

STATE CONVENTION.

Monday, June 8.

The meeting of the Convention in conformity with a previous Resolution, was this morning opened with prayer by the Rev. Dr. McPherson, of the Presbyterian Church.

The following additional members appeared, were qualified and took their seats: Mr. Skinner, of Chowan, Mr. Holmes, of New-Hampshire, Mr. Sawyer, of Chowan, and Mr. Collins, of Washington.

Mr. B. D. Spivey, from the Committee appointed to frame Rules for the government of the Convention, made a Report, which was adopted after a few remarks, chiefly on an amendment proposed to admit certain officers &c. into the lobby of the Church, which was rejected. The Galleries are appropriated to those of persons who desire to hear the proceedings of the Convention.

One of the reports for the government of this body, provides that the yeas and nays shall be taken on the call of one-fifth of the members present.

Mr. Wilson moved to amend this provision, so that yeas and nays should be taken on the call of any individual member: but after a few remarks from a member of the committee, stating that the rule as reported, was in conformity with the practice of Congress, and of most of the other Legislative bodies in the Union; that it would prevent any individual member from unnecessarily protracting the public business; and that no instance ever occurred of a refusal to take the yeas and nays, when called for on any important subject, the mover withdrew his motion.

On motion, 200 copies of the Rules were ordered to be printed.

Judge Gaston, from the Committee appointed to consider and report the manner in which it will be expedient to take up the business of the Convention, made a Report. (See next page.)

After reading the Report, Mr. G. said, if it were now in order, he would proceed very briefly to explain, what perhaps might not, after the Report has been read, be thought necessary, the view that the Committee took on this subject.

The Committee, he said, considered themselves as charged with no other duties than to report to the Convention, a convenient and regular method of treating the several matters submitted by the Act of last Session to its consideration.

In considering this subject, the Committee made a manifest distinction between what the People, in approving and sanctioning the Act of Assembly, have determined shall be done by the Convention, and what they have left to their discretion.

With respect to the first class of duties, the Committee thought it proper to propose the appointment of two distinct committees, each consisting of thirteen members, one from each Congressional District to prepare plans for carrying them into effect.

With regard to the discretionary subjects, the Committee judged to be understood, that they have no other object in view, but to bring the several matters contained in the act before the Convention in such a form as that the sense of that body may be distinctly taken upon them, without any recommendation for their adoption.

The Committee has framed a Resolution suggesting the appointment of a Committee upon every amendment of the Constitution mentioned in the Act of Assembly, and leave it to the Convention to determine the propriety of appointing such Committees. If they should determine that it is unnecessary to act upon any subject, they can decline appointing the committees.

The mode in which the Convention will act upon each Resolution, will be for their wisdom to determine.

The Convention can, at once, declare its unwillingness to act upon any subject, or they may refer the matter to a Committee, and, after consideration and report, reject it as inexpedient.

By moving to strike out any Resolution, by modifying, or by voting against any proposition, there need be no scruples of delicacy, as is frequently the case when considering a Resolution moved by an individual. These resolutions are reported by a Committee as forming a plan of operation for the Convention to act upon as they may judge proper.

Judge G. supposed this explanation scarcely necessary; but the matters on which the Convention are called upon to act, are so momentous in principle, and may be so important in their consequences, that he wished members to satisfy themselves on every question, and to come to a decision only after full and free discussion.

A motion was made that the Report lie on the table, and be printed.

The President said the motion to print was in order. The Report would, of course, lie on the table until called up.

Gov. Sizer did not object to printing the Report; but said it would save time if the Convention would take up and refer the two first Resolutions, to which he supposed there could be no objection, to appoint the proposed Committees, as they could then immediately prepare the necessary materials for making Reports to the Convention. He therefore made that motion.

Judge DANIEL was opposed to the reference of the subjects in question to a select Committee, at present. He would prefer committing the subject to a Committee of the whole, in order to settle the question as to the number of members of which each House should consist. When this matter was adjusted, it would be proper to refer the subject to a select Committee, to prepare the details of a bill to carry the views of the Convention into effect.

