



AND
NORTH-CAROLINA GAZETTE.

"Ours are the plans of fair, delightful Peace,
"Unwar'd by party rage, to live like Brothers."

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NO. 1166.

DEBATE ON THE
CONVENTION QUESTION.

CONTINUED.

HOUSE OF COMMONS.

Dec. 18, 1831.

MR. ALSTON said, as no other gentleman seemed disposed, at this time, to occupy the floor, he begged leave to submit a few remarks for the consideration of the committee upon this all-important question. He said he had listened with attention to the observations of the gentleman from Salisbury; but had not heard him state any grievance which any portion of the citizens of the State experience under our present Constitution. All that the gentleman complained of, is inequality of representation. But he did not state that any thing like oppression was felt in any quarter of the State on this account. Nor was it likely that any real ground of complaint on this head would ever exist; as the large and small counties were so situated in relation to each other, as to possess an unity of feeling with each other—their wishes were the same on most subjects which come before the Legislature. For instance, Rowan and Orange are large counties; but they have Iredell and Person adjoining to them, which are small ones; and so it is throughout the State; wherever there is a large county, there is a small one near it, whose interests are the same. So that nothing like oppression could be apprehended under the present system. Why, then, asked Mr. A. call a Convention, and by doing so convulse the State from one extremity to the other?

Connecticut, it was said, had amended her Constitution, and why not we do the same? But what was the situation of things there? Was it a mere inequality of representation that was complained of? No, it was a contest between Church and State; and the Church had been forced to the wall.

The State of New-York, who has lately revised her Constitution, had also been referred to. There was there to complain of, a Council of Appointment, consisting of four Senators and the Governor, which disposed of every office under the government. But there is nothing of this kind in our government; no complaint known here on the subject of appointment to office.

The gentleman from Salisbury commenced his observations by saying that our present Constitution was formed at an inauspicious period. For his part, if we were to have a Convention, he should be glad it could meet under as favourable circumstances as the framers of this instrument met. At that period, nothing was heard of Eastern or Western interests—all were united as a band of patriots and brothers in the same cause. But were a Convention now to be held, the same union would not exist. Some would insist on being represented according to free population, others according to federal numbers, others according to the fertility of our soil. And, after all, he doubted whether so good a Constitution would be produced as that which we now enjoy. This Constitution guards and protects the rights, the property, and the liberty of every citizen; be he poor or rich, he is equally protected.

The gentleman from Salisbury had made an exhibition of large counties and small ones, in order to shew the inequality of our present representation. He would refer that gentleman to the Convention which sat at Halifax to form our present Constitution, and to that which convened in Philadelphia to form the Constitution of our General Government. In neither of these bodies was the distinction made between large and small counties, or large and small states. Each county had an equal weight in the deliberations at Halifax, as each State had in the Convention at Philadelphia.

In the Senate of the United States, the little States of Delaware and Rhode-Island have an equal voice with the large States of New-York and Virginia; and in case of no election being made by the people, of the President of the U. States, the choice is left to the House of Representatives, who vote, not according to their numbers, but by States; so that the smallest States have as much weight in that important election, as the largest. He believed the principle contended for by the gentleman was new, and yet had to be tried, that is, of being entirely represented by numbers.

The gentleman from Salisbury has undertaken to class the several counties, according to their eastern or western location, stating that one-third of the population of the State, in one section, has more weight in the government of the State than two-thirds in the other. Mr. A. could not accede to the gentleman's plan of dividing the State into eastern and western sections. He denied the existence of an eastern and western division. Once let us progress in the work of internal improvement, and if any sectional division existed, it would be found very different from that suggested by the gentleman. If he were to divide the State into sections, he should class them into four sections, as follows, viz: Ashe, Wilkes, Surry, Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax, Martin, Washington, Tyrrell, Northampton, Bertie, Hertford, Gates, Chowan, Perquimous, Pasquotank, Camden and Currituck, on the Northern boundary. He said he hoped to live to see the day when the produce of each of these counties would find the way to market through the same channel. There you find large and small counties completely intermixed, all possessing the same interest, and having the same object in view. A large county nothing to fear from a small county, having an equal weight in the Legislature. He therefore thought it unwise now to disturb the right so long enjoyed, of counties being equally represented, when nothing like oppression had ever been experienced under the present system. Wake, Franklin, Johnston, Nash, Edgecombe, Pitt, Beaufort, Hyde, Duplin, Wayne, Onslow, Greene, Lenoir, Craven, Jones and Carteret, he considered connected together in their views and interests. Orange, Guilford, Randolph,atham, Moore, Cumberland, Bladen, Sampson, New-Haven and Brunswick, he classed as a third division, possessing the same interests; and Buncombe, Haywood,

Burke, Rutherford, Lincoln, Iredell, Rowan, Mecklenburg, Cabarrus, Montgomery, Richmond, Robeson, Anson and Columbus, as a fourth division. Each of which divisions he viewed as closely connected in interest, and in the various plans of public improvement which had been contemplated in the State.

Dividing the State in this manner, which he thought was a natural and proper division, there would be no danger of calling a Convention, for the purpose of amending our present State Constitution, were such as he most willingly and heartily concurred in: Resolutions well worthy the attention and deliberation of the Legislature, and of vast importance to the welfare and prosperity of North-Carolina.

That objections (said he) should be urged against an undertaking of this kind is not much to be wondered at, particularly, when we take into consideration the situation of our State, and the great diversity of interest which unluckily pervades it. But a more favorable opportunity for effecting an amendment to our Constitution, he believed, never had, and perhaps never would occur. And if gentlemen were now disposed to view the subject with coldness and indifference, we might hereafter, look in vain for its adoption, and at once make a surrender of all our pretensions to privilege and equality.

This (he said) was no new subject; it possessed none of the charms of novelty; and, perhaps many gentlemen were already so familiarised to it, that they were even now prepared to vote upon it, without hearing its discussion. If however, by discussing, (said he) any additional lights can possibly be thrown upon it, convincing of its propriety and expediency, it would afford to its friends a matter of some consolation.

Ours is a government, said Mr. H. which happily places all power and sovereignty in the hands of the people. Equal rights and equal privileges are accorded to all our citizens; and such no doubt was the intention of the framers of our present State Constitution. They wisely provided that each district or county should be represented in the General Assembly upon fair and equitable principles, and all alike have an equal number of representatives. But it was not at that time foreseen (for human wisdom could not foresee all the amendments that experience might prove to be necessary) that the immense emigration to the western parts of North-Carolina, and subsequent increase of population, would render some change or alteration necessary, in order to sustain that equality which at first was contemplated. Hence it was that sectional feelings and prejudices had arisen; hence it was that there existed in this State an eastern and western interest. It became necessary, therefore, to correct the present unequal representation of the people. And for this purpose, it is now proposed to submit to their consideration the propriety of voting at our next election, for or against a Convention.

Sir, (said Mr. H.) the right as well as expediency of recommending the measure under consideration, has more than once been questioned. If, however, (said he,) the gentleman from Halifax (Mr. Alston,) who was last up, or any other gentleman, could show to the satisfaction of the committee, that there existed no necessity for calling a Convention, he was willing to submit. But if the weightiest arguments of gentlemen in the opposition, were founded, as they seemed to be, in their acknowledged prejudice and pre-possession, he hesitated not to say that they were liable to the charge of inconsistency, and were utterly regardless of the best and dearest interests of the State.

Government we are told, (said Mr. H.) was instituted for the common good—for the protection, prosperity and happiness of the people. Therefore, the people alone have an incontestable and unalienable right to institute government, and to reform, alter or totally change the same whenever their protection, prosperity or happiness may require it. And, if (said he,) there was any thing improper, or inexpedient, in recommending to the people the propriety of amending our present State Constitution, he for one, could not perceive it. The course, he thought, was perfectly a Republican one, as would readily be admitted by every one who had any idea of representative government, and if adopted, would not be attended with those dangers and difficulties which some imagined, but would secure to the citizens of North-Carolina that degree of influence and power, proportioned to their numbers, to which they were fairly entitled by every principle of honor and justice.

It has been said, Mr. Chairman, (observed Mr. H.) by those who are unfriendly to a Convention, that they could not support the measure, because they could discover no practical good which would result from it. If sir, (said he,) gentlemen really believe that our Constitution is not defective, or that it is susceptible of no amendment, then, they may well be justified in opposing an alteration of it. But what (he would ask) was the object of a Republican government? Was it not to secure to the citizens of a country equal rights and privileges? And was this equality secured to the citizens of North-Carolina? Most assuredly it was not. The practical good effects, therefore, which would necessarily be produced by an amendment of our Constitution, are simply these: Our representation would be regulated in proportion to our population, and wealth, if gentlemen pleased to have it so; each section of the State would possess its due weight and influence in the Legislature, and all parties would be placed precisely upon an equal footing. But, perhaps, even this arrangement would not be agreeable to all; for it would be proposing to the members of the east, who at present rule, to surrender up a portion of their power, and such applications were well known to be unwholesome, and seldom attended with success, whether to individuals or States. It was to be hoped, however, that upon the present occasion, all sectional feelings and prejudices would be permitted to subside, and the paramount consideration of the public good alone prevail.

As to any objections (said Mr. H.) which may arise, relative to the constitutionality of this question, there can be no doubt. We do not propose, said he, to violate the oaths which we have taken to support the Constitution, by voting ourselves for an amendment of that instrument. Our object is to shew to the people its defects, and to suggest a remedy. And where he would ask, was the impropriety of such a measure? Where the political profanation which was committed by such a transaction? Other States, said he, had never hesitated to change their Constitutions whenever the public good required it; and he could not conceive why North-Carolina should forever remain behind, indifferent to her own interest and her own dignity.

Mr. H. said he felt great anxiety upon this subject, because he believed no course was better calculated to enhance the credit and promote the general interest of the State. But he would now resume his seat, in order to afford to others, better qualified than himself, an opportunity of expressing their sentiments upon it.

Mr. HAWKS acknowledged the importance of the subject under consideration, and rejoiced with the gentleman from Salisbury, (Mr. Fisher,) that the House had manifested a disposition to give to it the consideration which that importance demanded. The Resolutions before the committee contemplated nothing less than to demolish at once, the venerable institutions of our fathers, and to substitute in their stead, that which might result from the superior wisdom of their sons; and under such circumstances, it appeared to him that the first enquiry ought to be, "are there defects in our present Constitution, and if so, what are they?" The gentleman who had supported the Resolutions before the committee, had represented that instrument as "unjust and anti-republican in its operations;" but, Sir, (said Mr. H.) after searching in vain for that long catalogue of grievances, of which we have heard so much, gentlemen seem, by their silence on other points, tacitly to admit that the inequality of representation is the only obnoxious feature. Mr. H. said, he had been taught to believe that it was among the difficult points in the science of government to fix upon a principle which should equalize representation; but he had also been taught that a system founded upon a compound principle (if he might so term it) of population and wealth, approached nearest to perfection, and he now called upon those gentlemen who were willing to adopt this basis, to shew the inequality and injustice of the present system of representation.—He believed, that to shew it was impossible; and if, as he had stated, the friends of the Resolutions could find no other principle of the Constitution objectionable, it behoved them to pause and enquire what they were about to do. Sir, I will answer the enquiry. We are about to touch with unhallowed hands the ark of our political safety, to set in motion the turbulent waves of faction, and throw the country into unparalleled confusion, merely to gratify the caprice of gentlemen who fancy they see evils which have no existence in reality.

Mr. H. said he would leave it to other gentlemen, who he knew would take part in this Debate, to answer those observations founded on official statements and numerical calculations which had been made in support of these Resolutions. But admitting, said Mr. H. that the complaint of our western brethren is just, that the present representation is not altogether equal; another and not less important enquiry suggests itself, "Is it expedient, at this time, to alter the Constitution; to say to the people, assemble in Convention and frame for yourselves a new form of government?" He hoped he should be excused for introducing to the consideration of the committee on the present occasion, an extract from the noblest state paper in the world, the Declaration of Independence. "Prudence indeed will dictate that governments long established should not be changed for light and transient causes, and accordingly, all experience hath shewn, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

Forty-five years, said Mr. H. have rolled over our heads since the establishment of this Constitution. And here let me pause, to ask who were its framers? They were those who lived in the perilous times that tried men's souls, who fought and bled to secure the liberties of their country, and who having once groaned under the oppressions of tyranny, best knew, by contrast, what liberty was. When he called to remembrance these facts, he confessed, that to him it was an hallowed instrument. He had not said, nor did he mean to say, it should be deemed unalterable, but he was unwilling to alter it until he could have a perfect assurance that he would thereby make it better. But it was said, this is a proper time for undertaking the work of revising our Constitution, that all is peace, that no party feeling exists in the country. He thought very differently, and when he called to mind the dictatorial language of the honorable member from Salisbury, he was confirmed in his opinion. That gentleman had said, "let the members of this committee say what they please, we must and will have a Convention." When he heard such language as this, he was convinced that this was no time for entering upon the delicate business of forming a new Constitution. He must say, such language