

RALEIGH REGISTER

AND NORTH-CAROLINA GAZETTE.

"Ours are the plans of fair delightful peace unwarped by party rage, to live like brothers."

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STATE CONVENTION.

Debate on Borough Members. (Concluded.)

Mr. Kelly rose to say, that from the discussion which had taken place on the subject of Borough Representation, he had been convinced that the commercial interests of the State ought to be represented in the Legislature, as well as the agricultural and other interests, and should therefore vote in favor of admitting the towns mentioned in the Report now under consideration, to the privilege of sending a member.

Mr. Giles said, he should vote in favor of giving to each of the towns mentioned in the Report before the Convention, a member. The gentleman from New-Hanover had stated, that the elections heretofore held in Wilmington had been attended with bribery, corruption & great disorder. But, said Mr. G. these evils would not be removed by depriving the town of its member, since an election would still be held in the town for the County Members, and the voters would be the same. He thought it right that the Commercial interests of the country ought to be represented by gentlemen well acquainted with those interests, who would be able to support and explain them to the General Assembly.

Mr. Moore said, as he had long resided in one of these towns, and had sometimes had the honor of representing her in the State Legislature, he felt it his imperative duty to lay before the Convention such information on the subject before them, as was in his power. He was the more strongly impelled to do so, because he considered the decision of the question essentially important to the whole State.

The grounds, upon which a representation is claimed for these towns, are, that they have distinct commercial interests to guard and protect; such as were important not only to them, but to the whole State, but such as none but those conversant with commercial matters could rightly understand or properly guard. These separate interests consisted in the proper regulation of pilotage, inspection, quarantine, weights, banks, and bills of exchange. Of the importance of these several subjects, much had already been said, which it was unnecessary again to repeat. The laws regulating the disposition of wrecked property, was of very great commercial importance. It was the misfortune of all countries, to have scattered along their coasts, persons always ready to avail themselves of the misfortunes of others; and whenever a vessel was stranded, to appropriate to themselves whatever they could by stealth, or by fraud and combination. To protect such property, required regulations such as none but those conversant with the shipping interests, as well as the habits of these marauders, could provide.

But Borough Representation is objected to, because it will infringe the rule of representation by federal numbers and taxation, and will be assigning a Representative to certain individuals, without regard to wealth or numbers. It is spoken of, as giving an invidious privilege and distinction to certain Towns. This is not true in principle. Literally, Borough Representation does mean Town Representation—in principle, its meaning and effect is to give a Representative to certain localities, without regard to wealth or population. Is this a new principle? By no means. By our existing Constitution, our whole representation is based upon the Borough principle—assigning to each county (or locality) a fixed number of members, without regard to population or taxation. Cumberland, as a county, elects two members—Fayetteville, as a Borough, elects one.

We are not now called upon to abolish, but to modify this principle. In fact, we are expressly forbidden to abolish it. To each county of the State, however small, is reserved the right of sending one member to the House of Commons. In Brunswick County, and the other counties, (none in number) which fall below the ratio of representation, are entitled, on the principle of mere locality, to a Representative, on what principle can you exclude the commercial Towns?

Why is one member reserved to each county, however small? Because they have county interests to protect. The people of the county are taxed for County purposes, and it is right they should elect a member to guard their County interests and regulate the system of County taxation, and the nomination of magistrates; and likewise, because by a different rule, you make harsh innovations on the habits of the people. The same reasons apply with equal force to Borough Representation. The leading principle of our Revolution was that representation and taxation should be inseparable—at least so far, that without representation, there should be no taxation. The citizens of commercial towns are taxed in a three-fold view; as citizens of the State, of the County, and Town. The last tax is to be imposed by laws in which, as a town, they have no voice. Is not this an infringement of the principle that there should be no taxation without representation? This system of Police and taxation is indispensable, not only to the individual interests of the town, but to the general good of the whole State. Wilmington pays a town tax (exclusive of State and County taxes) equal to about \$40,000 a year, a very large portion of which is expended in the repairs of docks and the expenditures of Commerce, to protect the town merely, but the whole country from the introduction of contagion. But the gentleman from New-Hanover (Mr. Holmes) has told us, that notwithstanding all these important interests, the town of Wilmington does not wish for a Town Member. And to this conclusion he is brought, by the number of votes given for him at the town election ground; although he had publicly avowed his opposition to Borough Representation! The gentleman ought to remember, said Mr. G. that at an election in town, where the country people can vote, the result is no evidence of the sentiment of the town. The

