

S P E E C H

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OF

GIDEON DRAPER CAMPDEN, OF HARRISON,

BEFORE THE

STATE CONVENTION OF VIRGINIA,

IN

COMMITTEE OF THE WHOLE,

ON THE

BASIS OF REPRESENTATION.

29th and 30th April, 1851.

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RICHMOND :  
WILLIAM CULLEY, PRINTER

THE STATE OF NEW YORK

IN SENATE

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REPORT OF THE

COMMISSIONERS

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FOR THE YEAR 1887

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Mr. CAMDEN. I owe my thanks to the gentleman from Ohio (Mr. KNOTE) for kindly yielding the floor to me this morning, and I am very much disposed to say, that if it is the desire of the committee at this time, to take the vote upon the pending question, I will not delay that vote.

SEVERAL MEMBERS. Go on.

Mr. CAMDEN. No member of the committee feels more than I do the responsibility devolved upon him as a member of this body, from the fact that I feel as incompetent as any member to discharge its duties. I have felt the importance of gathering information and knowledge from every quarter, and I am free to say that I have derived great advantage and much information from the able arguments which have been presented to the consideration of the committee by gentlemen upon both sides of the question. It is an important duty that we are about to discharge. It is conceded on all hands, that the fundamental law is inadequate to promote the prosperity and happiness of this people, and that it needs amendment. That duty is devolved upon us. We are not only to reform and modify, or rather to propose to the people to reform and modify the legislative department of the government, but the people expect that we will propose modifications in every department—legislative, executive and judicial.

The executive department of the government is to be reformed by the election of the chief magistrate of the commonwealth, by the qualified voters—by the abolition of the executive council, and by conforming it in other respects to the principles of free government. The judicial department is to undergo various changes by the election of Judges by the people, and by holding them more directly responsible to the community; and the legislative department also is not only to be changed and modified upon the great question of the basis of representation in both houses of the General Assembly, but it is to be altered in reference to other important matters; and provisions of a miscellaneous character are to be made, such as promoting education, extending the right of suffrage, &c. In the discharge of this high duty, we have the benefit of experience. We call to our aid the lights which have been shed by those who have preceded us. The age in which we live is one remarkable for improvement in every thing connected with the well being and happiness of man. With reference to the question under consideration, I deem it proper to state, that it is necessary, according to my humble conception, to look to all the important provisions of the constitution. My vote upon other questions of constitutional reform, may depend to some extent upon the adjustment of the question now pending before the committee. I regret as much as any member of the committee, the great difficulties we have to encounter in the adjustment of this question. I frankly say, that I came to this Convention with strong feelings and biases in reference to this matter; but experience has satisfied me of the necessity of calm and deliberate consideration, and to regard not merely my own immediate constituents, but to take an enlarged view of the entire interests of the commonwealth. I will say to my friends upon the other side of the question, if they will satisfy me that I am in error, and that the white or suffrage basis is not the proper basis to be adopted for representa-

tion in the General Assembly, I shall have the frankness to admit it, and I will either conform my course to such conviction, or return to those who have conferred it upon me, the important trust that I now hold from the hands of a kind and generous constituency. One great embarrassment in the adjustment of this question, is the haste and manner in which the Convention has been called. The gentleman from Fauquier, (Mr. SCOTT,) some weeks since, when we encountered some embarrassment in the progress of this discussion, made the declaration, that the fault was in the adjournment in October last, over to January. I say to that gentleman, that the error was in the premature call of this Convention. And I will state further that the manner in which this body has been called together, has tended very much to produce that high state of excitement in the West which gentlemen so much deprecate. We of the West, representing a majority of near 100,000 of the free white people of the State, find ourselves here with a majority of 17 against us. By adopting the principle of the mixed basis, it should be but 11. According to our views upon this question, instead of a majority of 17 from the East, there should be a majority of 11 from the West. When these facts are taken into consideration, is it to be wondered at, that the West is excited upon the subject? There being four from the East who are in favor of the white basis, leaving the East, in this view, a majority of only three, I would ask my friend from Fauquier, (Mr. SCOTT,) if he would desire to carry in this Convention a constitution that could not be adopted, were representation properly adjusted according to the principles upon which the Convention was called? I ask gentlemen's serious consideration to this fact. The course pursued by a portion of my constituents since the assembling of this body, has been frequently referred to; and I consider it my duty, as one of their humble representatives, to notice briefly the remarks made in reference to them. I take occasion to say, that no part of the commonwealth is more devoted to the interests of the State than the portion I, in part, represent. My constituents are a law-abiding, law-loving people. They send their resolutions here not as threats, but claim the right, as freemen, to send them for the government of their representatives, and to make known to this body their wishes and desires.