Dr. J. S. Smith thought the proper course was that recommended by the Committee in the Report just read. The Committee proposed, would consist of a member from each Congressional District, and would be able to form a plan for effecting the leading objects of the Convention as would probably meet the approbation of a large majority of the members present. When this Report came before the Convention, either in whole or in part, it would be examined, discussed, and probably amended.

After a desultory debate of some length, on the motion to take up the Resolutions just referred, the question was decided in the affirmative. The first Resolution being under consideration, Mr. Wilson of Perquimans, moved to amend it by striking out "one member from each Congressional District," and inserting "one member from each Judicial District." On this motion, considerable debate arose, not necessary to be reported. A division of the question was called for, and it was first taken on striking out, and decided in the negative, 74 to 51.

Mr. Gaither moved to amend the Resolution by providing for the appointment of two committees of thirteen each; one to consider of the amendment, to be made to the Constitution, so far as respects representation in the Senate; the other to consider of amendments in relation to representation in the House of Commons. Negatives without a count. Mr. Wilson then moved to amend the Committee, from 13 to 26 members, being two from each Congressional District. This motion prevailed, and the following gentlemen were chosen to constitute said Committee, viz: J. L. Bailey, Jesse Wilson, David Outlaw, Judge Daniel, Joseph Halley, Josiah Collins, R. D. Spaight, Jesse Speight, Gov. Owen, Owen Holmes, Josiah Crump, William P. Williams, John D. Toomer, John B. Kelly, J. S. Smith, Kimbrough Jones, J. M. Morford, E. T. Brodnax, Charles Fisher, Alex. Gray, M. B. Barringer, J. M. Hutcherson, Gov. Swan, J. Melv. Carson, Samuel King and George Boyers.

Mr. J. S. Smith remarked that the Convention having now arrived at a convenient point, he moved that it adjourn; but withdrew his motion at the request of Mr. Edwards, who submitted the following resolutions.

Resolved, That the Convention meet every day at 10 o'clock, A. M. unless otherwise ordered.

The question thereon was decided in the affirmative, without debate. Dr. Smith having removed his motion, the House adjourned.

Tuesday, June 9.

After Prayer by the Rev. Mr. Jamison, of the Methodist Church,

Mr. Jacobs moved that the Resolution laid on the table, a day or two since, in relation to procuring certain statistics be taken up for consideration; which was agreed to. The Resolution having been read, Mr. J. said, that the object of it was in a great measure superseded by the adoption of one of similar import offered by Mr. Giles. There was however a single point embraced in his Resolution, on which he still desired information, for the purpose of obtaining which, he would modify it by striking out the whole after the word "Resolved," and inserting—"That said Committee report the number of votes taken in each county in the State upon the Convention Question, on the first and second days of April last."

The President having stated the question, Mr. Wellborn remarked, that if he could perceive any beneficial result which could flow from the proposed enquiry, he would cheerfully vote for it. He would like to hear the gentleman's reasons for desiring the information.

Mr. Jacobs replied, that he wanted the information for his constituents. He did not know that it would aid the Convention in arriving at any particular conclusion, but it would be satisfactory to the public.

Mr. Wilson, of Perquimans, rose to move an amendment. It was certainly very desirable, before our old Constitution was returned, and its structure utterly demolished, that every fact having a bearing on the subject should be made public. The people have a right to this information; they ought to know their real strength, and what portion of them it is who desire so great a change in our fundamental law. If this information goes forth under the sanction of this Convention, it will be received by the people as having the stamp of authority upon it. He therefore moved to amend the Resolution by adding as follows:

"And that said Committee also enquire and report the number of free white voters in each county."

If he remembered correctly, the Census of 1830 showed the number of white males, entitled to vote, to be between 80 and 85,000, while the recent vote on the Convention Question exhibited only 27,000 votes in favor of the measure. And no doubt the voters had greatly increased in the time intervening between the last Census and the late vote, judging by the rate of increase since 1790, which he estimated at 30 per cent. up to 1830 and 15 per cent. since. It is important that the people should know these and similar facts, so that they may act understandingly when the Constitution is presented to them for ratification. He hoped the amendment would prevail.

Mr. Wellborn said, it was true, the late vote was a comparatively small one; but did not experience show that the people would not turn out to vote unless under the influence of some strong motive. The majority obtained was a Constitutional one, and that was sufficient. As respects informing the people, they already know all that was proposed to communicate to them by the desired publication.

