

The amendment was carried by a small majority.

On motion of Mr. Mangum, the proviso at the end of the section was added.

The question on adopting the Constitution as amended, was put and unanimously agreed to.

Mr. Sanders called up the report which he had made some days ago on the most advisable plan of submitting the Constitution to the people, which was read as follows, and amended:

\* The above remarks of Mr. Phifer, which we have put in brackets, were communicated to us, with a request to publish them in lieu of the few words attributed to that gentleman by the Raleigh Register—Editor Christian.

The committee appointed for the purpose of enquiring into the most advisable plan of submitting the amendments proposed to be enacted on the Constitution, to the people of the State.

REPORT. That they have attentively considered the subject referred to their consideration, in which they have discovered no plan for effecting the object of Convention that would be entirely free from difficulties. The Committee, however, have thought it best and as most likely to meet the public approbation, to submit the amendments proposed to be made to the Constitution directly to the people, and to recommend the election of Delegates for its ratification and adoption. The people will thus be enabled to consider and pass upon its provisions; and from seeing delegates in conformity with the Constitution as amended, they will discover its practicable operation so far as respects the most numerous branch of the Legislature. For this purpose they recommend the adoption of the following resolutions:

1. Resolved, That it be recommended to the people of the several Counties in the State, at their next annual election to elect Delegates to meet in Convention in the City of Raleigh, on the second Monday of November next, for the purpose of ratifying and adopting the amendments which have been proposed to the Constitution of the State.

2. Resolved, That the said Delegates when assembled in Convention, shall be limited to the amendments now proposed, but shall be authorized to adopt such further provisions as to them may seem necessary for carrying the said Constitution as amended into effect.

3. Resolved, That it be recommended to the several County Courts in the State to appoint fit and proper persons as Judges of election of Delegates, and that such persons as are qualified under the Constitution as proposed to be amended, to vote for the most numerous branch of the Legislature be qualified to vote for such Delegates, and that the election of Delegates be certified by the returning officer of the county.

4. Resolved, That each County in the State shall be entitled to elect the same number of Delegates to the Convention as they would be entitled to members in the House of Representatives under the proposed Constitution as amended.

5. Resolved, That a committee of three members be appointed to present the amendments proposed to the people, with the views and explanations which have induced this Convention to propose the same.

After reading the Report, Mr. Sanders observed, that it was expected that the committee who made this Report would also have prepared the proposed Address; but such had been the attention which it was necessary for them to pay to the business before the Convention, that it was not in their power to do it. He thought it best that a committee should be appointed for the purpose, who could prepare the address at their leisure.

Mr. Lane from the committee appointed to provide a fund for defraying the expenses attending the Convention, made a report, which was concurred with.

Mr. Britton from the committee on Elections, reported that they had examined the several certificates handed to them, and although some of them were not altogether regular, they deemed them all sufficient.

The business of the Convention being finished, and the President having left the chair.

On motion of Mr. Yancey, it was unanimously resolved, that the thanks of this Convention are due, and are hereby presented to the Hon. MONTFORD STOKES, for the able and dignified manner in which he has discharged the duties of the chair.

The Convention then adjourned sine die.

### WONDERFUL DISPENSATION.

The Louisiana Advertiser of Nov. 22, says—"We have been informed through several sources, and have reason to rely, to a certain extent, upon the correctness of the information, that about the 21st of October, a sudden change of the weather was experienced at Tampico and the vicinity, the mercury of the thermometers falling 40 degrees in 8 hours—the consequence of which was, that three hundred persons died in one night in that city, and the adjacent country. One of our United States' vessels was in port at the time, and our informant adds that she lost at the same time 18 persons, including several crew."

Powder mill blown up.—On the 26th of November, the Powder-mill in Lee, Massachusetts, belonging to Messrs. Lakin, Loomis & Co. was blown up, and two of the workmen killed. The names of the deceased were Mosey Brown and Walker Quigley.

