



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

DEBATE ON THE
CONVENTION QUESTION:

CONTINUED.

HOUSE OF COMMONS.

Dec. 18, 1821.

Mr. STRANGE observed, that he hoped the committee would not be alarmed: he would occupy their attention but a few minutes. He had intended to have taken no part in the debate, as he believed that every member came to that house with a determination to vote as his individual interest led him; he would therefore as soon expect to move the State from its foundations by the explosion of a pop-gun, as by argument to change the vote of a single individual on the committee; for interest presents a shield as impregnable to argument, as that of the mighty Greek to the weapons of his enemies.

Mr. S. thought the true question before the committee had not been fairly stated and met. Enquiries have been made whether any grievances have been experienced under the present system. It appeared to him, that it would be the principal objects, and perhaps the only ones, of the proposed Convention, to enquire into the grievances occasioned by the defects in our present Constitution, and to recommend measures suitable for their remedy. The inquiry is, therefore, at this period, premature.

Gentlemen have said much of the evils that must necessarily flow from calling a Convention, which he considered as without foundation. They speak of it as though, by the call of a Convention, we should be turned loose into the wild and trackless desert of political experiment; that we should be savage and lawless, as man is found to be where the bonds of society have never been imposed. But Mr. S. considered the Constitution of the United States as the polar star which, however we might be tossed about upon the wild and tempestuous ocean of political experiment, will eventually serve to guide us safely into a haven at least as commodious as that in which we are now moored. The casquet of eloquence has been torn open and its various jewels scattered abroad, to dazzle and allure us from the true question, by exciting our alarm, and enlisting our feelings. He would venture to assert, that whenever a Convention is called, nothing like the rage and turbulence of passion will be seen in it; not a blast will pass over it to ruffle the deliberative calmness of the scene; it will be composed of materials above the influence of sectional interest and individual feeling.

The question before the committee has improperly been made one of conflicting interest between the Eastern and Western counties of the State; whereas it should be, and really is, one of alleged injustice between the larger and smaller counties. There are small counties in the West, as well as in the East, who have as much political power as the larger counties. This is unjust; and it is the duty of every honest man, every lover of justice, to do all in his power to remedy the evil, if he believes in its existence, no matter how it may operate on himself individually; it is of no consequence to him whether he inhabit a large county or a small one.

Gentlemen say that large counties have no cause of complaint on this ground, because they have small counties near them. As well might you say to the poor man, under an Aristocratic form of government, who complains that he is not represented, "Sir, you have no right to complain, you have rich neighbors near you, who are represented, and who will, consequently, take care of your interests." Would such an answer be viewed by him as consolation suited to his case? Would he not view it as the taunt of scorn? As the mockery of his grievance? And so should this argument be viewed by the inhabitants of large counties.

To him, this question appeared simple and unanswerable. Gentlemen opposed to a Convention have no right to open their mouths upon the subject; they have no right to say we shall have no Convention. In their open opposition to this measure, they say to the supporters of the present proposition: "Although your fathers have fought and bled to secure your liberty and independence; although for this your soil has drank their blood, and their bones have whitened on its bosom, you shall not enjoy the blessings secured to you by their valor. Although we acknowledge you are not equally represented, we will stand self-created guardians thereof, between you and the Constitution; although it is the charter of your own liberties, purchased by the blood of your own ancestors, although we acknowledge it to be your own exclusive property, yet we will take it upon ourselves to form a phalanx around it, and bid you defiance; you shall not, unhallowed as you are, obtrude yourselves into its presence, or touch it with your polluted hands." From whence do these gentlemen derive such high powers? They have them not; they have no right to say to the free people of this State, you shall not have a Convention. If, when the vote comes to be taken on the subject, they think it inexpedient to hold a Convention, they can put in a ticket to that effect. But it is our right, (said Mr. S.) to have a Convention.

It is painful to look around upon this respectable assemblage—the Legislative Council of the freest people on the globe, and reflect that all who have spoken, and all who will vote on this important question, have spoken, and will vote under the sole influence of what they believe to be their sectional and individual interest, without adverting a moment, to the abstract question of right. If the question were put to every man in this committee, separately, individually and alone, "are those Resolutions reasonable?" he would answer affirmatively; but men, gentlemen, appear on this floor in their representative capacity, borne away on the tide of sectional and individual interest; they can say there shall be no Convention, and right and justice is lost in the flood.

Mr. J. S. SMITH observed, that the proposition before the committee was important, as it proposed to submit to the citizens of this State the propriety of calling a Convention to amend their Constitution.

From remarks which had fallen from gentlemen in the course of this debate, it seemed to be doubted whether we had a right to interfere with the Constitution. He presumed no member of the committee meant seriously to assert such a doctrine. All power, said Mr. S. belongs to the people, and they have a right to meet and consult for the public good, and to amend their charter of government as they please. This is a right secured by the Law of Nations. To prove which, Mr. S. read an extract from Vattel.

It is, said Mr. S. a well established principle, that the people have a right to alter their Constitution at pleasure. But although gentlemen acknowledge that we possess this right, they are not for affording us any remedy. They ask what business the Legislature has to meddle with it? And they deny that the people have any right to act upon it. So that we have a right, but no remedy. This, said Mr. S. cannot be so. And though the Legislature cannot compel the people to hold a Convention, they may point out the mode in which it can be done.

But waving that point of the subject, it is said to be inexpedient to call a Convention provided we have the power; and he would endeavour to follow the course of remark which had been made on that subject.

The gentleman from Halifax gave the following reasons why it would be inexpedient to call a Convention. He said it would convulse the people to throw into their hands that power which is their own. It would convulse the State, and jeopardize the best interests of the country. Where does the gentleman find grounds for his apprehension? Is there any thing so factious in the people of North-Carolina more than in other States of the Union? It has always been allowed that this State is the Southern State of steady habits.

Out of twenty-four States, twenty he believed had lately adopted new Constitutions, Connecticut (the land of steady habits) amongst the rest. Even the factious State of Georgia (as it has sometimes been called) has submitted the question to the people, who had shewn that they were not anxious to grasp at power; on the contrary, they are willing to let things remain as they are. Was the State of New-York convulsed by faction when the people of that State held a Convention? No such thing. The delegates met at Albany, and proceeded to business in a manner becoming the Representatives of a wise, Republican State. Nor has any thing like faction appeared in any of the other States on like occasions. If, said Mr. S. you agree to submit the question to the people, as is proposed, and a majority be in favor of the measure, the question will be, what is to be done? The people will be told that the Convention, when assembled, will have power to abolish such of our Constitutional provisions as they think proper and to make new ones, and they will appoint for this purpose, the best qualified Citizens in the State.

In the election of Members to the General Assembly, the citizens are careless, believing that any man of good intentions, and good common sense, will answer the purpose; but when a new Constitution is to be formed, you will see every man repair to the poll, and the best and fittest men in the community will be chosen. No man in the State will be exempt from serving in a Convention; even your Governor, or your Judges, or Ministers of the Gospel, might be elected to that body. You may therefore bring together the greatest talents in the State. And can it be supposed, for a moment, that such a body would be factious, or adopt any measure which would not be for the welfare and happiness of the State?

But gentlemen have said, that under the present state of things, nothing like oppression takes place. Mr. S. admitted that we at present enjoy liberty and a good degree of happiness; and that the Constitution under which we live is a good one, considering the time when it was made. But since its formation, times and circumstances have changed.

Gentlemen call loudly on the friends of the Resolutions, to shew any instance in which the people are deprived of their rights, and what necessity there is for calling a Convention.

Mr. S. said he would examine this subject. We allege that our Representation is unequal, and we name two Counties to prove it, Rowan and Columbus. The citizens of Columbus have six times the portion of Representation in the General Assembly that the citizens of Rowan have. What are the rights of a citizen? His first rights are his natural rights, to life, liberty, and the possession of happiness. But when he enters into the social compact, he surrenders some of his natural rights for the sake of enjoying his political rights. All men are born equal, and every man similarly situated is entitled to equal rights and equal privileges. This being a fact, we have a right to complain that the citizens of the large counties do not possess equal political rights with the citizens of small counties. And if he must speak of Eastern and Western (though he disliked the distinction) our people believe that they do not possess their full share of Representation in the Legislature. That the Eastern Members make laws for us, and tax us without our consent; and they make our Governors, Judges and other Officers. The East has the majority, and consequently the power, and though they may not use it improperly, they may do so if it pleases them. This we call a grievance. To deny to freemen an equal voice in making laws, laying taxes, &c. is Anti-republican and Aristocratic. It may be called Republicanism; but it is Aristocratic Republicanism, just such as he would call the Republicanism of Virginia, or that of any other State where it is necessary to have a freehold to entitle a man to a vote.

Here, then, said Mr. S. we present a grievance. Here we shew you something like oppression. What, asked Mr. S. is more degrading to a man than to feel that he has less political rights than his neighbour? To discover that the citizen of a small county has five or six times the power that he has?

For what, asked Mr. S. did our forefathers fight? It was for a free Republican Government and equal rights. The gentleman from Halifax had told the committee something

still exist; but he did not see what this had to do with the subject. The Constitutions of Connecticut, New-York, Massachusetts and Maine had been formed during the state of things alluded to, and we have heard of no disorder attendant on the Conventions formed for those purposes. Nor have any of them adopted any article growing out of the peculiar situation of the country. The Constitution of the U. States, indeed, forms a barrier to any such provision, as it prohibits any thing from being made a tender in payment but gold and silver coin. The States cannot therefore emit bills of credit.

Were a Convention to be held, said Mr. S. the subject of the embarrassment of the times would not be brought before it. We shall shew you, before the close of the present session, that your new Bank scheme without a specie capital, or any other wild scheme will be discarded by the present Legislature; and if it will not countenance projects of this kind, how can it be expected that a Convention would act less wisely?

But gentlemen say our Constitution has had an existence of 45 years, and therefore ought not to be touched. If an argument of this kind ought to have any weight, it might have been used with much greater force against amending the Constitution or Charter of Connecticut, which had existed since the days of King Charles. But such arguments had no weight there, and they are entitled to none here. Time cannot sanctify error. If your Constitution have nothing to recommend it but the rust of antiquity, that ought not to protect it. If you are not able to shew that it is perfect in all its parts, or superior to any Constitution which the present age can form, the people ought to have an opportunity of amending it when they express a wish to do so.

Mr. Jefferson had been referred to as authority for the system of Representation adopted in Virginia. You are told that a portion of the people in that State are disfranchised; that no man who is not possessed of a freehold can vote for a Delegate to their House of Representatives. Mr. S. said he objected to this system. He cared not who was in favour of it. He respected Mr. Jefferson as much as any man; but he would not call such a system of government a Democratic Republic; but, in the language of Vattel, an Aristocratic Republic. [Mr. S. read a passage from Vattel in support of his opinion.]

What, asked Mr. S. constitutes the strength of the State? There are two kinds of strength; the one moral, the other physical. The moral, is the good opinion which the people about the struggle which had taken place in Connecticut between the powers of Church and State. It was a happy struggle. He differed entirely in opinion from the gentleman from Newbern on this subject. It was, said Mr. S. a struggle between the State and the Church, and he thanked God that the State had prevailed—that they had thrown off the yoke of the Clergy, and established a free Government.

The gentleman from Halifax next makes a comparison between the situation of our small counties and the small States—a comparison that is altogether inapplicable. A State is a sovereign, indissoluble body politic. A County, on the contrary, has no power but what is derived from the sovereign authority of the State. As a State, Delaware is equally sovereign with New-York. When the thirteen States met to form a National Government, it became necessary to make a compromise with the small States of Rhode Island and Delaware, and they were accordingly allowed the same Representation in the Senate with the other States. But has the little county of Columbus any sovereignty? Certainly not. Why, then, is it entitled to more Representatives in proportion to its size, than other counties.

The gentleman next alleges, that there would be great difficulty in a Convention about the proper basis of Representation. He (Mr. S.) had no doubt there would be some difference of opinion on this subject. But the members, after some discussion, would come to an understanding on the subject. He did not believe the citizens of the West had any ill-will towards their brethren of the East. He was certain that he himself had none; and if a Convention were to be held, the basis of Representation would be fixed on the principle of population, on the federal principle, or on population and taxation combined. Let us, said he, come together, and an opportunity will be afforded of conciliation and compromise. But while the two sections stood aloof from each other, nothing could be effected.

The gentleman from Newbern complained that the friends of these Resolutions confined themselves to the unfair Representation, and did not point out the defects in the Constitution. Mr. S. said, that was the principle defect, and was considered a grievance which could not be denied.

But the same gentleman says, this is not a proper time for amending the Constitution; that the country is very much embarrassed in a pecuniary point of view, and therefore unfit to be entrusted with the power of amending the Constitution.

Mr. S. said, it was true that the embarrassments which the gentleman spoke of had existed, and perhaps, in some degree, entertain of the goodness of its form; the physical, is the force and ability which it possesses to meet an enemy. Suppose your Republic is invaded, all your citizens would be called upon to defend it, whether they have land or not, and if a man be obliged to fight for his country, he surely ought to enjoy the rights of a citizen.

The next gentleman who addressed the committee on this subject was from Beaufort, (Mr. Blackledge.) That gentleman acknowledged that the Western people were not correctly represented. This was a generous acknowledgment, and nothing more than he expected from the candour of that gentleman. But he nevertheless demanded of us a catalogue of our grievances. He admits we have not justice done us, but demands of us to shew where we have it not. The gentleman goes on to remark, that though the East does not equal the West in population, the towns of Newbern, Wil-

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