Mr. Giles, being one of the Committee to whom the subject was proposed to be referred, was opposed to the adoption of the amendment, simply on the ground of the impracticability of obtaining the information called for. Perfectly willing to undergo any labor which might devolve upon the Committee, he was convinced there was no source whence it would be possible to obtain the number of free white voters in each county in the State.

Mr. Cooper hoped the amendment would prevail. It was a sufficient reason for its adoption that the people wanted light on the subject embraced in it.

Judge Gaston begged leave to make one remark on the proposed amendment. He was sorry to see the amendment resisted, because gentlemen could not discover the benefit which might result from it. He thought it a sufficient reason for its adoption, that respectable gentlemen stated the information was wanted to throw light on grave questions of deep interest. Without a spirit of courtesy and harmony, it would be impossible to transact the business which they were delegated to perform; and from experience, he was convinced that nothing would have so great a tendency to destroy that harmony as an attempt to withhold information which it is alleged, is necessary to the gentleman to arrive at correct conclusions. He was not certain that the information sought for would, when obtained, throw any great light on the questions at issue; but he was very certain that it would not. We could not however, have too much information when engaged in changing the fundamental institutions of the country.

It was with the most perfect sincerity that he had voted for calling this Convention. He had been influenced by an ardent desire to quiet the heart-burnings which the question had engendered; but though he voted from a deliberate conviction of expediency, he confessed he had done so with fear and trembling.

They were engaged in no ordinary act of legislation. What they should do, would be for the good or evil of North-Carolina, God knows for how many generations. Let then gentlemen, if they want information, have it—there cannot be too much.

He agreed with the gentleman from Wilkes (Mr. Wellborn) that it was not necessary a majority of the qualified voters should have actually voted for calling a Convention. It is sufficient that there was a Constitutional majority—a majority of those who did vote.

Mr. Gaither rose to move an amendment, viz: "that the Committee report a Tabular Statement, showing the vote of the people on the Convention Question, at the Election in 1833." The vote taken in April last, he contended, was not a fair test, inasmuch as it was not the usual time of holding elections, and the people did not turn out. But in August, when they had been accustomed to repair to the Polls, the vote was some indication of the strength of the friends of the Convention.

Mr. Jacobs hoped the amendment would prevail, though he did not believe a Poll was opened in his county (Perquimans) on the question.

Mr. King had no objection either to the original Resolution or the amendment, but he thought there was a marked difference between the vote of 1833 and 1835. The first was taken without the sanction of the Legislature, and the question was, will you alter the Constitution or not? In 1835, the question went with a perfect understanding of the question to the Polls. It was directly propounded—Are you for, or against a Convention? One reason why the people did not more generally turn out at the last Election, was, the certainty of success, as indicated by the vote of 1833. Another was, the busy season had just commenced among the farmers, and they were too much engaged to leave their homes.

Mr. Wilson, of P. said, that in April last, the people were called out for a specific object, which was laid down in the Act of Assembly, to be found in almost every voter's house. Why then, was there not a general turnout? "I have married a wife and therefore cannot come," &c. These excuses were all considered evasions in Scripture, and so, he presumed, were the reasons given why the voters did not turn out. He would tell the gentlemen from Ireland, why they did not go—they were dissatisfied with the Act, and did not feel interest enough to go. He thanked the gentleman from Burke (Mr. Gaither) for his amendment. He feared no investigation, and wanted all the light that could be thrown on the subject.

Gov. Swan had no objection to all the information being procured which gentlemen might desire, but it was avowed that the object of that information is not to lessen the labors of this body, but to

enlighten the people, he hoped to see the original proposition disseminated of the several amendments. That was in the Printer's hands and would soon be before us. He moved therefore to modify the Resolution so as to provide for the appointment of a select Committee, to prepare the tables desired, instead of imposing the labor on the original Convention. He moved this modification to meet the views of the gentlemen from Perquimans and Burke (Wilson and Gaither) though he believed it impracticable to obtain the information asked for; and if obtained, that it would be totally irrelevant to any matter at issue. There never had been any regular returns of the vote at the August election of 1833, the statement published having been informally furnished by Members of Assembly. It would be desirable to ascertain the number of white voters for the simple reason that one half of the Clerks did not, in their returns, to the Comptroller's office, distinguish between the black and white polls; and if they did, voters over 45 were not subject to taxation, and therefore not included.

