

FORGIGN.

LATE FROM ENGLAND.

New-York, Nov. 3.

The Packet ship Canada, Capt. Mac-y, arrived on Saturday from Liver-pool, whence she sailed on the 28th of September, having been detained from the 16th, by adverse winds.

We are furnished with regular files to the 16th, and part of those to the last dates, including a Liverpool paper of the 27th September. They announce some operations of the French army, the most important of which is the capture of Pampeluna, with the whole garrison, consisting of about 6000 troops, including militia, who were marched for France.

It is stated in the Paris papers of the 20th, that the 12,000 men under Marshal Lauriston, after leaving a garrison at Pampeluna, proceeded immediately for Lower Catalonia, and that the fall of Reuss and Lerida would be the immediate result.

ARMY OF THE PYRENEES.—BULLETIN.

Count Molitor, commander of the 2d corps, reports to His R. H. that having ordered Gen. Bonnemains, who was at Bars, to advance towards Malaga by Almeira and the sea coast, while General Loverdo marched directly against Riego, who, leaving Zayta, occupied Malaga; this double operation has had the happiest result. Gen. B. arrived at Gator, Aug. 26, and there found Brigadier Guentilien, who commanded a corps of Riego's troops, and had refused to obey the commands of Ballasteros to make his submission, and had harassed our lines in endeavoring to unite with the garrison of Carthage. He sent a flag of truce to General B. who, however, would not consent to any other terms than absolute submission, and the corps consisting of 700, including 190 officers, were made prisoners of war, and America was occupied on the 27th; several pieces of cannon, and ammunition of all kinds were found there. Another corps under Maj. General L'evasseur, attacked Ugar, which soon surrendered, and 400 men were there made prisoners. The other troops of the line in the neighborhood voluntarily submitted, and were directed with the other prisoners to Grenada.

Gen. B. having left a garrison of Spanish Royalists in Almeira, continued his march, and arrived at Motril on the 4th. Riego had left it in the night, with 2500 men; about 145 of his men who remained were made prisoners, with General Perro and his staff; a regiment of 250 men, which took the direction of Valez Malaga, were also taken.—On quitting Malaga, Riego sent away an armed vessel and 10 large boats laden with hostages and the money he had levied in the country. General Loverdo sent two gun boats which overtook and brought back the armed vessel and 8 of the boats. Riego, who took the direction of Valez Malaga, with the hope of reaching Carthage, was forced to throw himself into the mountains. Measures are taken to pursue him there.

SURRENDER OF PAMPELUNA.

We are without the official particulars of the attack by Marshal Lauriston upon this place. It appears that the operations commenced on the 5d of Sept. and the date of the capitulation is the 17th. A private letter from the French camp, dated on the 17th, says, "After the affair of the 5d, our troops had, by a desperate attack, taken possession of the advance posts and suburbs of Pampeluna. The trench had been opened, and the bombs which were thrown into the town frequently set it on fire; but the flames were promptly extinguished, and the town, as well as the citadel, answered our cannonade in such manner as made it presomable that the enemy would hold out long; but during the night, from the 15th to the 16th, the Angouleme battery made a breach, and its fire was so well sustained and directed, that it silenced the batteries of the citadel. On the other hand, our bombs set fire to the town, about six o'clock in the morning, and it continued burning until noon. The firing did not cease throughout the entire day. About 4 o'clock in the afternoon, the citadel hoisted a white flag, and finally, at six in the evening, the same banner was floating both in the town and citadel; the garrison sent out a flag of truce, and shortly afterwards surrendered prisoners of war. We fired 5000 cannon shots on the 16th instant."

The place was commanded by M. Raymond Salvador, commander of the province. By the terms of the capitulation, he, with the whole garrison, including militia, were made prisoners of war, to be conducted to France, under a French escort, and accommodated with means of conveyance for themselves and families during the march; to return on leave being given by the French government. The arms of the garrison to be deposited in the citadel; the wounded of the garrison to be maintained by the French army. 3000 of the above prisoners arrived at St. Jean Pied-de-port on the 21st on their way to France.

