

WEDNESDAY, OCTOBER 25, 1856.

No. 892.

Vol. XVII.

MAINE CONVENTION.

FROM THE PORTLAND ARGUMENT. We this day present our readers with the new able report of the Committee on the votes, on the question of Separation. It is a masterly production, and is, we understand from the pen of Hon. Mr. HOSKINS. The construction of the expression in the Act, viz. "a majority of five to four," given by the Committee, is not a new one. It is this—in every town and plantation the yeas and nays are considered as balancing each other so far as they go; and the majority of each town is the majority of votes on the one side over and above the votes on the other. This construction while it is the one most favorable to the principle that "the majority ought to rule," is also most consonant to the principle of the original bill concerning the separation as first reported, before it was passed into a law. We hesitate not to say that this is the construction which ought to prevail—Let the Convention at Brunswick go on and do their duty. The People of Maine demand it of them. Shall a majority of upwards of SIXTEEN HUNDRED be held in subjection to the will of a minority? Shall the people of Maine after the repeated expression of the public will be deprived of the rights of self government because a few men are afraid of losing their offices—or because, as these gentlemen, tell us, the People cannot be trusted? We hope and trust better things. For although some of the delegates from this town, have from the opening of the Convention, thrown themselves into the arms of the opposition, we are proud to say the true friends of separation remain a firm and preserving majority.—We call the attention of our readers to the very able document, which follows, as pointing out the course which the Convention will probably pursue.

your committee have, therefore, rejected the return from the town of Lyman.

By recurring to the 2d and 3d sections of the act concerning the separation of the district of Maine from Massachusetts proper, and forming the same into an independent State, we find that the Convention is authorized to form a constitution, provided "a majority of five to four at least of the votes returned" are in favor of the measure. The meaning of the word majority is doubtful. This word is sometimes understood to mean the excess of one number over another, and sometimes the excess of half the whole number. Exclude the words "a majority of" in the 2d and 3d sections of the act, and no doubt remains but five yeas to four nays, or five ninths of the votes returned, would be required.—But your committee do not feel authorized to say that these words have no meaning.

In the report of the committee prefixed to the act, it appears to have been the intention that the expediency of separation should have been decided, by "an assembly of men, charged with the most solemn duties," meaning no doubt a Convention of Delegates chosen by towns.

Here the Delegates would have been in proportion to the number of majorities in each corporation, and not in proportion to the aggregate majority of all the votes returned.

It is understood that the bill as first reported to the Legislature, authorized the Delegates to decide on the expediency. It was however so far amended as, that on the day of the choice of Delegates, the inhabitants of the towns, districts and plantations, qualified to vote for Senators, were to give in their written votes on the question proposed in the act, and a majority of five to four was required.

As the Delegates must be apportioned according to the respective majorities of their towns, so on the question of Separation, the majority of yeas in the towns and plantations in favor must be, to the majority of nays in those opposed, as five to four, of the votes returned. The corporate majorities of yeas must be placed in one column and those of nays in the other, and each added. Then, as five is to four, so is the aggregate majority of yeas in the towns and plantations in favor, to the aggregate majority of nays in those opposed. In this way only can your committee give a meaning to the word majority as contained in the 2d and 3d section of the act.

The whole number of votes returned, including those subject to the exceptions mentioned, is 22,816 The yeas are 11,969 The nays are 10,847

The whole aggregate majority of yeas in the towns and plantations in favor, is 6,031

The whole aggregate majority of nays in the towns and plantations opposed, is 4,409

Then as five is to four, so is 6,031 to 4,825, the nays required. But the majority of nays is 4,409 only.—Hence it appears, that upon this construction of the act, there is a majority of five to four at least of the votes returned in favour of the said district becoming an independent State.

Your committee are aware that it has been the popular construction, that five-ninths of the votes returned are necessary. But they apprehend that this construction has prevailed rather from the use of an expression not contained in the act, than from a necessary import of the words themselves. Where this act is doubtful, it should receive such interpretation as shall best comport with the public will.

That will has often been decidedly and unequivocally expressed. On the 20th of May last, the single question of expediency was decided in the affirmative by a very large majority.—On the 2d of September, with the terms and conditions before them, and the groundless alarms of expense to the people and embarrassments to the counties, the citizens of Maine, by the majority here reported, have decided the question again. And they are here represented by a majority of delegates in favor of the measure. It is expedient, therefore, that this convention should give such construction to the act as shall best effectuate the hopes and gratify the

expectations of the people of Maine. But your committee forbear to recommend that this convention act without deliberation and advice. The Legislature of Massachusetts will soon be in session. No inconvenience would arise in consulting their wishes or asking their opinions. Should they, as they undoubtedly will, confirm this construction, or otherwise explain or modify the law so as to give effect to the voice of this majority of the people, much dispute would be prevented and great satisfaction afforded to the opposers of the separation.