Gentlemen had spoken of the thirteenth in April last. They might be astonished to learn that, with a single exception, it was the largest general vote ever given in the State on any occasion. The exception was the Presidential vote of 1828. The vote of 1824 for President was much smaller than the Convention vote. In 1824, the aggregate vote for Electors of President and Vice-President, was 36,088. In 1828 it was 51,776; and the number of votes polled for and against the Convention in April last, was 49,244. He spoke of the estimate which had been made of the increase of population (by Mr. Wilson) as erroneous, and expressed the opinion that so far from our population having increased 15 per cent. between the years 1830 and 1835, it had not equalled 3 per cent.—indeed he was not sure that it had not diminished, instead of increased. He repeated he had no objection to the proposed enquiry, but for the purpose stated, pressed his modification.

Gen. Jacobs said he would accept the gentleman's modification, his only object being to spread information before the public which he deemed essential. The several amendments were then agreed to, and the Resolution adopted. The Chair appointed on the Committee, Messrs. Jacobs, Jones, of Wake, and Gaither.

Dr. Smith, of Orange, moved to consider the second Resolution reported by the general Committee, being the unfinished business of yesterday. Agreed to.

Gen. Wellborn moved to amend it so as to make the number of members composing the Committee, to correspond with the Committee under the first Resolution.

Gen. Spight, of Greene, objected. It would make the Committee too large. Large bodies move slowly, and large Committees could not dispatch business with the facility of smaller ones. He therefore suggested to the mover the propriety of withdrawing his Resolution.

Gen. Wellborn accordingly withdrew it.

Mr. Wilson, of Perquimans, moved to strike out "one from each Congressional District," and insert "one from each Judicial District." He said this arrangement would embody more fully the spirit which prompted the Legislature to call this Convention.

Gen. Wellborn opposed the amendment. It was absurd to contend that the principle of selecting Committees from the Judicial Districts was correct.

Mr. McQueen called for a division of the question.

Judge Gaston said, that next in importance to the great work of amending the Constitution, was the duty imposed by the second Resolution. Personally, it was matter of little consequence to him how the Committee should be constituted, whether the members should be taken from the Congressional or the Judicial Districts. But it ought certainly not to be so small as proposed; it should be sufficiently large to represent the views and interests of the various sections of the State.

Mr. Wilson (of P.) said he appreciated the force of the remarks made by the gentleman from Craven, and therefore modified his amendment so as to provide for the appointment of two members from each Judicial district, instead of one.

The question being loudly called for, and the President having stated it to be first on striking out, Mr. Jacobs demanded the yeas and nays, which stood as follows: yeas 61, noes 64. So the motion was lost. Judge Gaston moved a verbal amendment, to make it correspond with the first Resolution, and as amended, the Resolution was passed. The following gentlemen were chosen to constitute the Committee, viz: Messrs. Skinner, Bishop, Louis D. Wilson, Braswell, Messrs. Gilliam, Toomer, Montgomery, Shober, Giles, Ship, Burchell and Dobson.

Dr. Smith of Orange, said he presumed the next Resolution would be considered in Committee of the whole, but to afford gentlemen time for reflection, & a comparison of views, he moved to adjourn; but withdrew the motion, at the suggestion of Judge Gaston, that no motion had yet been made to submit the remaining Resolutions to such a Committee. A motion to this effect, having been made with regard to each, and carried, Dr. Smith renewed his motion, and the Convention adjourned.

Wednesday, June 10.

After Prayer by the Rev. Dr. McPherson,

Mr. Council Wooten, a Delegate from Lenoir, appeared, was qualified and took his seat.

Mr. Leuter laid on the table a Resolution proposing the appointment of a Committee to whom should be referred so much of the Act providing for this Convention, as relates to the reduction of the number of the members of the Senate and House of Commons, for the purpose of reporting a plan for carrying the same into effect.

Gen. Jacobs, from the Committee appointed to report the number of votes given in favor of a Convention at the election in August, 1833, as well as at the late election, and also the number of qualified voters in the State, made a Report, which was ordered to be printed.

The Resolutions yesterday referred to a Committee of the whole coming up for consideration, on motion the Convention resolved itself into a Committee of the whole, and the President called Gov. Swan to the Chair.

Dr. J. S. Smith moved that the Committee take up the 11th Resolution, which has relation to the meeting of the General Assembly, whether it shall be annual or biennial. He thought it best to take up this Resolution in preference to the 3d, in relation to Borough members, which was first in order.

Several members objecting to this course, and desiring the Resolutions to be taken up regularly, the question was taken for first considering the 11th, and negatived.

The third Resolution, which directs an enquiry whether any and what amendments are proper to be made as to the exclusion in whole, or in part, of Borough Members from the House of Commons, was then taken up for consideration.

Dr. J. S. Smith moved to strike out the whole of the Resolution, after the word "Resolved," and insert "It is expedient to abolish Borough Representation entirely."

The question being called for on this amendment, Judge Gaston rose and said, that he trusted that this proposition would not be decided without discussion. While it is our duty, he said, to the extent of our power, to remove whatever blemishes we may discover in the Constitution, we should proceed with great caution, lest we introduce evils which we know not of, and it is prudent when making a change in the political institutions of the country, to depart no further from existing usages than necessity requires. There are always inconveniences resulting from such changes, and often such as were not foreseen.

Our forefathers must have had some reason which induced them to give to a few of the incorporated towns in the State a distinct right of representation. Perhaps a little consideration may enable us to discover the most obvious of these reasons. The great purpose of all Governments is to promote the happiness and insure the safety of its citizens. Power must be conferred which is adequate to these purposes, but care should be taken to place it in the hands of those who are not likely to abuse it to the purposes of wrong and oppression. Where there are portions of the community, who in addition to the interest they feel in their country's good, have certain interests of their own—whose occupations and pursuits and property are of a kind distinct from those of their fellow-citizens generally—and these portions are relatively weak in comparison with the rest of the State—there is always great danger lest their rights should be overlooked or invaded. It is essential that there should be secured to these portions of the community their just and reasonable claims, and that their wants should be provided for. It may be said, that they shall not be made to bear more than their fair share of the public burdens. Many of the subjects of taxation are to be principally found in incorporated towns. Taxation without representation always leads to oppression. However disposed the Legislature might be to do exact justice in the apportionment of taxes, unless the interests of these towns were distinctly represented, they might be in the situation of a Judge, who heard but one side of a cause. The Representatives from a few towns, in protecting the interests of their immediate constituents, became thus to a certain extent, guardians of the interests of all the towns in the State. They were so few that their votes could have but little influence on the decision—but they secured for these interests a fair hearing.

Another reason no doubt had its weight with the framers of our Constitution. Agriculture is the great interest of this State. It is decidedly an Agricultural State—but it is not exclusively so. Every enlightened man knows that commerce is the best friend of Agriculture, yet every man of experience knows that feuds which sometimes occur between the best friends—and there is, unless restrained, will burst out into acts of enmity. There is eminent need on these occasions that the few and the weak should find a protector in the Legislative Hall. The strong may protect themselves, but the weak must invoke the protection of authority. And even when there are no misundings and no conflicting interests, Representatives are generally wanted who, from their pursuits and associations, are familiarly cognizant with those subjects to which the great body of the Legislature must necessarily be strangers. How can we expect commercial concerns to be made intelligible to a body of country gentlemen, so as to procure a wholesome legislation upon them, except through the representatives of towns? For correct information in every art, recourse is had to those who profess it. You go to the builder for estimates before you erect your house, you consult the physician when your health is attacked, and ask advice of the lawyer when your property is contested. On questions which you have never had occasion to consider—totally foreign from your habits—you are called upon to legislate. Surely it is wise that there be some associated with you on whom you may rely for correct information.

