

November, 1776, to form a Constitution for the State. They met, and did form the Constitution under which the State was governed until 1835, with, I believe, a single amendment, allowing the town of Fayetteville a member in the House of Commons.

It will be remembered that there were but eight counties West of the county of Wake, besides the Watauga and Washington settlements, since forming a part of the State of Tennessee. Now, instead of eight counties west of this place, there are forty one. This Congress was called and held during the war of the Revolution, and having no enumeration of the inhabitants, provided that each county, whether large or small, should have one Senator and two members in the House of Commons. Freeholders only were entitled to be representatives in either branch of the General Assembly; and none but freeholders, who owned at least 50 acres of land, were permitted to vote for Senators.

These provisions were according to the course pursued in the Provincial Congress held under the authority of the British Crown. In that body, the Governor and Council appointed by the Crown composed the Senate, and the freeholders elected the members of the Commons. Never until that day had any citizen been allowed to vote for any officer or for representatives from the best evidence that I can find on the subject.

It was not then to be expected that these pure and patriotic Delegates would depart at once from all precedent in the Government under which they had lived, and at once strike down all distinction in regard to property. But they did grant to every citizen who had resided for one year in a county, and paid a tax, the privilege of voting for members of the House of Commons. Yet members of the Continental Congress were required to be appointed by the General Assembly.

This constitution was but an experiment, and as nearly perfect as could have been expected at the time and under the circumstances. And especially when it is considered that its framers had not been accustomed to popular government.

But, Mr. Speaker, the circumstances of the country were soon changed. The Western portion of the State was rapidly settled; the large counties became populous; were inconvenient to the citizens, who had to travel fifty, and in some instances one hundred, miles to court. They applied for the establishment of new counties. But this was generally refused them, lest they might gain the political weight that their numbers would have entitled them to. The small counties had the same weight in the Legislature with the large Counties of Orange, Rowan, Lincoln, Burke, Buncombe, and others, having five times their population. These grievances were complained of from year to year, fruitless petitions and applications made for a Convention to amend the Constitution. Our people saw nearly all the old States amending and improving their Constitutions, as experience pointed out the necessity and propriety of doing so. The many new States coming into the Union, taking advantage of the experience under the State Governments, and keeping pace with the progress of popular rights, had avoided the hardships under which our people labored, and invariably allowed every free white citizen to vote for members of both branches of the Legislature and other State officers, and apportioned the Representatives in each House according to the free white inhabitants, or according to the number of voters thereof. All this was witnessed by our people, and was seen to work well, and their citizens were orderly, contented and prosperous, and the laws as wise and as well administered as in our State. Yet these changes, the necessity of which was so clearly shown, were refused to our people by the small minority who had the power under the Constitution. But I shall be told, that in the year 1834, a compromise had been made. Let us examine that for a few minutes, and see what sort of a compromise it was, and how it was obtained. The State house had been burned down, and propositions were made for the removal of the seat of Government to Fayetteville and to Salisbury; and it was suggested that those who desired the Convention might

favor the views of Fayetteville in relation to the location, if they would vote for a Convention. But ultimately resolutions were brought forward to locate or rather continue the seat of Government at this place, and to grant a Convention to make certain specific amendments to the Constitution; still retaining the power in the East, and requiring the Delegates of the people to take an oath that they would not transcend the limits set them by their masters, before they were allowed to take their seats. These propositions were carried out by bills for that purpose, and the people got a partial redress of grievances. They were plainly told that they must take that or nothing.

Mr. Speaker, under this patched up and amended constitution, how stands the equality of our people? No one is allowed to vote for a Senator unless he has a freehold of fifty acres of land; and another provision, growing out of this, that the number of Senators shall be based on the taxes paid into the Treasury, without any regard to the population. Take, sir, an example. The District that I have the honor to represent had, by the census of 1840, 19,104 white inhabitants, while the District that you represent had 4,400, or less than one-fourth of the number; while my District paid into the Treasury, according to the Report of the Comptroller for 1849, \$249 more taxes. The difference in the white population is now doubtless much greater, at least five to one. If you take the District represented by the Senator from Burke, the difference is still greater. The white population in that District being then 23,295, and now probably 30,000; yet these large Districts have no more weight in this house than yours. We regard this as unequal and unjust, and at war with every principle of popular government. Yes, these two provisions are a downright contradiction to the declaration of Rights which is made part of the constitution. It is in these words: "That all political power is vested in and derived from the people only. Yes, vested in and derived from the people. Not from the Crown, as was formerly held, nor vested in and derived from property only, as by this clause of this compromise constitution; nor in this Legislature, who talk of measuring out rights to them as dependents. Mr. Speaker, this wrong should be redressed, or that part of the Declaration of Rights should be stricken out or altered to conform to the other provisions of the constitution.