But candor requires me to say, that my constituents do feel deeply and intensely upon this subject. They are most firmly convinced, that by the adoption of the mixed basis, they would be degraded; and they feel that it is a duty incumbent upon them, to use all the means within their power to relieve themselves, and to prevent the degradation into which they are to be plunged, by the adoption of this principle. What is the proposition under consideration? In October, we raised a committee on the basis of representation, composed of twelve members East and twelve West of the Blue Ridge of mountains. That committee being unable to agree upon a report, the members from the East presented proposition A, as embracing their views. It is the pure mixed basis, giving to property and wealth equal political power with free white persons, and accompanied with an apportionment of representation in both houses of the General Assembly, showing its injustice without veil or covering. The members from the West presented B, as containing their views. The suffrage basis—that of equality—has been moved as a substitute for A, and the gentleman from Fauquier (Mr. SCOTT) has attempted to cover the enormity of proposition A, by his substitute. It is but a thin covering; disguise the mixed basis

as you may, its aristocratic and anti-republican feature will be seen by the most common observer.

In the remarks which I propose to offer to the consideration of the committee, it will be my purpose to show that the mixed basis, in any form in which it may be presented, is contrary to republican principles—is in direct violation of the great political truths laid down in the bill of rights, as understood by those who aided in its adoption; that we seek to give that instrument no new construction, but to carry out the principles it contains that have been recognized since the foundation of the government; that it is the slave interest of the State, although in a decided minority, that is seeking to perpetuate power in its own hands—power which that interest has long held, and which it has exercised prejudicially to the prosperity of the State, and inimically to the rights of the many; and that representation in the House of Representatives of the Congress of the United States, so much relied upon in argument, is entitled to no weight upon this question.

We now are forced to meet the question in this enlightened age, in this democratic republican commonwealth of ours, whether representation in the legislative department is to be apportioned according to the free white population, or is to be controlled and regulated by the property of the country. It is beyond doubt a contest for power between men and property. If we are defeated in this great struggle, the advocates of freedom and equality may well mourn and regret that in this renowned commonwealth, the spirit of free government has been checked, signally checked. Is it not remarkably strange that the advocates of the mixed basis, in argument before this honorable committee, state that they adhere to the bill of rights? Yes, even the gentleman from Fauquier, (Mr. SCOTT,) my friend from Albemarle, (Mr. SOUTHWELL,) and my friend from Loudoun, (Mr. JANNEY,) have said that they will stand by the principles of the bill of rights. The bill of rights, then, is to be looked upon as our political Bible, and if the mixed basis is not in accordance with its principles, I understand gentlemen yield the question; and if it is necessary to carry out the principles of the bill of rights, that the white or suffrage basis should be adopted, I infer from the remarks of gentlemen that they are willing to yield it.

Is it necessary that I should bring to the attention and consideration of this committee, all the great principles laid down in that chart of liberty? I shall not do so further than to refer to some of the first sections, as far as the sixth.

1. "That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community: of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration: and that, when any government shall be found inadequate or contrary to

these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter or abolish it, in such manner as shall be most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

5. That the legislative and executive powers of the State should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good."

