

# RALEIGH REGISTER.

## AND NORTH-CAROLINA GAZETTE.

"OURS ARE THE PLANS OF FAIR DELIGHTFUL PEACE, UNWARP'D BY PARTY RAGE, TO LIVE LIKE BROTHERS"

VOLUME XXXVI.

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### TERMS.

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### STATE CONVENTION.

[Continuation of Proceeding.]

Tuesday, June 16, 1835.

The Convention having resolved itself into a Committee of the Whole, on the Articles reported by the General Committee, in relation to the number of Members in each House; and the question pending being on Gen. Speight's motion to strike out 120, as the number to constitute the House of Commons—

Mr. Wilson, of Perquimons, said, there was one great difficulty to be encountered in the adjustment of this question of Representation, which might as well be met at once. It could not be got round, and he saw no benefit which was to result from delaying an examination of it. This difficulty is what to do with the surplus numbers, after apportioning one to each county. So far as the arranging of 65 members, the task is simple enough; but the Herculean labor is to appropriate and locate the residue. The phraseology of the Act of Assembly is different as respects its application to the Senate and House of Commons. In the Senate, the excess of taxation is to be carried to the adjoining counties to make a convenient district; in the House of Commons the excess is to be appropriated to counties or districts, or both. On no question can greater difficulties arise, than how to distribute this excess. Various projects have been originated and doubtless have been extensively discussed, out of doors as well as in this body, but the truth is, no plan can be started which is free of difficulty. The object of every one was to produce the best system of legislation for North-Carolina. We should therefore examine well, and take that plan most congenial to the habits of our people, and which, in its operation, would work the least injustice.

A good deal had been said in this discussion, about the symmetry of the proposed Article of amendment. He begged leave to state one fact. When the bill, which was the foundation of this assembly, was before the Legislature last session, it came from the House of Commons to the Senate with a range of numbers from 90 to 107. As is now customary, the members were in the habit of discussing these matters in their rooms. To the surprise of the Eastern gentlemen, next morning, they found for the first time, that there was a defection in their ranks. The gentlemen who went over, did so, on condition that the number 120 should be inserted as the maximum and 90 as the minimum. This number therefore did not come from an original advocate of the bill, but from an opponent. He had yet to learn from what order of Architecture gentlemen derived their notions of symmetry, who could perceive such beautiful proportion between 90 and 120. If indeed it had been intended by the Legislature that the members of the Convention were to be bound to certain numbers, they would have said in express language, if the number 50 be taken as the basis of the Senate, then 120 shall be taken for the House of Commons. He would ask, then, where was the obligation to conform to these numbers, when it was expressly stated that the power of agreeing upon any particular numbers was discretionary? There was a direct variance between the words of the Act of Assembly and the position now assumed, and, according to his construction of that instrument, if any other number could be agreed on, calculated, in the estimation of members, to produce a greater amount of benefit, they were at perfect liberty to adopt it.

The antiquity of this sectional bickering had been enquired into, for what reason he was at a loss to perceive. We had been told that the sectional strife originated in 1746, and had continued ever since. Why then was the Convention called in 1776? Was it not to settle the grievances complained of in 1746? Why then was this ancient matter introduced? We have been told, sir, again & again, that the true form of Government is representation of property in the Senate and of persons in the House of Commons. Had this arrangement prevailed hitherto, under our old Constitution? If not, what is to be gained now by changing the system? He had heard of a proposition on the subject, which had been mentioned, plausible on the face of it, but the direct effect of which would be to strengthen the strong and diminish the energies of the weak. It was in substance this:

Taking it for granted that 120 would be adopted for the House of Commons, each county will be entitled, of course, to one member, and when any county has an excess, it is to be transferred to any adjoining county which has a larger surplus, to entitle it, if practicable, to an additional member. For instance: the counties of Orange and Rockingham, if 6,000 of federal numbers be agreed upon as the ratio, would be entitled, the first to 3 members with a surplus of 3,000, and the last to 2 members, with an excess of 2,500. But in point of practice, how would this rule work? Why Orange, having the largest excess, would take the surplus of Rockingham, and thus be entitled to 4 members, whilst Rockingham would have but 2. Again, in the Edenton District, composed of the counties of Camden, Pasquotank, Currituck, Chowan, Gates and Perquimons, a similar result is produced. Camden has a surplus of 700; Pasquotank 1,500; Currituck 900; Chowan 300; Gates 600; Perquimons 400; Here the effect would be to give Pasquotank ten members—thus allowing her the whole weight of all the excesses of the other counties—so that one individual in Pasquotank will have nearly twice the weight in the Legislature that one in Gates or Chowan has; he would say nothing of the small county of Perquimons which he represented. If the under-tone of this controversy between the East and West correctly, the constant burthen of their song had been, that population was not equally represented—that Pasquotank had twice as much weight as Burke, &c. Now was this a grievance or was it not? If it was a grievance then, is it not one now? What has transpired since January last, to diminish its objectionable features, or alter the principle so vehemently inveighed against by Western gentlemen? He for one, as a citizen of North Carolina, would say, that he was unwilling to deprive any portion of free men, of the right of representation, whether they were in the East or the West, the North or the South. If the great object of the West was to remedy this grievance, what have we gained by agitating the elements, if the same inequality is still to exist—not in the East or the West, but in every portion of the State? Will not such injustice excite the indignation of that portion of the community which is oppressed? Pasquotank, because possessing a little greater extent of territory, is to be a birth-right county, and is to be favored with a monopoly. Is it not within the discretion of this body, so to frame its amendments as to prevent collision and heart-burning? If this plan was adopted, as he remarked before, it would give strength to the strong, power to the mighty, and would shear the weak.

Much had been said in this body, and much would be said in the next Legislature, about the defects of the old system of representation. If a stranger had been present yesterday, and listened to the discussion which took place, he would have taken up the idea that North-Carolina was the poorest, most degraded State in the Union. The gentleman from Wilkes, (Gen. Wellborn,) it seems, sometimes goes abroad—perhaps to the great State of Tennessee—the State where such evidences of public improvements are to be seen—fine roads and flourishing canals—and when he gets across the line, he is almost ashamed to tell where he came from. He had never himself been to Tennessee—never enjoyed that exquisite pleasure—but he had been to Virginia, and if that State is in a more thriving condition than North-Carolina, the evidences of it are to be discovered. Range through any of the adjoining States, and if gentlemen are to be believed, North-Carolina possesses as much Commerce, and the general face of the country is as prosperous as that of her neighbors. In some favored sections of Virginia, perhaps, she excels North-Carolina, but take the whole face of the State, and the superiority is ours. If North-Carolina had declined however, it was perfectly obvious that it did not spring from any defects in our system of government, but resulted from our local situation. We have no sea-port to concentrate our wealth and enterprise—no large city to give tone to the State. Much has been said here about our Inlets; but no one can believe, that if we had the best inlet in the world, that we could, in the present state of things, build up a large Commercial town. No sir, the very approach to our coast, is attended with hazard.

In answer to the gentleman from Wilkes, who thought that if a Rail Road were constructed from the sea-board to the West, that the mountains would be converted into rich fields and blooming gardens, he would tell him that he would be sorely disappointed in his calculations. But he was really obliged to the gentleman for showing his hand. It turns out now, that the West want the power in their hands, not because Lincoln, Orange, &c. were unequally represented in the Legislature, but because they want to construct Rail Roads, Canals, &c. to give them an outlet to the ocean. But what benefit would accrue to the West, if they had an outlet? Very little sir, for nine-tenths of their land is exhausted,

and not worth cultivation, contrasted with hundreds and thousands of acres annually brought into market in the south-western States. None complain so much of the want of a market, he believed, as those who have little or nothing to carry to it. Gain is the principle which prompts men to action, and so long as these immense bodies of land are kept in the market, it is impossible to check the rapid tide of emigration which is depopulating the State.

He too, had a plan for settling this question, though it did not originate with him. Appropriate, as the Act requires, one member to each county; then suppose we adopt 100 as the number of members in the House of Commons, it will be found that the ratio is between 5 and 6,000, which will give to the East 46 members, and to the West 54 members: Under this plan, there were but three Eastern counties which would be entitled to two members, viz: Wake, Granville, and Halifax. The advantage of the plan is, that, after having appropriated the members agreeably to the ratio agreed on, the several excesses are to be thrown into a common mass, and the State is to be divided into 20 districts, each of which is to send a member. Of these districts, 12 will be in the West, and 8 in the East, so that the West will have its fair portion, whilst the East will get that to which it is entitled. In this way too, we shall get rid of the rivalry, inequality, jealousy and heart-burning, which will otherwise ensue. He had heard it said, though he did not subscribe to the doctrine, that the farther a Representative was removed from the people, the better he serves their true interests. These Districts therefore will afford members of a much higher grade of talent than those usually sent.

