



"Peace are the plume of fair, delightful Peace,
"Unwarp'd by party rage, to live like Brothers."

FRIDAY, DECEMBER 4, 1812.

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STATE LEGISLATURE.

HOUSE OF COMMONS.—Nov. 19.

Debate on providing for the Choice of Electors.—Continued.

Mr. Cameron expressed his regret that the House had refused to consider the proposition he had made, for laying off the State into districts for choosing Electors; had an opportunity been afforded him of discussing the merits of that proposition, he would not now trouble the House; this having been refused, he wished to make a few remarks on the propriety of striking out, and on the act of last session which the resolution before the House proposed to carry into execution. In doing which he should avoid repeating the arguments which had been adduced by the gentleman from Salisbury to prove that if the act be not unconstitutional, it is at least a bold infringement on the long-exercised rights of the people.

When this State came into the Union, by adopting the Constitution of the United States, it became necessary for us to elect Electors immediately. The General Assembly of 1792 provided for the emergency by an act very different from the act of last session. They did not provide for their election by joint ballot. They had more respect for the rights of the people. They directed that the members coming from the several Superior Court Districts should meet and elect their proportion of Electors from each. As it was impossible to refer the election at that time to the people themselves, this was doing the best in their power. If, then, as early as 1792, the Legislature recognized the district principle, how has it happened that at this late day a different mode has been resorted to?

By the law of last session, it is made the duty of this General Assembly to elect Electors by joint ballot. But it is the imperious duty of this Assembly to obey the directions of the law? What right had they to say we should do this or that? They and we derived our power from the same source. This shews that we cannot be required to carry any law into effect which our judgments do not approve. It is competent for us, therefore, to enquire into the expediency of going into the election by joint ballot, or of adopting some other mode of electing Electors. Does the election by joint ballot, promise more good or a better result than the district principle? What is a joint ballot? Is it a college where every man has an equal vote? How ought the Electors to be chosen? Not according to geographical lines, but according to numbers. What enables us to determine how many Electors we are entitled to? Is it the number of our counties, or the number of our inhabitants. When we have ascertained the number of members of Congress to which we are entitled, which is done by counting our numbers, by adding our Senators to this number, we have the number of our Electors. Shall we, then, by going into a joint ballot, depart from this correct course?

This State contains 487,000 inhabitants, which gives us, at 35,000 souls for a Representative, thirteen Representatives in Congress. But if we elect Electors by joint ballot of the Legislature, observe how unequally the thing will operate. The counties of Rowan and Orange, containing 33,287 inhabitants (more than one-eighth of the whole State) will have eight votes only in the election, whilst eleven small counties containing 35,000 souls, (a less number than the two counties above named) will have thirty-four votes in the election. The eight of the largest counties, containing 117,544 inhabitants (one-quarter of the number of the whole State) will have twenty-six votes only; whereas, according to their population, they ought to have forty-eight votes.

Are gentlemen representing these large counties, asked Mr. C. ready to surrender the influence which they ought justly to have in this election? Or can gentlemen who represent the small counties claim an equal influence with their brethren from the large counties? He trusted they possessed more magnanimity than to expect an equality of weight in the election.

If, said Mr. C. we go into the election according to numbers, we go into it on equal ground; and it appeared to him the bounden duty of the Legislature to follow correct principle regardless of consequences. Not to do this, lest it should have the effect to divide the votes of the State, could not be justifiable ground. In looking into the Constitution of the United States he found that numbers were made the true basis of elections, and he could not consent to place them on any other footing. Without expressing any opinion on the propriety of adopting the amendment proposed by the gentleman from Salisbury, should the motion to strike out prevail—he should vote for "striking out," in the hope that the district principle would yet in some form prevail—that while it was his sincere wish that the State should have its vote in the approaching election for President, it was equally his wish that it should be given on correct principles.