How is this instrument to be construed? Are we to construe it as we expound all other documents or writings, by what appears upon its face, or are we to look at the acts of those who adopted it before and after its adoption? If we look to the instrument itself, and give it a common sense construction, can there be any doubt about the great principles that are contained in it? I propound the interrogatory to you, whether gentlemen themselves do not yield the question, when they concede that the constitution which shall be the work of our hands must be submitted to the sovereign power of the State, the voters, and that their will is to give it force or to defeat it? I put it to this committee, in reference to this all-important question, that by the admission that the majority of the voters of this commonwealth may adopt or reject the constitution, the construction of this instrument can be understood but in one way, that is: that a majority should have the right to alter or abolish their form of government, without being trammelled by the minority holding the governmental power. Now, what are we to understand by certain terms used in this instrument, the "community," "people," &c.? The ingenuity of gentlemen upon the other side has presented to our consideration various ways by which to avoid the force of the construction that I propose to give to this instrument. The gentleman from Pittsylvania (Mr. WHITTLE) has remarked that the sovereignty of the State is in every thinking human being; and I do not know what was intenced by the honorable gentleman from Mecklenburg, (Mr. GOODE,) when he spoke of the entire population of the State, including slaves. Whether it was the intention of my friend to include slaves, with a view to carry out the provisions of the bill of rights, I shall not pretend to say; but certain it is, that the gentleman from Pittsylvania, (Mr. WHITTLE,) did declare that the sovereignty of the State was in every thinking human being—of course the blacks as well as whites—the slaves as well as the free. Now, is this a correct



construction of that instrument? I put it to you, and every member of this committee, to say where the sovereignty of this great commonwealth resides? Does not the force of circumstances compel every one to admit, when there is a proper investigation of the matter, that the sovereignty of the State is in the voters? The idea that a portion of the sovereignty is in the slaves, is most remarkable. The sovereignty of the commonwealth in the slaves! Why, the supreme court of appeals of your State has decided that slaves who were emancipated are not entitled to their own hire pending a controversy for their freedom, for the reason that they have never been in the *status* of freedom. Tell me, and tell this honorable committee, that the sovereignty of the State is in slaves, when, if the slaves were emancipated, they could not receive their hire during a contest for their freedom! Now, in regard to the ladies and the children, they are placed in a very different situation: they constitute a portion of the citizens of the State because they are free—they are in the *status* of freedom; but for the purpose of carrying out the principles of government, the sovereignty is vested in the voter.

But we are told that the power of the State should be regulated and controlled by the majority of interests. Now, to take the argument as used upon the other side, what does it amount to? I understand that this majority of interests contemplated by gentlemen, has reference to persons and property. In the active affairs of the State, how can property act? This notion of a majority of interests is a novel one to me. If necessary for the argument, I should contend that the majority of the community does embrace the majority of interests. I ut suppose, in ascertaining what is meant by the provisions of the bill of rights, we look to what occurred before and what occurred after its adoption. In doing so, it is necessary to have a regard to dates. The committee that prepared this instrument was appointed on the 15th of May, 1776; it was adopted on the 17th of June, 1776. It will be seen, by reference to the resolution adopted by the Convention, that the committee was charged with the double purpose of drafting a bill of rights and a constitution or form of government. The committee reported to the Convention on the 24th June, 1776. The Convention resolved itself into a Committee of the Whole to take it into consideration upon the 27th of the same month and continued its sessions to the 28th, when it was adopted.— Now, it is contended by the other side, that the constitution adopted in 1776 is an exposition of the principles laid down in the bill of rights; and as the constitution adopted county representation as it then existed, it tends to show that those who framed the bill of rights did not contemplate that perfect equality that we contend for. Under the circumstances connected with the adoption of that instrument, it ought not to be so regarded. It should be recollected that when the committee was appointed to draft a bill of rights, the Convention also adopted a resolution instructing the delegates in the Colonial Congress, at Philadelphia, to propose a declaration of independence. There is a preamble to that constitution that is worthy of consideration. But my present purpose is to call the attention of the committee to the fact that the constitution of 1776, which gave to each county two delegates, was adopted in haste and without deliberation, and at that time was regarded as imperfect, and needing amendment in order to conform it to the free principles of the bill of rights.

In support of this view, I beg leave to read to the committee, a paragraph taken from Mr. Burke's History of Virginia, published in 1816, page 150. Referring to the organization of the Convention, its powers, and hasty action on the constitution, the historian says:

"The acknowledged defects of that constitution—defects which originated in novelty, in inexperience and haste, (for letters from distinguished members of the Convention, and other respectable characters of that day, at this very moment before us, prove that an ardent, and even zealous desire of creating a national government, prevented adequate discussion and maturity,) rather than the informality of its birth, require, if not a total change, at least, considerable amendments. And indeed, the mere circumstance of its being a problem whether Virginia has a constitution or not, is sufficient to induce the call of a Convention to establish genuine fundamentals of government."