country votes often give a different complexion to those of the town. The gentleman ought also to remember this question was not agitated on any extent, and that the election turned upon Jacksonism and Anti-Jacksonism—Convention and Anti-Convention. On these topics, the county was with him, and for these reasons, he received the country votes. But let the question be fairly put to the citizens of Wilmington, without bias or intrigue, and my life upon it, not 50 of the 250 town voters will refuse the boon—withstanding the corruption of these voters! notwithstanding they are penned like cattle to subservient corrupt purposes, as has been charged upon them.

On a former occasion, said Mr. M. I took occasion to remark that the Town of Wilmington had paid, in duties, to the Treasury of the United States, near \$100,000 per annum. This has been denied, and the gentleman from New-Hanover informs us, that by the last returns to the Treasury Department, the amount paid by Wilmington was less than one-fourth that sum. It is true, that the amount of duties paid last year was something less than \$24,000; but from a Table of Statistics which I hold in my hand, prepared by the late Arch'd D. Murphy (whose name is a voucher for its accuracy) it will appear that in 1816, North-Carolina paid, in duties to the U. States, more than \$287,000, and for several years preceding, largely upwards of \$300,000. I have not been able to turn to any document showing the amount of duties paid by N. Carolina from 1816, up to the last year. It is a well known fact, the Port of Wilmington pays four-fifths of the whole duties of the State. It is as well known that duties have greatly diminished since 1832. Sit, which before that period had, at different periods, paid from 10 to 25 cents per bushel, now pays only 5 cents; the duty on coffee is entirely taken off; the duty on molasses and sugar diminished one half. These were the articles on which the great amount of duty was paid prior to 1832, and this accounts for the diminution in the amount of duty now paid. Still the contribution is a considerable one and well deserving consideration.

It has been denied by the gentleman from New-Hanover, that the Town of Wilmington contributes \$1,700 of the \$2,700 taxes paid by the County of New-Hanover, as alleged by me on a former occasion. I will only refer to the Comptroller's Statement of the Public Taxes of New-Hanover County, for the year 1832, paid into the Treasury of the State. Take the same statement for any other year, and the proportion will be about the same. The taxes of New-Hanover for 1832 (including the Auction tax,) amounted to \$2,732

Of that sum, the Store tax was	\$940 00
Town Property tax	206 59
Tavern tax	109 04
Millard Table (in Wilm) do	477 00
Total,	\$1,725 63

Now, the above \$1,725 does not include that part of the Poll tax paid by the residents in Wilmington, which would be fully equal to any deduction from Store and Tavern tax paid by the county. For, out of the town, there are not more than half a dozen Stores in the county, and it is believed, not one Tavern which pays a tax, as such.

Mr. President, said Mr. M. the shipping, the commercial importance, and the advantages of the port of Wilmington, have been alluded to by some gentlemen on this floor, with sneers and contempt. On this subject, there is sneer and contempt prevalent in almost every part of even our own State. It verifies your observation, sir, that our trade is so scattered, the people of different sections of the State but rarely meet, and know but little of each other. About two years since, I, with others, had my attention particularly called to this subject. The following was the result of inquiry, about the accuracy of which there can exist no doubt.