Mr. Daniel observed, that the gentleman from Orange was in favor of striking out, because, in an election by joint ballot small counties would have an equal number of votes with large counties. The constitution of this State has not founded the counties on equality of numbers. It is impossible to make counties equal for any length of time. The Constitution was framed by an equal number of delegates coming from unequal counties, and the members chosen from the States to assist in forming the Constitution of the U. States partook of this inequality. All the laws of the State were made by men elected under the same inequality of population.

The object of gentlemen in the opposition is very plain. It is either to prevent N. Carolina from having any voice at all in the Presidential Election, or by dividing our votes, make the weight of the State little better than a cypher.

Division seems to be the object of the gentleman from Orange. He could not gather from what fell from him whether he considered the act of last session unconstitutional or not. He wishes the Electors chosen from the several districts. If that were the case, our force would not form a solid column. A part of the votes would be one way and part another; by which means the weight of the State would be diminished.

As to the constitutional objections brought forward by the gentleman from Salisbury. They have been so fully canvassed in the public papers, that it seemed needless to make any remarks upon them. He would, however, make a few observations in reply.

The gentleman had delivered to the house a long lecture on the nature of the Constitution of the U. States, which might have been very well if we had been about forming a Constitution, or amending it. But the question before the house, in his view, resolved itself into a single point, whether the law of last session is in conformity with the constitution.

The article of the constitution on which this law is founded, is the one read by the gentleman from Salisbury, who contends that though the convention authorised the Legislature to direct the mode of electing Electors, they had no right to elect them themselves. He introduced the opinions of many eminent men in confirmation of his construction. But at the time Mr. Madison and Gen. Hamilton wrote their book in support of the Constitution, there was great opposition to the adoption of it, and it was

necessary for them to make use of the strongest arguments in its favor.—Neither of them say that the Legislatures are excluded from appointing Electors. Nor do any of the members of the Virginia Convention say so. If they be not precluded then, from acting, he contended they had a right to act. As the Constitution gives to the Legislature the power of directing the manner of electing Electors, according to a well known rule of construction, what a man or body of men can authorise another to do, he or they can do themselves; the Legislature might elect.

It would be a waste of time to follow the gentleman from Salisbury through his grammatical criticisms upon the article of the Constitution which has been quoted. The plain construction of the article is, that the Legislature may, if they chuse, exercise the power of electing Electors.

When the Constitution speaks of electing Representatives to Congress, it says they shall be chosen by the people, and the Legislature is prohibited from making the choice; and when Senators are to be chosen, the Legislatures are directed to make the choice. But when Electors are to be appointed, it is left discretionary with the Legislature to appoint them themselves, or to direct them to be elected by district or by general ticket. It is not a right that belongs to the people to elect Electors, but to the Legislature, and they may give it to the people if they think proper.

What is the Legislature? Are not the members appointed by the people? They move the whole machine, their Representatives speak their will in chusing Electors. If the members of Assembly were out of the reach of the people, the arguments of gentlemen would have some weight; but coming immediately from them, as they do, they have none.

If, said Mr. D. the authority of great men is to have weight in this question, is not the opinion of Jonathan Trumbull, Roger Griswold, Mr. Bayard, Mr. Otis, Mr. Adams, Mr. Gerry, Mr. Clinton and others, worthy of consideration? And would not the practice of Georgia & South-Carolina have some weight in favor of the course proposed to be pursued. The States of Delaware and Connecticut have always elected their Electors by their Legislatures. Several of the other States have resorted to various modes. How happens it, then, that the discovery should be first made in North Carolina that an election of Electors by the Legislature would be unconstitutional? Have we men of superior information to those of any other State? If so, he congratulated himself and felicitated the people of North Carolina on the occasion.

This question, Mr. D. observed, had been so much argued by every description of men in the State, that it seemed useless to say more. Every man had made up his mind upon it. It had been the test at the late election; and whatever may be now said on the subject will have little weight.