Our forefathers had probably discovered from experience under our colonial state, that the representatives of Boroughs (as they are called) were usually distinguished for intelligence, firmness and independence, and might have been unwilling to deprive the Legislative councils of the aid of such men. It cannot be doubted that the collision of minds strengthens the moral faculties. When men are brought into close connection and interchange habitually their opinions on the various subjects which engage their attention as social beings, there will be this collision. He who represents constituents to every one of whom he is intimately known, and with whom he every day associates, feels that his legislative acts are not subjected to that misrepresentation, nor his motives to that misconstruction, which might with greater success be attempted against one less favorably situated. If such attempts be made they must be made openly, and can be instantly met. He is not under the necessity of travelling first to one and then to another corner of a county to explain and vindicate his conduct. Without claiming for him an extraordinary portion of virtue, he can sustain with more confidence to follow out and sustain with manliness his own convictions of right. If the framers of our Constitution thus believed, our experience under the Constitution has proved that this belief was well founded. It is not always that the towns which have the right of representation in our General Assembly have sent their ablest and their best men. But all will admit that generally the town members have been among the most intelligent, liberal and independent members of that body.

Are not these and reasons like these, sufficient to warn us against a hasty determination to abolish altogether Borough representation? There may be some of the seven towns to whom the right has been given that are now too inconceivable to be permitted to retain it. It is the case, let us reform as to them—but under the idea of reforming, let us beware of rash innovation.

It may be said, Judge G. that I am under a bias always residing in one of the towns to which the right of representation is given. However this may be it can not detract from the force of the reasons which I have suggested, if upon consideration it appears to the Committee that they indeed have force. From the citizens of that town I have received no communications on the subject—but I cannot doubt their opinions. With a full knowledge that one of the questions which was to be referred to this Convention was the propriety of disfranchising one of a right which must be dear to them from long enjoyment and experience of its utility, with a voice almost unanimous they gave their suffrages for a Convention. They resolved to permit this right in an attempt to reconcile discordant sectional interests, and to remove those heart burnings which mistrust and prejudice had spread through our land.

In this hope he had concurred with them. He earnestly trusted that the attempt might be successful, but it could not, unless a spirit of harmony was encouraged here. The spirit certainly required that in what was called the struggle for power, a minute and calculating jealousy should be suppressed. A member more or a member less on one or the other side of the State was in itself a matter of very little moment. As a matter of power, he viewed the subject in Convention as greatly exaggerated by the fears of the one and in the aspirations of the other section of the community. Of his friends from the East, who had heretofore possessed it, he would ask, what mighty benefits have we secured from it? And to his brethren of the West he would say—and he hoped that they would regard as old man as presumptuous in venturing the prediction—should they succeed in gaining the glittering prize, they will essentially add to the value of the prize below the estimate of a dollar more put upon it. In the formation of a Government the citizens can meet upon no other ground than that of precise equality of power—but in the arrangements of a Government it is impossible to pursue a scheme of mathematical equality. Care should be taken that the distributive will of the great body of the community should predominate—but care must also be had that the voice of all and every portion of it should be heard.

Dr. J. S. Smith said, as he had submitted the amendment to the Resolution under consideration, it would be expected that he should offer some reasons in its support. He had long considered the subject of Borough Representation, and had come to the conclusion that it ought to be abolished. He had resided in one of these Boroughs for nearly forty years, and he was well acquainted with the evils arising from their annual elections. The practice of giving members to Borough towns was derived from England, where it was introduced for the encouragement of trade. Such establishments might have answered the purpose of the British Monarchical Government, but they are not suited to our Republican System. Before the existence of the General Government, Town Representatives might have been useful for the encouragement of Commerce; but by the Constitution of the United States all matters of commerce are transferred to the Federal Government, so that there is no longer any necessity for Borough Representation on this ground. He knew of nothing but the Inspection laws that was necessary to be attended to by our Legislature in behalf of these Borough towns. It is true, that men of talents are frequently sent to the Legislature to represent these towns; but if the towns were deprived of the privilege of sending members, the same men would probably be elected from the counties in which the towns are situated. Besides, professional men and country merchants are frequently sent to the Legislature by the counties, and commercial men could whenever they pleased, present any object to the General Assembly by way of memorial, which would doubtless be attended to.