Mr. W. concluded by stating, that his object had been to show that the same inequality which is now complained of, would still continue to exist; and he expressed his determination never to vote for a system, the inevitable effect of which would be, to array the smaller counties against the larger ones.

Mr. Bryan remarked, that it was with much reluctance that he rose to obtrude himself upon the attention of the Committee, but matters had been introduced into this discussion, in which his constituents were intimately & deeply concerned, and he therefore felt himself bound to make a few remarks. In doing so, he should be brief, and with a single exception, should confine himself to the immediate subject under consideration.

Mr. B. said he had been sent here from an extreme Eastern county, whose representatives in the Legislature had generally voted with the West. Whether in so doing they had truly represented the views and feelings of the people of Carteret, it was not for him to say—that was the adoption of a course of conduct, for the willfully erroneous exercise of which, they were responsible to the people in their sovereign capacity; neither did it become him to question the purity of their motives, for he believed they were influenced by feelings of patriotism and a desire to promote the general welfare. It was sufficient that they had materially aided the West in bringing about this compromise. Whether the great body of his constituents were in favor of a Reform of the Constitution, or not, was a very different question—he believed that they were decidedly opposed to it—but a majority of those who voted in the State, had decided for a Convention, and they had acquiesced in the propriety of this Constitutional expression of opinion.

He wished to say a few words in regard to our Coast, which had been so frequently mentioned in this discussion, and about which the Convention seemed to be in the possession of so little information. The venerable gentleman from Warren (Mr. Macon) had expressed the opinion, that in consequence of Cape Hatteras, Cape Lookout, and the general character of our Seaboard, it was dangerous to approach our Coast, and that we had no Port whence our great agricultural productions could be shipped immediately to foreign countries, and that we had no hope from that source. Mr. B. said, the very great respect and authority, which opinions emanating from so high a source carried with them throughout the State, compelled him to hazard a correction of the errors into which that gentleman had been manifestly and unintentionally led. He resided at Beaufort, a town which by the salubrity of its atmosphere, the beauty of its harbor, and the excellence of its inlet, was not surpassed by any South of the Chesapeake. Old Topsail Inlet, which is the means of access from the Ocean to the harbor, affords an uniform depth of water of from twenty to twenty-two and a half feet, and opens to merchantmen of the largest class a bay of sufficient capacity and depth, where one thousand Ships heavily laden, may be safely anchored and handsomely landlocked, in perfect security from the influence of storms. Super-added to this, remarked Mr. B. of so much importance was this port deemed by the General Government, during the last war, in consequence of its easy access, and the perfect security which it afforded to our privateers, mercantile marine, &c.

that after that event, its attention was turned to its improvement and fortification; and that even now, a Fort of the second class, upon which had been expended upwards of half a million of dollars, commands the entrance of the harbor, that will be enabled to bring one hundred pieces of artillery to bear upon any blockading squadron that may be sent against it. Thus had nature and art both combined to give it importance and security. There is no county in the State whose resources are so little known, and whose importance is so little appreciated as Carteret. Its reputation of being poor, arose not from a want of internal resources, but from the fact, that the ocean, its rivers and the sounds, would, with the exercise of but little industry, yield a bountiful supply of the delicacies and luxuries of life, in consequence of which, there was not that persevering labor necessary for the acquisition of great wealth. Carteret possessed within its confines a body of land, not surpassed in fertility by any in this Union. He had heard this from the United States' Engineers, from distinguished Members on this floor, and from substantial Farmers at home. This county, in our Revolutionary struggle, contributed much aid and support in the achievement of our Independence, and during our late war, furnished many brave and gallant seamen. A late survey demonstrated the practicability of uniting the waters of Neuse River with Beaufort Harbor—an event which would make the port of Beaufort equal to any in the Southern States. If then the resources of the West and East are so great as had been described on this floor, they were not hermetically sealed within the narrow limits of North-Carolina—from this port, they could procure access to all parts of the world. He appealed to the gentleman from Buncombe (Gov. Swain) who had recently visited Beaufort, if in all his travels he had ever before seen a harbor of such capacity, so beautifully landlocked, and so secure from the effects of storms. These remarks he knew were beside the question, but as they had been dragged into this debate, and under a misconception too of the true situation of his own county and town, he felt it a duty he owed to his constituents, to impart correct information on the subject, and that in case the sceptre of power should depart from the East, and go to the West, his brethren in that quarter might know to what point in our State to carry into operation their enlarged and liberal views of policy with regard to Internal Improvements.