In 1792, the first vote which N. Carolina ever gave for Electors was given by the Legislature; at a time when the principles of the Constitution had just been fully discussed; when men who assisted in the formation of it were members of the Legislature. If it had been supposed that such a law had been unconstitutional, would men of this description have consented to act under it? Such an idea cannot be entertained. But the people of N. Carolina were then united as one Family—but we are now unhappily too much divided.

Antecedent to the adoption of the Federal Constitution, the thirteen United States lived under Articles of Confederation. Each of the States had a right to have a certain number of delegates in the old Congress. It is remarkable that the article in the old Confederation which authorised the election of Delegates, is in the same words with the article in our

present Constitution which directs the election of Electors; and he would ask the gentleman from Salisbury, who had considerable agency in the business of those days, how those Delegates were chosen? He knows they were chosen by the Legislatures of the different States, and not by the people.

If, then, the delegates from the different States to the old Congress, whose choice was directed in precisely the same terms with our Electors, were appointed by the several Legislatures, is it not reasonable to presume that those who formed the Constitution meant that the same interpretation should be put upon it?

The motion to strike out, is made on the ground that the law of last session is unconstitutional. If Mr. D. could for a moment believe that this was the case, he would vote with the mover; but, as he did not, he was desirous of retaining the resolution and proceeding to the election.

Mr. Porter said, he rose to reply to an observation of the gentleman last up, who had laid great stress on the act passed in 1792. He had the honor to be a member of the Legislature at that time. When the first ratio was made, N. Carolina had not accepted of the Constitution; at the second, she had accepted of it, but the State had not been laid off into districts. The Assembly concluded, therefore, to elect the Electors by members from the several superior court districts. He was one of those members. They afterwards divided the State into Electoral Districts, and it has so remained ever since. The gentleman had spoken of the General Assembly having elected Delegates to the old Congress. That was then the practice. There was then no President elected by the People, with powers any thing like those possessed by that officer at present; nor could the laws then enacted by Congress have operation upon the several States until they were acted upon by the State Legislatures. He was in favor of postponing the appointment of Electors, that some better mode might be adopted than electing them by joint ballot of the two houses.

Debate to be continued.

By the President

OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS information has been received that a number of individuals, who have deserted from the Army of the United States, have become sensible of their offences, and are desirous of returning to their duty;

A full pardon is hereby granted and proclaimed to each and all such individuals as shall, within four months from the date hereof, surrender themselves to the commanding officer of any military post within the United States or territories thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand, Done at the City of Washington, the eighth day of October, A. D. one thousand eight hundred & twelve, and of the Independence of the United States, the thirty-seventh.

JAMES MADISON.

By the President, JAMES MONROE, Sec'y of State.

An Accommodation Stage.

THE Mail Stage from Raleigh to Fayetteville having of late been very much crowded with Passengers, so as not only to make travelling very uncomfortable, but frequently to disappoint persons desirous of procuring seats therein. The Subscribers, in order to accommodate Travellers on this road, and especially such as wish rather to travel by day than by night, have determined to establish an ACCOMMODATION STAGE between Raleigh and Fayetteville, which will leave Raleigh every Monday, Wednesday and Friday, at 4 o'clock A. M. and reach Fayetteville at 8 o'clock P. M.; and leave Fayetteville on the same days at the same hour in the morning, and reach Raleigh at the same hour in the evening.

As this Establishment will be attended with very considerable expense to the Proprietors, they flatter themselves that the Public will be disposed to give them support in their undertaking.

Wm. SCOTT, DILLON JORDAN.

Raleigh, Nov. 24, 1812.

The first Stages will start on Friday next. It is expected that an Accommodation Stage will be established from Fayetteville to the Southward, and probably from Raleigh to the Northward.

For Sale.

On the 11th day of December, ALL the LANDS owned by the heirs of A. M. Hunt, in the county of Ashe. Twelve months credit will be given. The sale will take place at Jefferson in the county of Ashe. On the 15th of the same month, at Willsborough, all the LANDS owned by the same in the county of Wilkes. THOMAS HUNT, Ex'or. Dec. 4th, 1812.