Has the moral condition of the Borough towns, asked Dr. S., improved by the privilege which they possess of sending members to the Legislature? On the contrary, the annual elections are notorious, in most of the towns, for the productive of feuds, quarrels and bloodshed. Mechanics and others are excited by the parties interested in such elections, business is neglected, and the morals of the people are corrupted. These excesses may not be so prevalent in the large towns as in the smaller, though he presumed, they existed to some extent in all. And he could see no reason why a few men resident in a town should possess as much political power as the largest county in the State. At a time when we are about to correct irregularities in our Constitution this inequality ought not to be overlooked. He hoped therefore, his motion would be agreed to.

Gen. Wellborn doubted the propriety of abolishing Borough Representation altogether, knowing from experience, that the most talented members of the Legislature are generally sent by these towns. It is true, that these men might be elected to represent the counties in which the towns are situated, were the town elections abolished, though he was aware of the existence of a prejudice in the country against taking members from towns. He thought the Commerce, which the commerce of the country is principally carried on in, and whose interests are distinct from those of the country at large, ought to be able to defend them. He should like to hear the subject further discussed.

Judge Daniel said, it is true, that some of the Borough towns were small, but they contain men of talents, and sent able Representatives to the Legislature; and, as had been remarked by the gentleman from Craven, political power cannot be equally divided. Some portions of the country are more advanced in knowledge and civilization than others, so that a state of equality cannot be pre-eribed. Judge D. gave an historical account of the origin of Borough Representation and of the House of Commons in England, which he said arose from the great aid which the trading and wealthy portion of the community had in their power to afford to the King in carrying on War, &c. Judge D. admitted the position of the gentleman from Orange; that because Congress had the power to regulate commerce, there was now no necessity for Borough members to take care of commercial interests in our Legislature. The commerce which Congress regulated was the commerce of the United States with Foreign Countries, whereas the trading interests which the Borough members were expected to attend to, were those of our own State—and especially to see that this portion of our citizens were not overburdened with more than their due portion of taxes. He was aware that the election of these members were at times productive of a good deal of excitement and bad feeling; but this was an evil, like some other, which attend the enjoyment of the privileges of free Government. He hoped the motion would be disagreed to.

Mr. Dockery moved to except the towns of Newbern, Wilmington and Fayetteville, from the motion of the gentleman from Orange.

Mr. Halsey moved to strike out Fayetteville, and add Edenton to the amendment proposed.

The President declared the motion out of order.

Judge Gaston observed, that the amendment to the amendment, brought before the Committee to the question of partial, in preference to total abolition of Borough representation. It was difficult to discuss this precise question, without adverting to the principle involved in the original amendment. He hoped therefore, that he would be excused for adding a few words in relation to the general question, which would be heard also upon the immediate proposition.

He thought the gentleman from Orange inaccurate in tracing the origin of representation in the English House of Commons. The granting to Boroughs a corporate powers for the regulation of their internal concerns, arose from the desire to encourage and foster their mercantile trading and mechanical operations. But the incorporation of Boroughs was not to be confounded with their sending representatives to Parliament. The latter had its origin in another principle, which might with truth be called the very foundation of English Freedom. The necessities of the King required subsidies or grants, and these could be obtained only by the assent of the great body of his subjects. They were levied upon real and upon personal property. The shires, and the principal boroughs—that is to say, the landed and the trading interests—the former through their knights, and the latter by their delegates, were summoned for the purpose of declaring the amount of subsidy which they were willing to grant, and the mode of assessment upon lands and personal property. It was this principle of voluntary grants—of representation for the purpose of taxation, which brought the Burgess and the House of Commons. Taxation and representation were regarded as inseparable—once brought into the legislative body, and having the power to raise grants until their grievances were redressed, they gradually became able to vindicate their rights, their increased wealth—their ability to contribute increased. Their reasonable claims could no longer be resisted, and political power was the necessary result. This same principle—no tax without representation—which was the foundation of political liberty in England, was the foundation of political liberty also on this side of the Atlantic, and is entitled to our peculiar reverence. What becomes of it, if you abolish borough representation? The taxpayers of the towns are to have no voice in the Senate—and if you deny them members in the House of Commons—which will be the practical result of striking them from the counties—they will have no voice anywhere.