Is it to be said that there is no use for the citizen but to pay taxes? Have they not been found necessary in other respects? Who have heretofore stood forth in defence of the country? And in case of war, at home or abroad, in future, who are to be looked to for the defence of the country and her rights? The people—the white people; not called out according to taxation, or federal population; but according to the number of able-bodied white men. And no portion of the State can be more prompt to meet the call of the country than the Western portion of it. Yes, sir, the citizen is not only to be valued as he pays more or less taxes; but he forms part of the body politic, and in him is vested the political power. Sir, those that are found ready and willing to expose themselves to the privations of the camp, and perils of the battle field, for their country, may be trusted to vote for those who make her laws.

If the Government is only to be regarded as a monied corporation, measuring each county's influence by the tax that she pays, then for the same reason, each citizen should be allowed to vote to represent his stock, and have votes according to the amount he pays, as in a joint stock company. There are about 350 freehold voters in your District. There are probably 1700 in mine. Then the poorest freeholder in your county, paying less than one dollar into the Treasury, has more weight in this Hall than four of the most wealthy of my constituents worth one hundred thousand dollars each and paying taxes accordingly. Why is this? Not because he pays more taxes—that is against him one hundred fold. Why is it then allowed? Does he vote because others in his county pay taxes? Suppose it be granted that the taxable property should be regarded in the formation of the Districts, does it follow that population shall be entirely overlooked and disregarded?

It is said that an offer will be made at this session to allow all to vote for Senators, and Free Suffrage shall be graciously granted. This we desire; but we desire not only Free, but Equal Suffrage. Grant that the former is right, and I ask, does the other not follow for the same reason? The people cannot be sported with in that way. They want the substance, not the shadow. They desire to vote, and that their votes be counted as freemen's votes, and on terms of equality. Free suffrage was taken up two years ago; but now it is called Equal suffrage. Why change its name, and call it equal, unless the number of votes is to constitute the basis of representation? I suppose it is to be construed to mean, that Western voters are made equal with each other; certainly not equal with Eastern voters. The inequality is rendered still greater as you increase the number of voters.

Mr. Speaker, why not trust the people to make these amendments for themselves? Why not allow them to have one free and unrestricted Convention of the people? This is a privilege they have never enjoyed in North Carolina; is it denied them because they are not to be trusted? Who has the right to withhold it? or to prescribe limitations? We are but their servants. We are told that this is a sacred instrument, and in this compromise amendment it is so hedged in that it is difficult to obtain an amendment. This is said to be necessary. Why necessary? No such difficulty is presented to the amendment of any of the sister States or of the Federal Constitution. Is it thought that the people would not elect Delegates who might be trusted with their own constitution? Have our people learned nothing from experience in seventy-five years? Are they less capable of self-government than they were in the infancy of the Republic? If so, it might be said truly, that the experiment has failed. Yes, the objection amounts to an allegation that they are incapable of self-government.

It has been objected, in some quarters, that if you call a convention, the Federal basis in the Commons may be changed, and that involves the question of the compromise between the States. This I suppose cannot be earnestly contended. That was a part of the compromise made between several States when forming a Union for certain specific purposes, and can have nothing to do with the internal regulation of the States. Is that principle incorporated in the constitutions of the other Southern States? There have been eighteen new States admitted into the Union since 1790, of which nine are Slave States and nine Free States—and this principle has been incorporated into but one of them. Florida adopted it—while the seventeen adopted the white basis in each branch of the Legislature, except Louisiana, and she counts the entire population.

It seems then, sir, that this danger has not been seen in any of these States, and no mischief has grown out of it. While all of these States secure to their citizens the utmost freedom of suffrage, and equality of Representation, and in nearly the whole of them do not even require the representative to be a freeholder, and in a large majority of them allow the people to elect the Judges and other public officers—the governments are as well administered, and laws as wholesome, and life, liberty and property as secure, as in our State, and the people more contented and prosperous. The experiment has proved that the people are capable of self-government. In N. Carolina we have never denied in theory the truth of the first declaration in our bill of rights, nor have we acknowledged it in practice in a single instance. The popular voice in North Carolina is never heard, except in the election of Governor.

Mr. Speaker, we cannot always deny to the people these reforms that are made all around us in other States. Sir, I assure Senators that they are never to hear the last of this reasonable demand until a Convention is called. If then the majority shall decide to make any or all the amendments spoken of, or shall determine to make none, I shall be content, and the public mind will probably be quiet for many years to come. Gentlemen need not be alarmed; they need not distrust the people. There is too much good sense and patriotism in North Carolina to justify any fear that they will deal lightly or rashly with the Constitution.

The "Standard" vainly attempts to shield Gov. Reid from the charge of Executive dictation. The recommendation of Gov. GRAHAM referred to is no case in point, as any candid man may perceive. That was a recommendation accompanying a Report upon a certain subject, and not one dictated upon the Legislature, at the very time that body had the matter under consideration. We defy any man to point out an instance in our history where the Governor has arrogated to himself such a liberty, before this recent instance in the case of Gov. Reid.

As to His Excellency's "boots," the "Standard" need give itself no uneasiness. We neither care what kind he wears nor how often the Editor licks them! We have not troubled ourselves either, to find out whether he "walks on the wrong side of Fayetteville Street," or not. We think it probable that he does, however—he is generally on that side of every thing!!