Fifty Dollars Reward.

STOLEN, from the subscriber's stable, on Saturday night, the 14th inst. a large dark bay HORSE, in good order, with a thick, long, black mane and tail, inclined to crisp; black legs; a white spot on each side of his neck, near his head, supposed to be occasioned by wearing a yoke; and a few white hairs, perhaps, on his forehead. He was 8 or 9 years old last spring. The hair has been lately rubbed off the left side of his withers by a saddle. One of his hind feet are white, and he has been lately shod, the fore-feet having new shoes, and the hind feet old ones. He is a natural trotter, inclined to be lazy; but an excellent gig horse, and is very gentle. The horse is slightly wind-galled. Any person giving information, so that I get the horse again, shall be generously rewarded, and if brought to me, all reasonable expenses paid. Fifty dollars will be paid on discovery and conviction of the thief, who will no doubt disgrace the horse in order to prevent his being known. WILLIAM JONES. Raleigh, Nov. 21, 1812.

N. B. A Mr. Carey, who has been in the habit of horse driving, left this place on the same evening my horse was taken. He is a person of about 6 feet high, 27 or 30 years of age, tolerably well proportioned, has a defective fore tooth, and walks stiff in his ankle joints. I do not mention this by way of accusing said Carey; but merely of requesting gentlemen, who may have seen him pass to the westward, to bring to mind whether he had such a horse, as the above described, along with him. He took two Negroes in company; and was heard to remark, twelve months ago, that horse stealing would be a good business in this city.

Hycos Academy.

THE Trustees of Hycos Academy have completed an elegant Brick House Building, and have contracted with Mr. Abel Graham to superintend this institution, the ensuing year. They trust the moral character and literary improvement of this gentleman eminently qualify him to discharge the duties attached to this station. English Language grammatically, the Latin and Greek Languages, with the usual branches of Science, will be taught in this Academy. The healthiness of the situation, the agreeable society, and the moderate prices of Board and Tuition will be strong inducements to send children to this Seminary. The Exercises will commence on the first of January, 1813. The Trustees pledge their attention to the public. The highest price of Tuition \$16, and varied as necessary. Board on moderate terms may be procured at the Red House, within half a mile of the Academy, where arrangements have been made to receive ten or fifteen Students. The strictest attention will be paid to their conduct and morals.

At which place an assortment of Latin, Greek and English Books are now on hand for sale, for the recommendation of the Students. Board also may be procured in the neighborhood adjacent to the Academy.

Samuel C. Brame, & Co.

RETURN their grateful acknowledgements to their friends and the public, for the liberal encouragement they have been favored with since commencing business in this place, and inform them that they are now receiving from Norfolk,

A Large Supply of Groceries.

Bought with Cash, which will be sold about the Petersburg prices, with the addition of carriage—and in a few days will have opened,

An Elegant Assortment of DRY GOODS.

Well laid in. All of which will be offered at very fair prices; and having determined to become permanently settled in Raleigh, have made such arrangements as will always enable them to supply those who favor them with their custom, on the lowest terms. 84-11 Raleigh, Nov. 23, 1812.

New Store.

CHARLES W. BREWER, & Co.

HAVE just received, and are now opening in the house lately occupied by Messieurs Marshall & Aluse, a large and general assortment of Staple and Fancy GOODS, which they will sell by wholesale or retail at the most reduced prices, for CASH.

THE SUBSCRIBER.

BEING desirous to remove into the County, offers the HOUSE and LOTS which he now occupies in Germantown, for sale. He deems it unnecessary to give a particular description, as he supposes any person inclined to purchase, will view the premises, suffice it to say, that the advantages which this Property possesses, either as to local situation or convenient improvements, for a Store or Tavern, are equal, if not superior, to any in the place, and perhaps not surpassed by any in the upper country.

Cash or Negroes will be expected in payment, and possession given whenever required. ANDREW BOWMAN. Stokes County, Jan. 20.