It appears from an abstract of the Tonnage of the U. States, for the year 1831, furnished to Congress by the Treasury Department, that the registered and licensed Tonnage owned in Wilmington, was 9,179 Tons. That during the last quarter of the year 1832, and the first quarter of year 1833—

The American Tonnage entered in the port of Wilmington, from foreign Countries, was	10,337 tons
Foreign Tonnage entered for same period,	4,544 tons
American Tonnage cleared, during same period, for foreign countries,	14,981
Foreign do. do. do.	\$18,074 tons
	3,888
	21,962

The Coasting Tonnage employed during the same period was 50,000 tons. Making the total Tonnage employed from that place during these six months, equal to 86,943 tons. During the same period, there was shipped from Wilmington—

18 millions of Sawn Lumber,	
17 do. of Timber,	
3 do. of Staves,	
50 do. of Shingles,	
100,000 Barrels of Tar & Turpentine	
20,000 Bales of Cotton,	
10,000 Casks of Rice,	

Besides large quantities of Rough Rice, Flax Seed, Flour, Peas, Tobacco, Varnish, Pitch and Rosin.

These articles, valued at the home market and at the ordinary prices were worth more than 1,000,000 dollars.

It is an unquestionable fact, that Wilmington, from its location, furnishes a better opportunity of selecting West-India cargoes than any port in the United States. There is no other port in the Union furnishing so great a variety of products, sold at the home market by the power of Representation. Western members have complained that their large counties have had no greater Representation than small counties to the East. We have provided a remedy for this complaint. The general principle of representation in the House of Commons, as to the counties, shall, in future, be according to federal numbers. But in this Act an express exception is made even as to the county representation. You are not to carry this principle so far as to exclude the small counties from representation—none of these must be disfranchised. However small a county maybe, and however few its inhabitants, it shall be entitled to one member." And he would say, however anxious he was to see all parties reconciled, he could not have agreed to any proposition to amend the Constitution which had not recognized this modification. Why so? It may be asked. Because when a system has been established, and a certain portion of the citizens have been used

to act together, an esprit du corps is formed amongst them, which cannot be sundered but with violence. The Convention Act lays down no rule on the subject of Borough Representation. What is the situation of your towns? There are seven towns in the State which have been in the habit of sending each a Representative to the House of Commons. The inhabitants of these towns are as firmly attached to their habits of electing a member as the citizens of the small counties are to their custom of electing members. But time has produced changes in the circumstances of some of these towns; and some of them have declined in wealth and importance, and are willing to give up the privilege of sending a member in future. With respect to Representatives from these towns, we have a general authority to exclude them, in whole or in part. In doing this, we are to be governed by a sound discretion, and consider what course will best promote the public good. There is no rule laid down in respect to Town Representation. What rule does patriotism and a desire to promote the public good require? Does it require you to take the privilege from all these towns? Or that you make no more victims than is necessary. This is left to your discretion. And he would ask, on what principle the counties of Columbus, Washington and Macon are allowed each a member, that would not operate in favor of these towns?

Permit him to say, in behalf of the town with which he was best acquainted, they consider this privilege as invaluable. It has always been enjoyed by them. They had it before the Revolution; they say that the privilege has never been abused by them, and ask why it should be taken away? Because we have the power, shall we determine to exercise it? Will you do it, because their numbers do not quite entitle them to a member. Were you to act on this ground, you would have to disfranchise nine of your small counties. Do you take the right away, because the inhabitants of the town are not of sufficient consideration for morals, talents or property? Compare them with any portion of your community, and they would not fear the result. Is the Revenue paid by the citizens of this Town unworthy of your consideration? Does not the public good require that it should be represented? If it does, is the right to be refused, in order that the citizens may be kept in quarrelling amongst themselves? We would in answer say, that for 20 years there has been but one contested election. Divided as the citizens may have been on many subjects, they have had no difficulty in selecting a fit Representative. Shall we be refused a member, because we have a member from the county? We reply that a County member would not represent the interests of the Town. The citizens of the Town have separate interests; they have long been in the habit of acting together; they require laws in relation to their various interests. The Commerce of the State is in a languishing situation & ought to be encouraged and supported. Elizabeth City and Washington have been stated as in a flourishing condition as any of the towns enjoying the privilege of a member, but gentlemen ought to be aware that our powers do not extend to the granting of any new privilege; we can only retain, or abolish in whole or in part, the privileges already granted.

It had been said that Edenton is not of sufficient importance in a commercial point of view to be entitled to a member; but it had been complained that some of the counties in the East had been less favored than some of the Western counties in relation to the disposition of their fractional numbers. Giving a member to Edenton would, in some degree, make up for this difference.