### CONGRESS.

#### SENATE.

Dec. 15.—Mr. Parrott offered the following resolution, which was read, and laid over for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing in a national number of ships of war to be built and equipped for the service of the United States.

Dec. 17.—The following committee was appointed upon the several amendments proposed to the Constitution: Messrs. Britton, Hayne, Holmes of Me., Dickerson and Kelly.

The following resolution, offered yesterday by Mr. Eaton, was also adopted:

Resolved, That the Judiciary Committee inquire if any, and what amendments may be necessary to an act, entitled, "An Act, relative to the Electors of President and Vice-President of the United States, and declaring the officer who shall act as President in case of the vacancies in the offices of both President and Vice-President," passed the 1st of March, 1790.

Dec. 18.—The bill "appropriating a certain sum of money for the relief of Daniel D. Tompkins," was taken up in committee of the whole, and the bill was passed unanimously.

Mr. King of N. Y. and Mr. Mason, were annexed to the committee on the amendments of the Constitution, in pursuance of the motion of Mr. Dickerson.

#### HOUSE OF REPRESENTATIVES.

Dec. 15.—Mr. Rankin, from the committee on Public Lands, reported a bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie," which was read twice and committed.

On motion of Mr. Vreaser, it was Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of associating with the Military Academy at West Point, a school of instruction for the Midshipmen of the Navy of the United States.

Mr. Allen, of Tennessee, offered the following:

Resolved, That the Postmaster General be directed to lay before this House, a list of the Post Offices designated by existing laws, in the several States and Territories, also, the letters required to be performed by deputy Postmasters at such offices, with the regulations adopted for securing a direct conveyance for the letters, &c. destined for offices on intermediate post-roads.

Dec. 17.—The following resolution, offered yesterday by Mr. Allen, of Mass., was taken up and adopted:

Resolved, That the Postmaster General be directed to lay before this House a statement of the number of miles of Post Roads, existing by law in each State or Territory for each of the three years next preceding the 1st day of April last; the number of miles of said roads upon which the mail was actually carried in each of those years, together with the yearly compensation of Postmasters, and the incidental expenses thereon; also, a statement of the amount of postage which accrued in each State and Territory, on each of those years; the yearly receipts therefrom; the yearly balances on and against the Treasury; and the balances of postage, which accrued in each of said years, now due, and in arrears.

Dec. 18.—A message from the Senate communicated that they had passed the bill for the relief of Daniel D. Tompkins, without amendment.

#### THE GREEKS.

On motion of Mr. Williams of N. C. it was

Resolved, That the President of the United States be requested to lay before this House any information he may have received, and which he may not deem it improper to communicate, relating to the present condition or future prospects of the Greeks.

Mr. Rankin this day presented a petition from the inhabitants of Penguin, on the Red River, a settlement of the Hudson Bay Company, inclosed in a letter from Major Long to the Secretary of War; in which, after stating that they had discovered themselves to be within the limits of the United States, they prayed that the laws of the United States might be extended to them.

Dec. 23, Mr. Webster, from the Committee on the Judiciary, reported a bill to repeal in part an act to lessen the compensation for Marshals, Clerks and Attorneys, in the cases therein mentioned"—which was read twice and committed.

Mr. Mallory submitted the following resolution, which lies one day according to a rule of the House:

Resolved, That the President of the United States be requested to lay before this House such information as he may possess (and of which may be disclosed without injury to the public good) relative to the determination of sovereigns to assist Spain in the subjugation of her late colonies on the American continent, and whether any government of Europe is disposed or determined to propose any aid or assistance which such sovereigns or combination of sovereigns may afford to Spain for the subjugation of her late Colonies above mentioned.

The depositions against which so much complaint is now spread in the N. Y. Evening Post, are almost the exclusive work of colored men. These gentlemen after entering a house in search of plunder, if surprised in the act, ingeniously counterfeited drunkenness until they are shewn the way into the street, when they immediately recover the use of their limbs.

Savannah Georgian.