But if, contrary to all reasonable expectation, the opinion and decision of Massachusetts should be unfavorable, we could, at an adjourned session of the convention, determine for ourselves and carry the act into full effect, agreeable to our own understanding of its provisions.

But in the report of the committee, fixed to the act, we find it conceded, that expectations have been authorized that the legislature of Massachusetts would consent to the proposed separation, when the deliberate wishes of a majority of the people should be developed in favor of the measure. And we have no doubt that, with the present commanding majority Massachusetts will give such fair and rational interpretation to the law, as shall carry into effect the 'deliberate wishes' of the people of Maine

Confident that a separation must be declared, your committee would recommend that, as soon as may be, a constitution of government should be prepared, to be presented to the people of Maine. But as much time and labor would be required, before so important a document could be matured, they would propose an adjournment to some future day, and that a committee be appointed to act in the recess, and report a constitution at the next meeting of the convention.

In this stage of the progress of the people of Maine to independence, it is proper that they should apply to Congress for their admission into the union. It is important also, that a law be passed, that in case of separation, our coasting trade should be secured from additional embarrassment. Should the legislature confirm their consent, Congress, at their next session, would admit us into the union. But should Massachusetts give an unfavorable interpretation of the act, or refuse to modify it, as justice requires, Congress would decide, whether we have not complied with the conditions upon which the consent of Massachusetts was to be obtained.

Your committee have considered the memorials from sundry inhabitants of Mercer, and other towns, complaining, that they have no delegates in the convention. And they are satisfied that in forming a constitution, these and other towns and plantations are entitled to be heard. They can, however, devise no other remedy, (except what may be contained in that part of the Constitution which shall provide for amendments,) than an application to the legislature, so to modify the act, as to admit those towns and plantations not represented, to send delegates to this convention at the next meeting.

Your committee, therefore, ask leave to report the following resolutions, which are submitted:—

Resolved, That the further consideration of the votes returned be referred to the next session of this convention, to be held by adjournment.

Resolved, That provided all those papers and documents, which purport to be returns of votes, should be legal and correct, the whole number of yeas are 11,969 the whole number of nays are 10,847

That the majority of yeas of the towns and plantations, in favor of separation, are 6,031

That the majority of nays in the towns and plantations, opposed to separation, are 4,409

And that the majority of yeas as aforesaid is to the majority of nays as aforesaid, a majority of five to four, at least, of the votes returned.

Resolved, That a committee of five be appointed to make application to the legislature of Massachusetts, to ratify and confirm its consent that the District of Maine shall be a separate and independent State.

Resolved, That a committee be appointed to report a Constitution for the commonwealth of Maine.

Resolved, That a committee of three be appointed to make application to

Congress for the admission of Maine into the union, upon the same footing as the original States.

Resolved, That the same committee be directed to endeavor to obtain an alteration of the law of the United States, that in case of separation our coasting trade should be relieved from additional embarrassment.

Resolved, That when this convention adjourn, they adjourn to the day of to meet at this place.

FROM THE DELAWARE PATRIOT.

DELAWARE ELECTION.

In the result of the late election in this State, the republican party have much reason for congratulation. It is well known that ever since the division of parties in this country, the state of Delaware has, with two or three exceptions, uniformly given federal majorities. This is to be attributed to various causes, the most prominent of which is the almost total want of political information which prevails in the two lower counties of the peninsula. The contemporaries of the revolution remember, that this district of country, at that period, was a prey to civil feuds, because of the almost universal adherence of the inhabitants to the cause of Great Britain. The prejudices and antipathies of the revolution still continue in another form; and though we do not intend to say that the same attachment to Great Britain, which then overwhelmed the lower counties of this peninsula with civil war and bloodshed, still exist, yet we do say, that the feelings and the principles originated in that sentiment, and nourished by the total absence of correct political information, continue to blind many good and honest men, and constitute the foundation of that inveterate opposition to the democratic administration, which has almost uniformly distinguished this district of country. Intelligence is the vital principle of liberty—and cut off and secluded as our fellow citizens of Kent and Sussex are, by their local situation & other causes, from the ordinary channels of information, we are not surprised at the delusion which has so long prevailed among them. We are aware, that the citizens of those counties constitute a yeomanry partaking of all the social virtues; that they are hospitable, generous and intrepid—and in a word, that they possess every qualification to render them valuable citizens, except that degree of political knowledge which may enable them to guard against the wiles of factious men, and to judge for themselves. If we may form an opinion from the election which has just terminated, we may hope that the period of regeneration is approaching. The usual majority of the federalists of late years for governor, is reduced more than one half. One of their members of congress is elected by the trifling majority of about fifty votes—and the republicans have succeeded in electing one of their candidates to the other vacancy—the first republican member of congress that has been elected in the state of Delaware since the year 1802, a period of fourteen years. That Mr. Bull was not elected as governor, we are persuaded is to be attributed to the supine indifference of the republicans of New Castle county. This is a threadbare topic, but is not therefore the less just and worthy of consideration. In some of the hundreds, the exertion & industry displayed were commendable, while in others a deplorable falling off was manifest. There is not a doubt that if an unanimous or general suffrage of the republicans of this county could be obtained, there would be a majority of more than 1200. At the late election, the whole force of federalism was on the ground. Though, in general, we would hold up the conduct of that party rather as an object of avoidance than of imitation—yet, in this respect, we cannot but commend them, and wish that our republican brethren partook more of their zeal and activity.