Mr. Wilson of P. was decidedly opposed to the adoption of the P. port. He denied that it would be expedient to continue the privilege to the four Borough towns as proposed. He did not think any of them of sufficient importance to be thus favored. He examined the claims set up for the several towns mentioned in the Report, and asserted that the towns of Washington and Elizabeth City were as well entitled to the privilege of a distinct member as any of those which have so long enjoyed the privilege; and that those towns without the privilege allowed to the others, had risen in importance, whilst Edenton and most of the other towns had been on the decline.

The question on agreeing to the Report, was negatively voted and Nays (as heretofore given) 73 votes to 50.

On motion of Judge Gaston the question was then taken on allowing the privilege of a member to each of the towns of Newbern, Wilmington and Fayetteville, and negatively 73 votes to 47.

DEBATE
ON THE THIRTY-SECOND ARTICLE.
Friday, June 26th, 1835.

The Convention having resolved itself into Committee of the Whole, Mr. FISHER in the Chair, on the 32d Article in the Constitution.

Mr. EDWARDS said, he had bestowed some reflection on the subject, and it was due to himself, to his country, and to his Creator, to present the views which led to the conclusion to which he had come. The particular modification of the Article under consideration, which he should propose before he resumed his seat, might not perhaps be acceptable to the Convention; but he was free to say, a less concession to the liberty of conscience would not satisfy him.

Mr. E. said, if there was one subject, more than another, on which he desired that his views should not be misunderstood—or upon which he felt imperiously bound by the obligations of duty and a sense of accountability here and hereafter, to express his opinion, with becoming freedom—it was this. In private life, it had been his habit—indeed, he had prescribed it to himself as a law, to remain silent when Religious topics were discussed in his presence; because, while he claimed the right of exercising and enjoying his own opinion, he was unwilling to interfere with or become responsible for the opinions of others. His present situation demanded a different course. The amendment he should propose to incorporate into our Constitution was one which, in a spirit of liberalism that would reflect honor on our character as a State, proclaims universal toleration. Its object is,

to remove all disabilities existing on account of differences of opinion in matters of Religion, and conforms in principle to that golden rule—"Do unto others, as ye would, that they should do unto you."

Sir! why should a line of discrimination exist? Why retain in your fundamental law, a principle, which savours so strongly of persecution and bigotry? A principle, which proscribes for opinion's sake—uncitizenizing a portion of the community and denying them an equal participation in the benefits of free government?

Human institutions, said Mr. E., may torture the body—may subject it to the rack—but cannot enslave the mind or controul its action. No fetters can hold it bound—even the wretched victim at the stake cannot be debarred the high privilege of pouring out his fervent aspirations at the throne of mercy. Sir, this must and will be so, in despite of all human regulations. And why? Because He, who possesses the power of controlling alike the destinies of nations and of individuals, has proclaimed by unalterable laws, that the consciences of men shall not be controlled in matters which concern their eternal welfare. Man's belief cannot be commanded—the liberty of conscience is a natural right, inviolable and inalienable. No man, by his engagements with society, can surrender it, or absolve himself from the obligation to exercise it freely and without restraint, in the discharge of his duty to his God; much less, can Society exercise the power of disposing of him.

Sir, said Mr. E., we have proclaimed this truth in our Bill of Rights, in language so clear and explicit that "the who runs may read"—"That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience." Is the provision in the 32d Article consistent with this declaration? Is there not a palpable incongruity between the two? Does not the one give universal scope to the principles of toleration, and conform strictly to the natural rights of man; and does not the other limit and restrict the inestimable rights of conscience? It disfranchises one portion of your citizens on account of their Religious tenets—while it extends to all others the uninterrupted enjoyment of all the rights secured under our free institutions.

Mr. E. said, he was almost afraid to hear his own voice on this subject; but, in pursuing the examination, he would, from the respect due to the Convention, endeavor to subdue his feelings as much as possible. He was at a loss to conceive why this clause was ever introduced into the Constitution—he had searched in vain for the reasons—but it is there—and it is our duty to examine the influence it exercises on the great fundamental principles of Civil and Religious Liberty. He laid it down as an axiom, which every wise government, should keep steadily in view—that legal Religion and political Liberty are wholly incompatible. That to blend Religion and Politics, would have the effect to open the door wide to a union of Church and State—and that Governments, which all experience shows are apt to prove too strong for the people, would eagerly seize upon every pretext to strengthen the arm of power, by calling to their aid the influences which the timidity of some, and the fanaticism of others on the subject of Religion place too often within their reach. Thus, Sir, might be devised the most odious tyranny under which mankind ever groaned. Where will the dividing line terminate? If we exclude one sect to-day, what sect will the reckless spirit of proscription next assail? By and by, some other may become equally obnoxious on account of their particular mode of worship. Yes, Sir, once apply the pruning-knife—select a particular creed—sanctify it by a place in your organic law—denounce all who do not subscribe to it, and make those the peculiar objects of your favor who do, and my word for it, if ever the time shall come when the public mind shall be strongly excited, tossed almost into phrenzy, by the tricks of cunning zealots and heated fanatics, a disordered and distempered state of Society may ensue that will shake to its very foundation, if not overturn, the temple of liberty itself.

Sir, a system, based on the principle that the consciences of men and their faith in matters of religion shall become a affair of Government, cannot long be tolerated without a total enslavement of the citizen.

Let us not forget said Mr. E. that by retaining this article, we declare and establish, to a particular intent, one only faith, as the true faith, and not only denounce those who do not embrace it—but refuse to extend to them the privileges of our common country. We subject them to the burdens, and demand of them the duties incident to our institutions, while we deny them the privilege of participating in the rewards to which loyalty as citizens ought to entitle them. We proclaim that a particular faith shall be the price of office—that all who do not conform to it shall be punished by an exclusion from the honors, emoluments and distinctions which the humblest should be permitted to aspire to. The province of political assemblies, he had thought, was to regulate the intercourse between man

and man—and not between man and his maker.

The rights of conscience, continued Mr. E., those inestimable rights without which man would indeed be a poor and wretched creature, owe their origin to a source much higher than any earthly power—their kingdom is not of this world, and he who invades them usurps the prerogative of Deity. Those who whose may dare to become sponsors for the souls of men—for his part, he would not be so presumptuous—he could not, if he would.

In the final settlement of that dread account which all must sooner or later render, every one must answer for himself no government or individual will then be found to propitiate in his behalf. Let the truths of the Gospel be equally the property of all; attempt no shackles upon the mind, and you need fear nothing from error. Truth is the only fair antagonist of error, and the latter may be safely tolerated while the former is left free to combat it." But, Sir, if forgetting this sublime truth, we introduce into our organic law interdictions on account of religious opinions, we must fence them around, we must preserve them from violation, we must coerce obedience by pains and penalties—a resort then must be had to legislative enactments, and they, in time, may render ecclesiastical or spiritual courts indispensable—for who can be so well qualified to sit in judgment as those who teach the favored faith. He did not pretend to the spirit of prophecy, but he was grossly in error, should this career be once begun; if Bigotry and Fanaticism do not run riot, and if the most direful consequences do not result. Let the passions of men; enlisted on this subject, once get into your legislative halls, and no one can foresee the effects—for all know the uncontrollable properties of religious enthusiasm. The only true way to keep Religion and Politics apart was to confer no peculiar privileges on any one sect, but to extend equal protection to all. The surest way of blending them was to legitimate some sects and ban W. dixie others, and thus set an example, and which all but one might be finally pronounced as heretical.

Mr. E. said, all no doubt held in detestation hypocrisy in Politics and Religion—all were sensible that it was a policy to furnish incentives to its exercise. But shall we not promote it, leaving on our Statute book a gilded bait to ensnare the consciences of men? Shall such a blot be permitted to stain our escutcheon. "Lead us not into temptation" was the prayer of our Saviour. If we hold up the glittering pageantry of office to induce men to play the hypocrite are we not laying temptations before them? Are we not, by the seductive influence of earthly honors, alienating their affections from their Creator!

Mr. E. asked, if gentlemen were not aware that this spirit of persecution was already abroad in our land, and among our Churches—aye, even in the same Church? Do they not know, that among the members of one of the leading Churches, a division of opinion existed on a subject of deep and vital interest to this State and to the whole Southern country? Yes, sir—the question had been seriously agitated by one portion of this Church—residing north of a certain line—whether their brethren, members of the same Church, should not be excluded from the Communion Table on account of a peculiar description of property which they hold—thus tendering to them the alternative of separation or a surrender of rights guaranteed to them by the Constitution & laws of their country. Sir, we should not disguise the fact, that this great political question which threatens to shake to its very foundation the union of these States, has been gravely made a Religious one. Such are the fruits of a spirit of persecution and intolerance. Let us beware then, lest we afford encouragement to it, by countenancing any such principle by our State policy.

But he took bolder ground. He denied that it belonged to or became any earthly power, to impose shackles on the consciences of men. He denied that it could be required of them as a duty, to interfere with the relations between God and his own creatures. On this subject, he felt no responsibility to mere man; and should the impious attempt be made to despoil him of his rights in this respect, as much as he loved North-Carolina, he could never refer the votaries of freedom to her as an example worthy of imitation.

I repeat, said Mr. E. this is a question which my own inclinations would not have induced me to discuss, could I have passed it by consistently with the dictates of duty. Gentlemen say that this provision in the Constitution is without effect in its practical operation—that it is a dead letter, a mere *brutum fulmen*—and harmless. If this be true, it certainly does not become us—as a grave Assembly engaged in the important work of revising our fundamental law—of prescribing rules of conduct, not for to-day or to-morrow, but for all time I hope—to let it remain there as a false light to mislead and deceive our fellow-men. If it be ambiguous in its import, let us ascertain its meaning and render it so plain that all may at once understand it. But if, on the other hand,

to remove all disabilities existing on account of differences of opinion in matters of Religion, and conforms in principle to that golden rule—"Do unto others, as ye would, that they should do unto you."

Sir! why should a line of discrimination exist? Why retain in your fundamental law, a principle, which savours so strongly of persecution and bigotry? A principle, which proscribes for opinion's sake—uncitizenizing a portion of the community and denying them an equal participation in the benefits of free government?

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Sir, said Mr. E., we have proclaimed this truth in our Bill of Rights, in language so clear and explicit that "the who runs may read"—"That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience." Is the provision in the 32d Article consistent with this declaration? Is there not a palpable incongruity between the two? Does not the one give universal scope to the principles of toleration, and conform strictly to the natural rights of man; and does not the other limit and restrict the inestimable rights of conscience? It disfranchises one portion of your citizens on account of their Religious tenets—while it extends to all others the uninterrupted enjoyment of all the rights secured under our free institutions.

Mr. E. said, he was almost afraid to hear his own voice on this subject; but, in pursuing the examination, he would, from the respect due to the Convention, endeavor to subdue his feelings as much as possible. He was at a loss to conceive why this clause was ever introduced into the Constitution—he had searched in vain for the reasons—but it is there—and it is our duty to examine the influence it exercises on the great fundamental principles of Civil and Religious Liberty. He laid it down as an axiom, which every wise government, should keep steadily in view—that legal Religion and political Liberty are wholly incompatible. That to blend Religion and Politics, would have the effect to open the door wide to a union of Church and State—and that Governments, which all experience shows are apt to prove too strong for the people, would eagerly seize upon every pretext to strengthen the arm of power, by calling to their aid the influences which the timidity of some, and the fanaticism of others on the subject of Religion place too often within their reach. Thus, Sir, might be devised the most odious tyranny under which mankind ever groaned. Where will the dividing line terminate? If we exclude one sect to-day, what sect will the reckless spirit of proscription next assail? By and by, some other may become equally obnoxious on account of their particular mode of worship. Yes, Sir, once apply the pruning-knife—select a particular creed—sanctify it by a place in your organic law—denounce all who do not subscribe to it, and make those the peculiar objects of your favor who do, and my word for it, if ever the time shall come when the public mind shall be strongly excited, tossed almost into phrenzy, by the tricks of cunning zealots and heated fanatics, a disordered and distempered state of Society may ensue that will shake to its very foundation, if not overturn, the temple of liberty itself.

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The rights of conscience, continued Mr. E., those inestimable rights without which man would indeed be a poor and wretched creature, owe their origin to a source much higher than any earthly power—their kingdom is not of this world, and he who invades them usurps the prerogative of Deity. Those who whose may dare to become sponsors for the souls of men—for his part, he would not be so presumptuous—he could not, if he would.

In the final settlement of that dread account which all must sooner or later render, every one must answer for himself no government or individual will then be found to propitiate in his behalf. Let the truths of the Gospel be equally the property of all; attempt no shackles upon the mind, and you need fear nothing from error. Truth is the only fair antagonist of error, and the latter may be safely tolerated while the former is left free to combat it." But, Sir, if forgetting this sublime truth, we introduce into our organic law interdictions on account of religious opinions, we must fence them around, we must preserve them from violation, we must coerce obedience by pains and penalties—a resort then must be had to legislative enactments, and they, in time, may render ecclesiastical or spiritual courts indispensable—for who can be so well qualified to sit in judgment as those who teach the favored faith. He did not pretend to the spirit of prophecy, but he was grossly in error, should this career be once begun; if Bigotry and Fanaticism do not run riot, and if the most direful consequences do not result. Let the passions of men; enlisted on this subject, once get into your legislative halls, and no one can foresee the effects—for all know the uncontrollable properties of religious enthusiasm. The only true way to keep Religion and Politics apart was to confer no peculiar privileges on any one sect, but to extend equal protection to all. The surest way of blending them was to legitimate some sects and ban W. dixie others, and thus set an example, and which all but one might be finally pronounced as heretical.

Mr. E. said, all no doubt held in detestation hypocrisy in Politics and Religion—all were sensible that it was a policy to furnish incentives to its exercise. But shall we not promote it, leaving on our Statute book a gilded bait to ensnare the consciences of men? Shall such a blot be permitted to stain our escutcheon. "Lead us not into temptation" was the prayer of our Saviour. If we hold up the glittering pageantry of office to induce men to play the hypocrite are we not laying temptations before them? Are we not, by the seductive influence of earthly honors, alienating their affections from their Creator!

Mr. E. asked, if gentlemen were not aware that this spirit of persecution was already abroad in our land, and among our Churches—aye, even in the same Church? Do they not know, that among the members of one of the leading Churches, a division of opinion existed on a subject of deep and vital interest to this State and to the whole Southern country? Yes, sir—the question had been seriously agitated by one portion of this Church—residing north of a certain line—whether their brethren, members of the same Church, should not be excluded from the Communion Table on account of a peculiar description of property which they hold—thus tendering to them the alternative of separation or a surrender of rights guaranteed to them by the Constitution & laws of their country. Sir, we should not disguise the fact, that this great political question which threatens to shake to its very foundation the union of these States, has been gravely made a Religious one. Such are the fruits of a spirit of persecution and intolerance. Let us beware then, lest we afford encouragement to it, by countenancing any such principle by our State policy.

But he took bolder ground. He denied that it belonged to or became any earthly power, to impose shackles on the consciences of men. He denied that it could be required of them as a duty, to interfere with the relations between God and his own creatures. On this subject, he felt no responsibility to mere man; and should the impious attempt be made to despoil him of his rights in this respect, as much as he loved North-Carolina, he could never refer the votaries of freedom to her as an example worthy of imitation.

I repeat, said Mr. E. this is a question which my own inclinations would not have induced me to discuss, could I have passed it by consistently with the dictates of duty. Gentlemen say that this provision in the Constitution is without effect in its practical operation—that it is a dead letter, a mere *brutum fulmen*—and harmless. If this be true, it certainly does not become us—as a grave Assembly engaged in the important work of revising our fundamental law—of prescribing rules of conduct, not for to-day or to-morrow, but for all time I hope—to let it remain there as a false light to mislead and deceive our fellow-men. If it be ambiguous in its import, let us ascertain its meaning and render it so plain that all may at once understand it. But if, on the other hand,