Mr. Chairman, there can be no doubt of the fact, that the circumstances that surrounded the patriots of 1776, who adopted the constitution, prevented them from carrying out the great principles of equality that they espoused. That Convention was but an ordinary legislature, such as had existed in the colony for about two years preceding, when its colonial legislature was abrogated. It performed at the same time the ordinary business of legislation, and did not even submit the constitution to the people for their adoption. Every thing was done in haste, and intended merely for the emergency in which they were plunged.

It is my purpose to show, from the acts of those who participated in the great work of 1776, that political equality was intended, and, as far as practicable, carried out.

It might give us light to look at a resolution adopted at that time to district the State, for the purpose of electing senators. I will not take up the time of the committee by reading it; but it will be seen by reference to it, that equality of representation was looked to as much as possible under the circumstances. It is hardly necessary to remind this committee, that Patrick Henry, of revolutionary renown, was a member of the committee that prepared the bill of rights.

I beg the indulgence of the committee for a moment to bring to its attention some of the views of that great statesman with reference to that instrument, and particularly our mixed basis friends, who claim the right, by force of the governmental power they accidentally possess, to stifle the wishes of the majority of the people, and arbitrarily deprive them of the 'indubitable, unalienable and indefeasible right to reform, alter or abolish their form of government in such manner as shall be most conducive to the public weal.' He was, we know, also a member of the Convention of Virginia which ratified the constitution of the United States; and in a speech in that Convention, he took occasion to refer to the government of Virginia as founded upon the bill of rights, and he opposed the adoption of the constitution of the United States upon the ground, that by its provisions, the majority could not change it. He compared it with the government of the State of Virginia. He says:

"A trifling minority may reject the most salutary amendments. Is this an easy mode of securing the public liberty? It is, sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive government, for in many respects it may prove to be such. Is this the spirit of republicanism?"

"What, sir, is the genius of democracy? Let me read that clause of the bill of rights of Virginia which relates to this: 3d clause, 'That government is and ought to be instituted for the common benefit, protection, and security of the people, nation, or community: of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration, and that whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal. 'This, sir, is the language of democracy, that a majority of the community have a right to alter government when found to be oppressive.'"

Here, Mr. Chairman, is the opinion of one who aided in the adoption of the Bill of Rights. He tells the governmental majority, that in assuming the power to control the majority of the people, they violate the plain principles of the Bill of Rights. Yes, sir, in defiance of this high authority, they say to the majority of the community, thus far thou shall go and no farther in reforming the provisions of the constitution which is found to be defective. It is usurpation of the most oppressive character. The people—yes, a large majority of the people—have willed that the suffrage basis shall be adopted, but the governmental majority interposes its usurped power to prevent it, and will not heed the voice of Henry speaking from the tomb. Hear him again—continuing his remarks upon the provisions of the constitution of the United States, providing for its amendment. He says: "Will the great rights of the people be secured by this government? Suppose it should prove oppressive, how can it be altered? Our Bill of Rights declares that a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal. I have just proved that one tenth of the people of America, a most despicable minority, may prevent this reform or alteration. Suppose the people of Virginia should wish to alter their government, (meaning the government of the United States,) can a majority of them do it? No; because they are connected with other men, or, in other words, consolidated with other States. When the people of Virginia, at some future day, shall wish to alter their government, (United States government,) though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States. The founders of your own constitution made your government changeable; but the power of changing it is gone from you. Whither is it gone? It is placed in the same hands that hold the rights of twelve other States; and those who hold those rights, have right and power to keep them. *It is not the particular government of Virginia*; one of the leading features of that government is that a majority can alter it when necessary for the public good." Will not gentlemen yield after hearing this? Your great Henry tells you that the Bill of Rights secures to the majority of the people the right to change their Virginia government, but the minority—I will not say "despicable" minority—denies this right, and possessing the governmental power endeavors to prevent a change which all concede is desired by the majority of the people. Is it not a dangerous attitude for them to occupy?