DEPARTURE FROM BARON ROTTEBOURG.

PERPIGNAN, SEPT. 17.

A column of the enemy, some thousands strong, which left Barcelona, had arrived at Olat, and threatened our forces blockading Figueras and La Seo; immediately ordered Viscount d'Arnauld, who was in observation at Perthus, with a moveable column to march and meet the Gen. Baron de Damas and either to support his movements, if he could come up with the enemy, or to form a junction

with the troops of the blockade of Figueras, to prevent the raising thereof.—Gen. d'Arnauld had executed my orders, when he learned that the enemy's column had been routed by Gen. Baron de Damas, after a very brisk affair, which took place on the 15th at Llado, in consequence of which, on the 16th, 2000 men laid down their arms at Llen.

"This result is the more brilliant, because Gen. de Damas had with him only 1600 men, composed of detachments of different corps; and it is of more advantage, inasmuch as it will materially weaken the moral of the defenders of the fort. This is the second reinforcement of which it has been deprived.—Gen. de Damas instructs me that he will march the prisoners to Perpignan, in columns of about 700 each. The febleness of my garrison will not allow of my furnishing escorts for them beyond Narbonne."

PRIVATE ACCOUNTS.

MADRID, SEPT. 17.

The following is the intelligence from Cabra (Grenada,) dated the 11th inst.:

"Since the 24th of Aug. the troops of Ballesteros has been cantoned here, and at Montilla, Lucena, and Priego. Guided by the hope of gaining them back to the constitutional cause, Riego, after having abandoned Malaga to the French, advanced in the direction of our cantonments, with from 3 to 4000 infantry, and from 7 to 800 cavalry. Yesterday about 9 in the morning, he showed himself at Priego, in front of Ballesteros, who occupied a defensive position along the Grenada road, while the division of Gen. Balanzat occupied the right of Priego.

"Immediately a discharge of musquetry took place, and Riego demanded a parley: Ballesteros agreed to an interview, and stipulated that the troops on both sides should keep their positions. Every thing appeared arranged, when the escort of Riego suddenly fell on that of Ballesteros, disarmed it, and kept the General prisoner in the house which he occupied at Priego in company with Riego. Informed of this treason, Gen. Balanzat harangued his troops, and prepared to act against the forces of Riego. He sent an order to the Commissary who was at Cabara, to dispatch to Iznagar the necessary rations for his division. The corps which was here has proceeded towards the same point, and we expect news of an action.

POSTSCRIPT.

"Just at the most critical moment the French, commanded by Gen. Bonnemains, suddenly appeared. They rushed with their ordinary impetuosity upon the corps of Riego, and put it completely to the rout. This revolutionary Chief is closely pursued."

The Empecinado, whose corps is reduced to 300 men, had the temerity to summon Placentia, on the 10th inst. He demanded a contribution of 60,000 reals, upon pain of reducing the city. The only answer returned by the commandant was to march out and face him, when this chief of brigands shamefully took to flight.

"Gen. Sempere having transported his head quarters to Elche, made on the 5th, a reconnaissance of the place of Alicante. He had a skirmish with the advanced guard of a constitutional corps of 3000 men, 900 horse and 2 pieces of cannon.

Gen. Bourck is expected here to take the place of the Duke of Reggio. The French Minister to the Regency has set out for St. Mary's.

PARIS, SEPT. 18.

We learn from Madrid that M. Gailhard has ratified the treaty entered into with the Regency, for the loan of two hundred millions effective reals.

CONVENTION PROCEEDINGS.

MONDAY, NOV. 10, 1823.

A Convention of Delegates this day met in the Capitol of the State in this city, to take into consideration the measures necessary to procure certain amendments in the Constitution of the State:

On motion of Mr. Thomas G. Polk, General M. Stokes was elected President of the meeting, and Mr. John F. Brevard Secretary.