It is the subject of almost universal regret, that we have not great commercial towns, and that the products of our soil principally find their markets in other States. At this moment

when we so ardently desire to build up commercial cities within our borders, what will be thought of the plan to disfranchise all the towns in the State? Surely, the intelligence will not sound pleasantly in the ears of their inhabitants. Surely such a plan does not exhibit very cheering evidence of a determination to encourage commerce, or to give security and activity to mercantile enterprise, or to whatever may improve and advance the State.

Most evils arising from contested Town elections are obviated as a remedy for the demand of this disfranchisement. Sir, said Mr. G. in the town where I live, my first wish is to drive my last breath, and which is mine in the county that I have the honor in part, to represent, such contests have indeed occurred, and have been conducted with an acrimony, which all party contests never fail to engender. Our citizens have occasionally been roused by that political frenzy from which no community is ever wholly exempt, but if once among them they have been severe, it is to be recollected they are infrequent. The public attention is generally directed to some individual, who, without opposition or canvass, is called to represent them. In the small towns it may be otherwise, and if these are no longer fit to be trusted with the right of separate representation, take it from them. But these things are to be excluded, do not disfranchise all.

It is in vain to deny that commercial communities have peculiar interests to protect and advance through some agent or other. If we designate them a Constitutional agent, they will be driven to get agents of another kind. It were to have no member in the Hall of Legislation they may be compelled to send you "by members." Heard in the Legislature, they can do no harm. So few in number, their voice can be effectual only when it is the voice of truth and justice. But when members of the Assembly shall be approached through the other agents, means of persuasion may be used of a different character. The intelligent may indeed be addressed by reason, and the just by the statements—but the uninformed may be misled by falsehood, and those whose consciences are in their pockets may be convinced by arguments directed to the seat of their sensibility.

Mr. Kelly saw no propriety in continuing a rough representation, which he thought would be inconsistent with the principle proposed to be established by fixing our representation in the General Assembly on federal citizens and taxation combined. For though the Commerce of the State may be principally carried on in the towns of Newbern, Wilmington and Fayetteville, that is no reason why they should send members, as they would be represented on the same common ground with the other inhabitants of the State. He had been called upon to attend to the arguments which had been urged in favor of the motion before the Committee, but had not been convinced by them. He had no doubt that the representatives from the counties in which the several Boroughs are situated, would attend sufficiently to their interest, if one of them were not generally the very man whom the town would have elected had they possessed the privilege of doing so.

On motion, the Committee rose, reported progress, and asked leave to sit again which being granted, the Convention then adjourned, till to-morrow morning 9 o'clock.

Thursday, June 11.

After prayer by the Rev. Dr. McPherson, the President took the Chair, and the Convention having resolved to consider the unfinished business of yesterday.

Gov. Swan hoped the President would call some other gentleman to preside in Committee of the whole, as he felt some what indisposed, and wished to be excused from this service.

The Convention then resolved itself into a Committee of the whole on the 3d Resolution, in relation to Borough Members, Judge DANIEL in the Chair.

The question being stated, Dr. Smith of Orange, rose and said, he had yesterday listened with attention to the remarks of the gentleman from Craven and Cumberland, in opposition to his motion for abolishing the Borough members; but had heard nothing from those which had made any change in his opinion. He still thought of the Convention as adopted the basis of representation, as proposed, it ought not to be departed from in any instance. He would have preferred that in this question respecting Borough members should lie over for the present, as he did not see some of the Representatives in their seats who took most interest in the decision. He saw no necessity for presenting the question; he therefore moved that the Committee rise, and ask leave to sit again.

Mr. Edwards objected to the Committee rising, and the question being taken it was negatived.

Governor Swan, said, since he heard the remarks of the gentleman from Orange (Mr. Smith) he was himself disposed to reject both amendments proposed by the Committee, and permit the original Resolution to go to a select Committee. He thought of the Convention as adopted the basis of representation, as proposed, it ought not to be departed from in any instance. He would have preferred that in this question respecting Borough members should lie over for the present, as he did not see some of the Representatives in their seats who took most interest in the decision. He saw no necessity for presenting the question; he therefore moved that the Committee rise, and ask leave to sit again.

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