Now, I ask the serious attention of gentlemen to the views of that great man, when considering that provision of the constitution of the United States, which prescribes the mode by which amendments shall be made.— When comparing it with our Bill of Rights, he denounced the provision of the constitution of the United States, because the minority could prevent the majority from altering and changing the form of government. He tells you that by the Bill of Rights, upon which the government of this State was founded, this right of the majority does exist; the right is vested in the majority to alter and change the existing form of government whenever that form of government is found to be unsuited for the purpose for which it was created. But sir, look to the views of other great men of that day. Look to the opinion entertained by the great Jefferson—the head of the republican church in this country. He prepared a constitution basing representation upon suffrage; but gentlemen say he gave to the governor the veto power. What if he did? How was representation affected by it? Does it in the slightest degree affect representation? The great question is, how is the community to be represented? How is the voice of the people to be heard in the legislative halls? How that voice may be controlled, and what restrictions may be placed upon it, does not in the slightest degree affect the principle. No, sir, our fathers of the revolution never intended that a principle so anti-republican as the mixed basis should ever prevail in this commonwealth. The past history of our government shows that the mixed basis was never intended to be fixed upon the people as a principle of representation in the legislature.

There has been some little controversy in reference to the senatorial districts that were formed in the year 1816. It was announced, I think with much propriety, by the friends of the suffrage basis, that these districts were formed according to the white population of 1810. I beg leave to introduce an item of testimony to that effect. It is known to this Committee that the Legislature which met in the Fall of 1828, organized the Convention of 1829-'30, composed of ninety-six members, four from each senatorial district. It has been stated upon this floor that the senatorial districts were not laid off according to the white population of 1810. After the bill passed the legislature to organize the Convention, the editor of the Enquirer, in his paper of the 12th February, 1829, makes this statement under the head of "Convention bill passed:"

"The west claimed the basis of 1820. The east that of 1810. The west said they yielded enough of their rights in not going for the free white population of 1820. The east said that they yielded some of their opinions and interests as regarded the counties, or slave population, by consenting to the census of 1810."

That law was published in the same paper, and reference was made to it again as follows: Says Mr. Ritchie, "It adopts the arrangement of the present senatorial law. The districts are laid off according to the free white population of the census of 1810." The gentlemen on the other side bring forward the statement of Mr. Tazewell made in the last Convention, for the purpose of showing that the senatorial districts were not so formed. In addition to the evidence heretofore brought to the notice of this committee, I present this item from the pen of the editor of the Enquirer, one who is well known to the committee. I take it that the statement made by the Enquirer at that time settles the question beyond doubt, beyond controversy. But look at the action of the legislature in 1815,

brought to the notice of the Committee by the worthy delegate from this city, (Mr. DAVIS, and see what the members of the House of Delegates at that time understood to be the true basis of representation in bodies representing the people of the commonwealth. That bill adopted the congressional districts allowing a member for every 5000 free white persons; and I would invite the attention of gentlemen representing, on this floor, Albemarle and other counties of this commonwealth, to the yeas and nays spread upon the journal upon the passage of that bill. I have endeavored to ascertain the cause of this change, and why it was that neighborhoods, counties and portions of the State that held to the great republican principle of equal representation, when it was their interest to do so, have since abandoned it.

I have heretofore stated in this Committee that it was my fortune to be a member of the House of Delegates that convened in December, 1828, and continued in session until 1829; and that the Convention bill, as passed by the House of Delegates, was based upon the free population of the State. My friend from Lancaster, (Mr. HALL,) was an associate of mine, and my friend from Lewis, (Mr. BLAND,) was my colleague at the time.— These gentlemen well know that the contest and struggle at that time was wholly different from what it is at present. The West and a portion of the East then contended that white population was the true basis of representation. Gentlemen of the East contended that a different basis should be adopted; some were for one basis and some for another; but in the discussion they were forced to admit that whatever a majority of the people of the State required should be done. The proposition to base representation in the Convention of 1829, upon the free white population of the State, was opposed by the East upon the ground that a majority of the people of the State did not desire it. A distinguished member of the House of Delegates from Westmoreland, (Mr. Newton,) advocated the basis of federal numbers, and contended that there was not sufficient evidence before the legislature to show that a majority of the people of the State preferred the basis of white population. I beg the indulgence of the Committee to read a portion of the remarks of Mr. Newton; and I do it for the especial benefit of gentlemen from his region of the country. I think my honorable friend on the right (Mr. BEALE) is from the same county, and he as well as some others of my friends from the same region seem to have enlisted against the majority principle. I was struck with the remark of my young friend from Essex, (Mr. M. R. H. GARNETT,) the other day, in denouncing the majority of numbers as abominable, as t, ranny in the worst form. It is a new doctrine to me, especially to come from democrats.— Why, in my county the democrats advocate and maintain that a majority should rule, and they endeavor sometimes to make the people believe that their opponents advocate a different principle. But, to the remarks of Mr. Newton—he says:

“I do not hesitate to pronounce that if the question was now submitted to the freeholders of the State, a decided majority would be opposed to the basis of free white population. What then becomes of the argument of the gentleman from Frederick, (Mr. MASON,) derived from the Bill of Rights. No man more highly venerates that sacred instrument than I do; no one yields to its principles a more implicit faith: I agree with the gentleman and with the Bill of Rights, that a majority of the community hath an indubitable, unalienable and indefeasible right to alter, reform or abolish the

government. But that majority must prescribe the terms upon which the government shall be altered, reformed or abolished. Has it done so? Has it told us that the basis of the Convention must be free white population? Would gentlemen have us to substitute our own arbitrary discretion for the known will of the majority? Sir, we are not usurpers. We are representing the interests, and pursuing, and not defeating, the wishes of the people."

What is contended for now? That the majority shall prescribe the terms upon which the constitution is to be altered? Not so. Our mixed basis friends contend that the minority is to prescribe the alteration that is to be made in the fundamental law of the land. How different is the course of argument of gentlemen of the east now from that of 1828-'29, when the West and a portion of the East were urging the adoption of the white basis in sending delegates to the Convention of 1829--'30. The voice of the East then was that the majority should prevail; that the voice of the people must be heeded; that that voice had not spoken in favor of the white basis; that whenever it was ascertained that the majority of the people wished to adopt any particular basis, it would be a usurpation of power by the legislature, or the body possessing the authority to withhold it. Now it is conceded that a large majority not only desire, but demand, the adoption of the white basis; but in defiance of the popular will the minority holding the governmental power, is using it to prevent the adoption of that principle.

I invite my friends to hearken to the views of Mr. Newton. They are sound, and cannot be controverted. Gentlemen upon this floor admit that they are standing here and advocating the mixed basis in opposition to the known will of the people of this Commonwealth. This open attack upon free principles should alarm us; we should take heed when we see gentlemen of talent, of ability, and of the highest standing in the community, coming into this Convention, which should represent the sovereignty of the State, and openly avow that they are acting in opposition to the known will of the majority of the people. In 1829 they would have been called usurpers. I leave it to gentlemen themselves to give its proper name.— Without further comments I will read extracts from the speeches of other eastern members of the legislature of 1828-'29.

Mr. Fitzhugh, of Fairfax, said—"However we may differ in relation to the wishes of the people, in specific points; however we may assert or deny that in declaring for a Convention, they contemplated either this or that particular change, we must all agree that when a majority of the Commonwealth united in pronouncing their present government 'inadequate and contrary to the purposes for which it was created,' they never could have intended to transfer to a minority of themselves, the power of prescribing the alterations to be effected."

Mr. Thomas M. Bailly, of Accomac, said—"He was in favor of the basis of county representation, graduated according to the white population."

Now, here is the proposition that was before that body at the time these remarks were made.

Let me state, however, before I proceed further, that the Committee of the Whole had reported a bill for the calling of the Convention, giving to each county a delegate, and this was a proposition to amend that bill. Mr. Gordon offered the following amendment:

"Be it declared that the several counties of the Commonwealth, whose

white population, by the census of 1820, was 8,000 free white persons, are entitled to an additional representative in Convention; that is to say, the counties of Monongalia, Ohio, Harrison, Washington, Berkeley, Jefferson, Hampshire, Rockbridge, Botetourt, Wythe, Norfolk, Halifax, Campbell, Franklin, Bedford, Accomac, Albemarle, Fauquier, and Culpeper; and the counties of Chesterfield, Buckingham, Montgomery, and Mecklenburg having within a small fraction of 8,000, shall also be entitled to an additional representative each; and that each county which had a white population of more than 8,000, is for every 4,000 free white persons over 8,000, entitled to one other representative—that is to say, the counties of Rockingham, