

DEBATE ON THE CONVENTION QUESTION.

CONTINUED.

HOUSE OF COMMONS.
Dec. 18, 1821.

Mr. J. D. JONES could but admire the zeal and perseverance of the gentlemen who advocated the resolutions on the table, in so often obtruding them on the notice of the Legislature, after their having been so repeatedly rejected; it is a zeal worthy of a better cause. Did the same spirit manifest itself for compensating public officers, and promoting works of general public utility, North-Carolina might vie with the proudest of her sister States; we would not so long have had our feelings outraged by seeing the price of blood resorted to for paying the prosecuting officers of the State; and a petty tax on auctions made a revenue for compensating one class of Judges, while the other, literally the hack-horses of the public, is without any adequate compensation at all.

It was, perhaps, his misfortune to entertain very serious doubts, concerning the good policy, or the beneficial results to be calculated on from the passage of the resolutions on the table. To his mind, they were replete with mischief. To his mind, they bore within themselves, principles at war with the well-being of the community; that they were calculated to jeopardize the best interests of the country, the safety and happiness of the people.

It is an old, and well approved maxim too, said Mr. J. to let well enough alone; or, to borrow the language of the venerable Jefferson, just quoted by the gentleman from Richmond, (Mr. Leak) "it is better to suffer even evils, while evils are sufferable, than to right ourselves by abolishing the forms to which we are accustomed." After having progressed thus far safely, and he might add, happily, under our existing Constitution, it really seemed to him a species of phrenzy, exceeding madness, to attempt to new model the Constitution at this time. The business of renovating a Government, was a task to which few were competent; it should be resorted to upon the most pressing necessity only; it should be made the extreme medicine of a State, the last appeal of oppressed humanity. But, Sir, to apply this harsh remedy, this strong dose of mercury sublimate, on trivial occasions, could not be justified on any principles of sound policy.

The evils complained of in the resolutions, are but of an ideal, imaginary nature; they appeared to him to have grown out of that restlessness of disposition inherent in our nature, that fondness for change and innovation incident to the characters of some men. It is human nature never to be acquainted with its own happiness: in the absence of real afflictions, we go in search of fancied ills. The Constitution and the Government under which we live, are as mild as meekness could wish them; and yet to hear gentlemen speak of their grievances, you would really suppose, that this was not the mild and rational Government of North-Carolina, but the meridian of Asia and of Asiatic tyranny.

What are the mighty evils complained of? The most prominent among them is the inequality in the representation of the counties. We are told that the great county of Rowan, the *Monsieur Tison* of the Legislature, magnified in importance almost to the dominions of the Great Mogul; we are told, Sir, that this mammoth county sends but three members to the Legislature, while each trifling county in the East sends as many, not adverting that they have little counties also in the West; for it is equally a fact of record, that they have counties in that section of the State, so thin in population, and lean in revenue, that they do not pay into the coffers of the treasury enough to compensate their members of Assembly.

Besides, the balance of population in favor of the West is not so very frightful; and when we take into view the comparative wealth of the East, the large amount of revenue paid into the treasury, the inequality between the importance of the two sections of the State is not very great, and he did not think gentlemen should envy the Eastern members the little weight they had in the Legislature.

But without insisting that wealth was any basis of representation at all; even admitting all that gentlemen contend for; even conceding there is the inequality complained of, still he denied it as a just ground for new-modelling the Constitution.

Is there not, asked Mr. J. a greater inequality in the representation to the national Legislature? Do not the petty states of Delaware and Rhode-Island send as many Senators to Congress as the great States of Virginia, Pennsylvania, or of New-York? If the evil be tolerated in the General Government, much more is it to be suffered in a State Government. It is impossible, in the nature of things, to apportion political justice with mathematical precision; we cannot weigh it out in scales; there must be some preponderance, some inequality in the surface. Nature herself, the great mass of wisdom, is full of irregularities.

Every member of this committee must know, that the powers to be delegated to this body are of a dictatorial kind, that they are above law and above the Constitution; but we are told there is no danger that they will exceed the bounds of propriety. Sir, we have no security for this; can gentlemen enter into a bond obligatory to the people, binding upon the Convention? Will any man dare to lay his finger upon a limit, and say to them, as God said to the waters, "Thus far shall ye go and no farther?" No, Sir; once constitute them, and they are supreme; once organize them, and no man dare prescribe them limits.

What is the temper, Mr. J. asked, of the present time? Will that temper justify a resort to the measure? He thought not. When our Constitution was formed, there was no talk of Eastern and of Western interest; our wise forefathers took a comprehensive, an impartial view of the whole ground, they therefore formed a Constitution to suit the whole people, and

not a section of them. Not so now. Ill blood and jealousies are stirring among us; every member will carry into this Convention, as into a common stock, his private passions and his private partialities; each section of the State will have its local views to compass; the West will be arrayed against the East, and the East against the West, and out of these jarring, discordant elements, what kind of a compound of a Constitution was to be produced, he was unable to tell; but feared the birth would be of the monster kind.

If, said Mr. J. the East has the exercise of the political power of the State, it must be acknowledged we use it with moderation. Have the Western gentlemen evidenced the same disposition? Would they be equally moderate had they the predominance? He doubted it. For, Sir, said he, even in this debate, with all their caution, unfortunate expressions have fallen from them, which sufficiently betray how little they are disposed to lenity in the exercise of power. Is it not common talk, that unless we surrender our opinions and our judgments to these mighty men of the West, these sword and buckler Myrmidons of the Mountains, that some modern Tamerlane or Atilla from among them, would rise up and overwhelm the devoted land of the East? That they would literally, Sir, sweep us from the tombs of our fathers? Really, Mr. Chairman, said Mr. J. menaces of this kind are less calculated to make an impression on the Eastern section of the State, than arguments which have more temperance and moderation stamped upon the face of them. Menaces of this kind, Sir, are calculated to irritate, not to soothe; instead of mitigating, they increase contumacy. It is an old and somewhat musty proverb too, that "a child may lead a horse to water, but ten men cannot make him drink," so it may be with us, Sir; we may be persuaded into this measure we cannot be coerced; we may be led, not driven. A little more than twelve months ago, he could not in his heart have believed, that there existed in the State of North-Carolina, a man so utterly lost to its true interests—so utterly dead to all sense of moderation, as to suggest even the possibility that this question would be staked upon so ruinous an issue. I say, Sir, said Mr. J. I could not in my heart have believed it; until about that period, my eye caught a paragraph extracted from a Western paper, where an anonymous writer calls upon the people of the West to take up arms against the people of the East, and to drag them into a compliance with their measures, if other means will not prevail, and invoked the spirit of '76 to aid them. He would ask whether it was not the spirit of an incendiary, who applied a torch at midnight to his neighbour's dwelling, of an arch-fiend of hell, who delights to see brothers sheathing their swords in each other's bowels, rather than of '76, which produced such a publication? It is profanation, Sir, against the purest spirit that ever was an inmate of the bosom of man; it is profaning the spirit which built up the very Constitution which we are striving to pull to pieces, and to scatter to the four winds of Heaven. Sir, said Mr. J. the framers of that instrument were patriots, friends to the liberties of mankind. They were men who had been just smarting under the lash of European oppression—they were men who felt for their posterity, what a father feels for the child of his bosom. In the genius and spirit of liberty, they formed that charter of our rights; they handed it down to us as a rich inheritance, which we, like prodigals, would wish to squander, and to substitute—*What?*—no man knows. The womb of time can alone disclose the birth. But to say the most of it; it is a substitution of our own short-sighted views—our interested local prejudices, for the venerable and impartial work of our forefathers.

Mr. Chairman, said Mr. J. I am not one of those who entertain such a superstitious veneration for the works of antiquity, as to deem them too holy to be touched by the hand of man. Yet, Sir, I really do entertain for them such a veneration, that unless I see very flagrant abuses growing out of them, unless I see them entailing curses where benefits were intended, I am the last man in the world that would lend a hand to their subversion.

Feeling, and believing therefore, as he did, on this momentous question, that the adoption of the resolutions was calculated to jeopardize our best interests; that the evils complained of were but of an imaginary nature; that the powers to be delegated to this Convention were of too alarming a nature to be entrusted to men, except called for by the most pressing necessity, he felt it a paramount, an imperious duty to give his vote against the Resolutions.

Mr. MEBANE (the Speaker) said, it was his misfortune, whenever he rose to address the house, to experience the greatest difficulty, from being seldom called upon to address a public body; and, on the present occasion, he felt more than ordinary embarrassment on account of the importance of the question and his great inability to do justice to the subject under debate. He felt embarrassed on another account. The gentlemen who had preceded him in support of the Resolutions before the committee, had taken up the ground so completely as to have left little for him to say. They had clearly proved to his view, that our present Representation is unequal, unjust and anti-republican.

Mr. M. said he felt discouraged on another account; that he was addressing gentlemen, a majority of whom have their reason blinded by what they conceive to be their interest, who feel power and forget right, and who fear the approach of the time when the Sceptre is to depart from Judah. He of course could not expect any thing he might be able to say would have any influence upon them, although he would wish to hope better things, and that Eastern gentlemen would feel disposed to observe the golden rule of "doing to others as they would that others should do to them." The friends of the present proposition had been charged with bringing forward a measure calculated to produce anarchy and confusion in the country. He could not help thinking, however, that gentlemen viewed the subject through a distorted medium.

Mr. M. did not intend to detain the committee many minutes, as he would not follow his friends in the calculations which they had laid before the committee. He would state a few circumstances to shew, what had already been more fully stated, that our Representation is unequal, unjust and anti-republican.

Take into view, said he, the whole population of the State and it will be seen that sixteen or eighteen of the largest counties have one-half of this population. No matter in what part of the State they are situated, the citizens of North-Carolina having equal rights. And yet those Counties send no more Representatives to the General Assembly than the same number of the the smallest Counties in the State. Is this just or equal?

Again, as to the expences of the Government. The committee had been told, that the Representatives of each County in the General Assembly, together with the expences of Judiciary, &c. cost the State about \$700 a year. It will be found, on reference to the Comptroller's statement, that many of the small Counties do not pay near this amount of taxes into the Public Treasury. Who, then, pays the residue for them? It is the large Counties which pay it. Is this just or equal?

It will be found, that one-half the Counties in the State, I mean the small Counties, do not contain one-third of the whole population, while the other half contain upwards of two-thirds. Yet each County has the same Representation in the Assembly. Is it not right that a majority should rule? Yet in this case, the minority rules. One-third can govern two-thirds. Rowan is equal in population to six or seven of the small Counties, and Orange is not much less, and they pay taxes in proportion.—And yet each of these small Counties send as many members to this house as Rowan or Orange. Is this fair or equal?

It appeared to Mr. M. to be useless to produce arguments to prove things which are so self-evident; and it must be interest, or something else, which prevented the subject from being viewed in its proper light.

It had been said, that the present time is improper for calling a Convention; and alarming forebodings had been made of the evils which would probably grow out of such a measure. All which he considered as devoid of foundation.

Something like a menace from the West had been alluded to—that the Western people would rush from the mountains and crush the people of the East. Gentlemen may have seen in a newspaper, some such anonymous piece; but whoever might have written it, he was not a good citizen; but far from it. No, said Mr. M. however much the people of the West desire a revision of the Constitution, they will never resort to other than fair and honorable means to effect their purpose. You will never see Mountain Men in Arms, except it be to meet an Enemy; if such appears, they will always be ready to fly to the defence of their Eastern brethren.

Mr. M. would have been pleased that this question could have been viewed in its proper light, without reference to either Eastern or Western interest, that every part of the State might have obtained that just and equal Representation in the Government to which they are entitled. He despaired, however, at present, of succeeding in his wishes.

Mr. HILLMAN was unwilling to consume much of the time of the committee, but he owed it to himself and his constituents, on so important a subject, to assign some of the motives which would govern his vote, and to reply to some of the arguments which had been offered in favor of the resolutions on the table.

The gentleman from Salisbury had said, that our present Constitution was imperfect, and that considering the inauspicious circumstances under which it was framed, and the unfavorable period for deliberations of the kind, it was a wonder it was not more so. He thought differently. It was framed by patriots who had just broken the yoke of despotism, who were pure from the revolutionary struggle which ushered in the independence of the country; and who, therefore, knew well how to value the principles of civil liberty. Every memorial presented to the British Throne or Parliament, about that time, shewed how well they were acquainted with their political rights. How could it have been otherwise, asked Mr. H. when the very cause in which they were engaged, had for its objects the establishment of the independence of a people, the acknowledgment of the rights of a nation? A struggle, which, if it had proved unsuccessful, would have rendered all who had embarked in it rebels, and exposed them to the penalties of the law. Nothing but the most perfect knowledge of their rights, the most thorough conviction of the injuries they had sustained, could have induced them to throw off the yoke and incur such dangers. Napoleon was not more anxious to make his army familiar with military tactics and the art of war, than the people of this country were, at that time, to become acquainted with the principles of civil liberty and the unalienable rights of man. One of the most distinguished members of the British Parliament, at that time, did not hesitate to say, that there were no people in any part of the world, who understood their rights as well as the people of America. There were, then, no parties; there was no such thing as sectional feeling—familiar with the repeated and continued encroachments of power, and having suffered much and suffered long in the struggle, they knew well how to guard their rights and protect the liberties of the citizen.

But the gentleman from Salisbury has intimated, that the patriots who framed our constitution still felt an attachment to the old government; and to prove this position, he has read us an extract from the minutes of their proceedings at Halifax. It will be recollected by the committee, that the contest, even at that time, was somewhat doubtful. Considering the doubtfulness of the contest, and the many delicate and tender ties which existed between the people of this and

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