NOTICE.

THE subscriber at the last term of Wake County Court, administered on the Estate of George Hall, dec'd. All persons, therefore, who are indebted to the said estate are requested to come forward and make payment without delay—and those having claims are requested to present them for payment within the time prescribed by law. W. SCOTT. Raleigh, August 26. 85

ANDREW BAIRD, Esq. is a Candidate for Elector for Morganton District, and if elected, pledges himself to vote for Mr. MONROE as President, and Gov. TOMPKINS as Vice-President. October 10.

TARBOROUGH FALL RACES.

WILL commence on Tuesday the 13th of November, 1856. 1st Day.—A Sweepstakes for 3 year olds, 1 mile heats; entrance 50 dollars, half forfeit. Subscription to close the day preceding the race.

2nd.—The Jockey Club Purse, 2 mile heats worth about 400 dollars; entrance 20 dollars, to be added to the Proprietor's purse.

3rd.—The Proprietor's Purse, 2 mile heats, 150 dollars; entrance 20 dollars, to be added to the purse.—Money up.

4th.—A Handy Cap, worth 50 dollars. 1 mile heats, best 3 in 5, entrance 10 dollars, to be added to the purse.

All nags intended to be run must be entered with the Proprietor the day preceding each race. By order of the Club. Sept 10. 85

TAN-YARD & LAND FOR SALE.

THE subscribers, wishing to remove to the State of Indiana, are desirous to sell their TAN-YARD and LANDS lying in the county of Guilford, N. Carolina, 4 miles south west of Jamestown. The Tan-yard contains 29 vats with other necessary buildings for carrying on the business, and a stock of bark sufficient to tan one thousand Hides, also a stock of Hides neatly tanned, which is for sale by wholesale or retail. The Tract of Land which the Tan-yard is on contains 350 acres, 100 of which are cleared, 8 acres of good Meadows, a valuable Orchard 2 Dwelling-houses, situate on two Springs, one Dwelling-house of Bricks, with other convenient and necessary buildings, good water and healthy situation, none more so in these parts—as for custom, there is no Tan-Yard in these parts to exceed it. It is also worthy of the attention of any person who wishes to follow the Mercantile business on a large scale or otherwise. The said premises may be had at a very reduced price, we deem it unnecessary to say more, as the place is very noted, and expect no one will purchase without viewing the premises. The Tanning business will be carried on as long as we remain on this place. SHOES-LEATHER constantly on hand, also a quantity of SKIRTING, will be ready for sale this Fall for Cash or Hide, in hand for further information apply to MATTHEW COFFIN, & JAMES COFFIN. August 28th, 1856.

United States' Bank Notice.

THE Commissioners for superintending the subscriptions to the Capital of the Bank of the United States at Philadelphia, hereby give notice according to law, that the first instalment of the subscriptions to the Capital of the said Bank, amounting to eight millions four hundred thousand dollars, in gold and silver coin and in the public debt, has been actually received, and that an election for twenty Directors of the said Bank by the qualified Stockholders of the capital thereof, will be held in the Commissioners' Room in the Banking-House of Stephen Girard, south third street, in the City of Philadelphia, on Monday the twenty-eighth day of October next, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and by adjournment from day to day, if found necessary.

The act of incorporation provides that "stockholders actually resident within the United States and none other may vote in elections by proxy," that "no one but a stockholder, a resident citizen of the United States shall be a director," and that "no stockholder unless he be a citizen of the United States shall vote in the choice of directors." Therefore stockholders voting by proxy, will declare their citizenship, and place of residence, and acknowledge the same before some justice of the peace, or notary public in their vicinity.

Stockholders who may have subscribed at more than one time or place, will be entitled to vote only according to the aggregate amount of the shares so subscribed.

The following scale exhibits the number of votes to which the stockholders will be entitled in voting for directors, viz:—

Table with 4 columns: Shares, 1 Vote, Shares, 17 Votes. Rows show increasing share counts and corresponding vote counts.

But the act of incorporation provides, that "no person, except a partner in the said Bank, shall be entitled to a greater number than thirty votes."

Wm. Jones, Stephen Girard, Tho. M. Willing, Tho. Leiper, Cadwallader Evans jr. CHAS. J. NICHOLAS, Secretary to the Board of Commissioners. Philadelphia, Aug. 26. 85