The several Counties were then called; when it was ascertained that the following Delegates had been elected:

- Anson.—Francis A. Cash, Henry W. Harrington.
Buncombe.—Philip Brittain, *Sam'l Chunn.
Burke.—Isaac T. Avery, Wm. Dickson.
Chatham.—Winship Stedman, Richard Freeman.
Caswell.—Romulus M. Sanders, *Bartlett Yancey.
Davidson.—William Manlove, James R. Dodge.
Haywood.—Thomas Love.
Cumberland.—John Armstrong, *John A. Cameron.
Cabarrus.—John F. Phifer.
Guilford.—*Sam'l. Hunter, *David Worth, *Iredell.—George L. Davidson, Robert Simonton.
Lincoln.—Robert H. Burton, Robert Williamson, John F. Brevard.
Montgomery.—Thomas Hearne.
Mecklenburg.—Thomas G. Polk, Michael McCleary.
Moore.—Benjamin Person.
Orange.—Michael Holt, *Thomas Ruffin, James S. Smith, *Willie P. Mangum.
Rowan.—Charles Fisher, *John Beard, *John H. Freeling.
Randolph.—Alex'r Gray, John B. Troy.
Richmond.—Walter F. Leake.
Rutherford.—Joseph M. D. Carson, James Graham.
Rockingham.—John Bethell, Thos. Settle.
Surry.—*Elijah Thompson, Sol. Graves.
Stokes.—*Mathew R. Moore, Willis Pilkinton.
Wilkes.—Montfort Stokes, John Martin.

On motion of Mr. Graves, a Committee was appointed to report Rules for the government of the proceedings of the Convention. Messrs. Sanders, Williamson and Fisher, were named by the President.

*The members against whose names an asterisk is placed were not present on this day.

On motion of Mr. Fisher, a committee of five was appointed to make out a comparative view of the free population of the several counties in the State, distinguishing between the total amount contained in the counties that have elected Delegates to this meeting, as also in those which have not elected Delegates.

On motion of Mr. Sanders, the Resolution was amended so as to include the amount of taxes paid into the Public Treasury by the several counties in the State. The following gentlemen were named on the Committee, viz: Messrs. G. L. Davidson, Jos. M. Carson, T. G. Polk, T. Settle, and H. W. Harrington.

On motion of Mr. T. G. Polk, a committee of three was appointed for providing the means of defraying the expenses incident to this meeting. Messrs. Wm. Dickson, T. Love and Robert H. Carson were named on this committee.

On motion of Mr. Settle, a Committee of Elections was appointed. Messrs. Brittain, Graves and McCleary were named.

On motion, the Committee appointed to report on the subject of the expenses incident to this meeting, were instructed to employ a clerk to keep a regular Journal of the proceedings of this body.

On motion, adjourned till 12 o'clock to-morrow.

TUESDAY, NOV. 11.

The Convention met this morning, pursuant to adjournment, when the following Delegates in addition to those in attendance yesterday, appeared and took their seats:

- From Cabarrus.—John F. Phifer.
Guilford.—Samuel Hunter.
Caswell.—Bartlett Yancey.
Orange.—W. P. Mangum & J. S. Smith.
Cumberland.—John Armstrong.
Buncombe.—Samuel Chunn.

Mr. Yancey, after a few remarks, submitted the two following Resolutions, viz:

RESOLVED, That a Committee of seven be appointed to prepare and report such amendments to the Constitution of the State of North-Carolina as may be deemed necessary.

RESOLVED, That said Committee be instructed to insert the several amendments, by them proposed, to the Constitution, and report the same so amended.

The question being put by the President on the passage of the first Resolution,

Mr. Brevard said he had waited in expectation that some Gentleman would have anticipated him, in the amendment which he was about to suggest; but as no one had done so, it must devolve upon him. He did not believe that the number mentioned in the Resolution was sufficient for a committee of this nature. He thought that on a subject so important, each county having a delegate in the Convention, ought to be represented. A committee composed of seven persons could not be said to represent the 24 counties who had sent delegates. He therefore moved as an amendment, that the number be increased from seven to twenty-four.

Mr. Yancey, in reply, observed that in the appointment of seven as a committee, it was true that each county would not be represented, nor did he believe it necessary they should be. Whatever this committee may report, nothing can be decided but by a majority of this body. His reason for proposing the number specified, was that he thought it better calculated to carry into effect the objects of the Resolution, than a large number. If the number were to be increased as the gentleman from Lincoln wished, it would be as well to discuss the subject at once without appointing any committee. It is well known, said Mr. Y. that small committees always more effectually investigate a subject, than large ones. If the committee were extended to twenty-four, there would be as great a contrariety of opinion in it, as there would be in this body; and instead of producing harmony and unanimity of sentiment, it would be calculated to create discord. He therefore hoped the resolution, as presented in its original form would be adopted.

Mr. Brevard said, that his object for proposing a larger number for the committee, was that the sentiments of the different counties might be known: not only here, but in the Committee where the proposed amendments to the Constitution would be discussed. Delegates may meet here from different counties having different alterations to propose: these might be considered in the Committee, and by indulging a spirit of compromise, could be adjusted so as to meet the views of this meeting. He did not believe a committee of 24 would be too numerous, as their object would be to ascertain the sentiments of the people of this State, so far as it is represented in this Convention, on the important subject of amending the Constitution. If a committee of seven be appointed, they may know the wishes and sentiments of those counties which delegated them to attend this meeting, but they would have no means of ascertaining the sentiments of other counties.

Mr. Yancey observed, that the Committee when designated, would not only consult their own wishes and those whom they immediately represent; but on every subject which came before them, they would consult the views of the delegates from different counties, and when the committee made their report, if any part of it was objected to, an opportunity would be then afforded Gentlemen of expressing their opinions on the subject, and of proposing such amendments as they judged proper.

Mr. Settle had thought it would be proper for this body to express their sentiments as to what amendments they deemed necessary, previous to the appointment of a committee; that the committee might carry into their deliberations the views of the whole body, upon so important a subject. But if the Convention thought otherwise, he did not wish to be considered as making any objections to the mode now proposed. His reasons for wishing this body first to express their sentiments, was that he thought it a better mode of producing unanimity in the meeting when the Report should be made. He was in favor of a large committee, that when they assembled, they might compare the views of different counties and come to a more correct understanding of the different

views of those counties, than a small committee. He hoped therefore the amendment of the Gentleman from Lincoln, would be adopted.

Mr. Fisher thought that a committee of seven was better calculated to make a Report on the subject proposed, than a larger number. He did not believe there would be found much difference of opinion amongst the Delegates: all had the same object in view; all that was wanted was, that the subject matter should be brought before the meeting in proper form. If a very numerous committee were to be appointed, the business had better be taken up and discussed by the whole body, as so large a committee would have to counter all the inconveniences which would be met with in entering upon a discussion in the meeting. He hoped therefore a committee of seven would be agreed to.

Mr. Graves said, that before this meeting could come to any correct conclusion on this subject, they ought first to enquire into the powers which this body possessed. The committee proposed to report such alterations in the Constitution as it may think necessary to meet the views of the people of North-Carolina. It strikes me, said Mr. G. that our powers are limited. How do we meet here? Not as a portion of the People of North-Carolina met in Convention to amend the Constitution of the State. By what authority, and for what purpose then, are we assembled? We are met under the authority of the people of our several counties to determine on the most fit and proper plan of taking the sense of the people of the State on the propriety of calling a Convention to amend the Constitution in several particulars. Those particulars are contained in certain Resolutions passed at Raleigh in December last. These Resolutions direct the people to appoint Delegates to meet here at this time, and designate the objects of their meeting.

But if we appoint the committee as proposed, what will be its powers? They are directed to report such amendments to the Constitution as they judge proper. And suppose this committee make a report, recommending a variety of amendments not contemplated in the Resolutions under which this meeting acts. It is my opinion, said Mr. G. we have no authority to go beyond the objects embraced by the original Resolutions, and these ought to be taken as the basis of the Report to be made by this committee, and ought to be given to them as their instructions.

Mr. Phifer was in favor of the Resolution as proposed by the gentleman from Caswell. Seven members of their body would be sufficient to draw up a report embracing the prominent amendments proposed to be made in the Constitution. This Report will be examined and discussed by this body, and every member will have an opportunity of proposing such amendments to it as he may think proper. A large number would clog the proceedings of the Committee, without being of any real service to it.

Mr. J. S. Smith agreed with the gentleman from Caswell that a committee of seven was better than one more numerous. The object of appointing a committee is, that the subject may be brought fairly before this meeting. It will then be time enough to discuss the question of our powers. Every gentleman will have an opportunity of offering amendments in a committee of the whole, or in the house. But if gentlemen proceed with their objections in this stage of the business, there will be no end to discussion. He hoped that the original Resolution would be adopted, and that further discussion would be deferred until the subject was regularly before the meeting.

Mr. R. Williamson, thought seven a convenient number for the committee; and he thought it best to waive all further discussion for the present.

The question on the proposed amendment was negatived without a division; and the original Resolution was adopted.

The second Resolution was also carried without objection.

Mr. Settle, a member of the Committee appointed on the Resolution directing a Report as to the free population of the several counties, the amount of the taxes, &c. said that he had understood that some members of their body wished to have a Report of the federal numbers of each county also. If the Committee were instructed to this effect, they could readily make it a part of their Report.

Mr. Fisher explained why he had not included a provision in his Resolution for the information now referred to. The principle of federal numbers was very properly adopted by the framers of the Constitution of the United States, because they had to deal with slave-holding and non-slave-holding States; and in order to compromise the differing opinions on the subject of representation, slaves were considered as three-fifths persons and two-fifths property. But the same necessity does not exist here for this distinction. All the counties hold slaves; and though fewer are held in the Western than in the Eastern counties, the increase is greater in the West, in proportion to their numbers, than in the East. But if it would have any effect in conciliating our Eastern brethren, said Mr. F. I should not object to make federal numbers the foundation of our representation.

Mr. Yancey rejoiced to hear the conciliatory spirit of the gentleman from Rowan, which embraced the interests of the whole State; this was the kind of feeling which would influence him in all his movements on this subject; he should not consider what would be the best for any particular county, but what would be for the interest of the State at large. He wished the whole subject to be brought before the meeting in the Report from the committee appointed on the subject. He presumed that either federal numbers, or free white population united with permanent taxation, would be taken as the basis of representation; and it would be found, in practice, that it would make but little difference which course was adopted. He should be willing to submit to the will of the majority. He hoped the federal number of each county would be reported.

Mr. Mangum wished that the Report in question should also contain the amount paid by each county for permanent taxes. He was pleased to find, that in the interchange of sentiment which he had had with gentlemen on this subject, that there appeared to be a desire in all to fix upon such a basis of Representation as would operate equally in every part of the State. When we speak of real population, we take into view only the number of freemen in a State; but we find that the wisdom of our ancestors had recourse to other considerations in fixing the basis of representation. At the time of forming the Federal Constitution, the basis then agreed upon, perhaps was the best; but he

thought it would be more equitable, in the present case, to fix on a principle which would be less variable, and which would at all times, bear more equally on the eastern and western parts of the State.

The State of South-Carolina, he understood, some years ago, labored under similar grievances to those which we now complain of in respect to inequality of representation; when by a spirit of compromise, brought about, he believed, by a citizen formerly of high standing in this State, the principle of population and permanent taxation were so united as to give satisfaction to all parties.

Mr. M. moved therefore that the committee be instructed to report the federal numbers of the State, and of the several counties—also the amount of taxes paid by the several counties for the last three years, distinguishing the amount paid on each object of taxation, in each year.

Which was agreed to. Mr. Love, from the committee appointed to report a mode of raising a fund to defray the expenses of the present meeting, &c. reported that said expenses should be paid by a contribution from the members of the Convention; and that they had appointed Mr. J. E. Lumsden Clerk of the meeting to assist Mr. Brevard, who had consented to continue his services as Secretary.—Consented with.

On motion, the Convention adjourned till 1 o'clock to-morrow.

WEDNESDAY, NOV. 12.

The Convention met according to adjournment, when the President announced the following Gentlemen as a Committee on the resolutions presented by Mr. Yancey on yesterday, viz. Messrs. Yancey, Mangum, Fisher, Burton, Graham, Leake and Love.

Mr. D. Worth, a delegate from Guilford County, and E. Thompson, a delegate from Surry, appeared and took their seats.

Mr. Sanders presented the following resolution: That a Committee of seven members be appointed to enquire into the most advisable plan of submitting the amendments of the Constitution, agreed upon by this Convention, to the people, for their ratification and adoption.

This resolution was adopted, and the following Gentlemen named as the Committee, viz. Messrs. Sanders, Smith, Avery, Gray, Williamson, Hearne and Brittain.

Mr. Fisher, from the committee to whom was referred the subject of the proposed amendments to the Constitution, stated, that they had been engaged in the duties assigned to them, and hoped to be able to report to-morrow at 10 o'clock.

Mr. Settle, from the Committee to whom was referred the resolution relating to the census, &c. of the State, made the following report, which, after being read, was committed to the Committee on the proposed amendments to the Constitution:

The Committee to whom was referred the Resolution requiring a comparative view of the free population, as well as the federal numbers of the several Counties in this State, distinguishing the total amount contained in the Counties represented in the Convention, from those not represented; as also the amount of taxes paid by the several Counties in this State for the last three years, distinguishing the amount paid on each object of taxation, and the amount of each year respectively, have had the same under consideration, and beg leave to report.

REPORT. As regards that part of the Resolution which relates to the population, your Committee have ascertained,

Table with 2 columns: Description and Amount. Rows include: That the free population of all the counties in this State amounts to 438,913; That the free population of the Counties which have elected delegates to this Convention, amounts to 233,939; That the free population of the Counties not represented amounts to 199,979; Difference of free population contained in the Counties represented over that of those not represented is 33,954; The federal population of all the Counties in this State amounts to 550,693; That of the Counties represented amounts to 272,431; The federal population of the Counties not represented is 262,269; Making a difference of federal numbers in the Counties not represented, above those represented, 11,838; Your Committee, in making this statement, have excluded from the Counties represented in this Convention, the two Western Counties of Ashe and Person, which if returned in the calculation, and added to the numbers of the Counties represented, would make a difference of 11,799 in favor of the Counties represented.

As respects that part of the Resolution, requiring the amount of taxes paid by the several counties of this State for the last three years, distinguishing the amount paid upon each object of taxation, your Committee have considered that it would facilitate their enquiries on this part of the resolution, to give the comparative amount of the taxes paid by the counties represented, and those not represented, distinguishing the objects of taxation. The amount of taxes paid by the non-represented Counties is—Upon Land, Town property, Polls, and Stores, for the year 1820, \$33,798 87

The amount paid on the like objects in the counties represented is \$23,908 68 Making a difference in the amount paid by the counties not represented over those represented of \$9,886 20

Your Committee in making calculations upon the amount of taxes derived from 1821 and 1822 foregoing objects for the year 1821 and 1822, find the difference in the foregoing statement they believe that in the foregoing account of for a more particular and detailed account of all the objects of taxation, and their respective amount is, beg leave to refer to the accompanying reports of the Comptroller, made for the before-mentioned years.

Respectfully submitted, GEO. L. DAVIDSON.

Nov. 12, 1823.

On motion of Mr. Smith, the Convention adjourned till to-morrow at 10 o'clock.