The Legislature have again rescinded their agreement to adjourn on Monday, and postponed adjournment until Wednesday morning, 8 o'clock, A. M.

We shall notice the malicious misrepresentations and falsehoods of the "Standard" as to our course on the subject of Constitutional Reform, when we can command leisure. At present, we are pressed night and day.

After the adjournment of the Legislature, too, when we can have time to call our own, we will show who it is that have labored, and are laboring, to stir up the elements of sectional strife.

THE GREAT RHIGAS.

This far-famed character has given two exhibitions in this City, and proposes to give a third and last one, this evening, at the Town Hall. We advise those who have not witnessed his extraordinary performances, to go and see. It is seldom that they will have an opportunity of witnessing such really remarkable and astonishing feats.

The sword-swallowing is no humbug. The Rhigas actually forces an enormous blade, 24 inches in length and at least an inch and a half in width, down his throat—and that with an ease and confidence that relieve you from any disagreeable apprehensions as to the result of the experiment. For a man that sups with such relish on "daggers," our Rhigas is apparently a most amiable and peaceful individual—relishing as much as the audience, the excellent comic vocalism of his confederate, JERRY MERRIFIELD.

STATE LEGISLATURE.

SENATE.
Thursday, Jan. 23.
EVENING SESSION.
7 o'clock P. M.

The Senate resumed the consideration of the unfinished business of the last sitting, viz: The bill to amend the Constitution of North Carolina. The question on the passage of the bill, its 3rd reading, resulted as follows:

AYES—Arendell, Barnard, Barrow, Berry, Bower, Bunting, G. W. Caldwell, Cameron, Cannady, Clark, Collins, Drake, Ehorn, Hargrave, Herring, Hester, Hoke, Jones, McMillan, Malloy, Nixon, Pender, Rogers, Shepard, Sherrod, Speight, Thomas, Thompson, Washington, Watson, Williamson, Wooten, and Watt—33.

NOES—Barringer, Bond, Bynum, T. R. Caldwell, Davidson, Gilmer, Grist, Houghton, Joyner, Kelly, Lane, Lillington, Richardson, Sessoms, Willey, and Woodfin—16.

The bill relative to the purchasers of Cherokee lands, security of debts due the State, &c., was read 3rd time, and carried—ayes 33, noes 14.

The bill to incorporate the Bank of Onslow, was read 3rd time and rejected—Ayes 15; Noes 28.

The bill to incorporate the Newbern and Central R. R. Co., was taken up, read 3rd time, amended, and passed.

The bill to incorporate the Cape Fear and Deep River Navigation Company, was read 3rd time and passed.

HOUSE OF COMMONS.

EVENING SESSION.

Mr. Winston moved that the substitute offered by Mr. Rayner, to the bill from the Committee on Finance, be printed, on which motion Mr. Kallan called for the Ayes and Noes. The motion to print prevailed—Ayes 74, Noes 16.

A message was received from the Senate announcing to the House that the Senate had passed the engrossed bill from the House to alter the Constitution of the State, commonly known as the "Free Suffrage Bill," with an amendment, and asked the concurrence of the House therein. On motion of Mr. Avery, it was made the order of the day for to-morrow, at 11 o'clock.

DAILY REGISTER.



DAILY ISSUE.
Saturday Morning, Jan. 25th.

FREE SUFFRAGE.

The Free Suffrage Bill passed its third and final reading in the Senate, on Thursday night, (see vote in Legislative column,) and the Senate Amendments to the Bill were, on yesterday, concurred in by the House of Commons—so that this question is now disposed of, so far as the present Legislature is concerned.

The speech of Col. Joyner, on Thursday afternoon, before the vote was taken, is spoken of in every unprejudiced quarter, in terms of the warmest admiration. It is well known that Col. Joyner is strongly in favor of a rigid adherence to the old Constitution. Mr. Shepard had led the public mind to suppose that such also, was his position. No wonder, therefore, when Mr. S. shifted his position and voted for Free Suffrage, on the ground that a rejection of the Bill would be the means of a Convention, that Col. Joyner should have commented with some severity upon the sudden turn which Mr. S.'s opinions had taken, and should have repudiated, for himself and the East, the lead of Mr. S. in this particular.

Free Suffrage has now received all the validity that the present Legislature can give it. To the doctrine within itself, we have no objection. But we have raised our voice, and intend still to raise our voice, against the manner in which, under the circumstances, it has been effected—to the principle of Legislative amendment of the Constitution, unless where the popular will has been unmistakably ascertained beforehand. We have raised our banner and inscribed upon it—"The will of the People"—and under that banner we intend to be found fighting to the last. The People may desire a Convention, or they may not—we have no opportunities of forming an opinion in the matter. But of one thing, we are certain—that it is their privilege, their right—their unalienable privilege, their undisputed right—to be consulted in the premises; and it is no less the duty of the Representative, when their will is ascertained, to obey and to carry it out.

We have marked out our course. And if we are not most grossly mistaken, in the indications of the times, it is one, so far as the principle is involved, in which we shall be sustained by a large majority of the Freemen of North Carolina, of every section!