With these preliminary remarks, he would turn his attention to the subject under debate. He would premise, that he knew nothing of these sectional differences, of which so much had been said, and was ignorant where the line of demarcation between the East and West commenced—he did not know where the Rubicon ran. He regretted that it had been introduced into this Convention, like an apple of discord, to put to flight our unanimity of council—he would banish it forever, and meet on this floor as brethren, and would cheerfully join with the West, in the adoption of such measures as might tend to elevate the character of the State. He proffered his aid—his honest aid—to do this, whether the proposition came from the East or the West. He dissented from the proposition as laid down by the venerable President (Mr. Macon) that there was no necessity for concession of opinion, and that thereby a part of that which was correct might be lost; this in the abstract was true, but all Government was the offspring of compromise and concession. A spirit of concession was indispensable here, and although sometimes, there might be a concession of right, unfortunately, in matters of opinion, there was no tribunal to determine between right and wrong. If respectable authority was to be relied on, our present State Constitution, as well as that of the Federal Government, were obtained by concession and compromise. If we refer to the origin of all Governments—to a State of nature—we shall behold the strong yielding up a portion of his power and natural rights—submitting to be bound by the same ligaments, and acknowledging the same authority with the weak, in order that he may enjoy the beneficial influences of society and the wholesome exercise of salutary and happy laws. We must either resolve society into its original elements, and regulate every thing by brute force, or we must make concession. Mr. B. alluded to the plan under consideration as one of compromise. Each county, whatever its population might be, was to have a member, although the number of its inhabitants might not equal the ratio agreed upon. He totally disagreed with the gentleman last up, in his notion of taking the excess, or portion of the excess, of a large county, and giving it to the county deficient in number, in order to make it amount to the agreed number—this construction was a violation of the act. He believed that the future tranquility of the State depended on the harmonious action of this body. The basis mentioned, would not, he was certain, be satisfactory. The West might, and the East would object to it.

Like the unsanctified ministrations of

of from six to eight, and if from that latter number we deduct the majority of four which the East will have in the Senate, the result will be, that upon joint ballot, the West will have a majority of four.—He was for producing an equalization of power, and should give to this plan his hearty concurrence, if the West would agree to give to the East a Borough member from each of the towns of Edenton, Newbern and Wilmington. This adjustment of the political scales, would leave the balance of power in a fluctuating condition, and they might be caused to preponderate, on the one side or the other, as the high considerations of honor, honesty and integrity might dictate. He said that there was another branch of the proposition, which is said to emanate from that distinguished gentleman, to which, as the representative of a small county, he must beg, with due deference, to dissent. He could not consent to take the excesses of federal population from those counties containing the smallest excesses, and give them to those counties containing the largest excesses, and thereby enable the General Assembly the representatives of those excesses. This would work gross and manifest prejudice to the small counties, and he believed was a violation of the letter and spirit of the Act. [Here Mr. B. commented at large upon the construction to be given to the Act.] He would suggest to the Committee a plan, which seemed to him to obviate these difficulties and inequalities. Let the gross amount of all the excesses to which each county is entitled, after deducting the number of representatives which the established data may give them, be ascertained, and then divide the State into districts, composed of those counties that contain excesses, and let each county vote for the district member or members. His own county, and every small county, would not thereby lose the power and influence which its excess would thus entitle it to. A difficulty of precisely the same nature and character, was suggested by Mr. Jefferson, in his Notes on Virginia, as to the distribution of this inequality of power, and much of that difficulty was removed by a plan formed by Judge Tucker, and to which he begged leave to call the attention of the Committee. [Here Mr. B. read from Tucker's Blackstone, and commented at length upon the system of the distribution of powers, arising from the excess of population above the ratio contained in counties.] Mr. B. remarked that the same difficulties arose in the formation of the Constitution of the United States, as to the basis of representation, in the House of Representatives—there were small and large States—the former jealous of the latter, and the latter by no means disposed that the small States should be permitted to enjoy an equality of power. The effect of this produced a compromise, and resulted in the distribution of power, as laid down in the second and third articles of the Constitution, which Mr. B. explained and commented on. He remarked that here, if we shall ever agree upon an amended Constitution under this Act, we must make a compromise. The East is compelled under this Act, to surrender her power upon any apportionment of representation—the West contains a much larger federal population, and in yielding to this necessity, he was not disposed to produce an unnecessary excitement, or to array one portion of the House against the others for

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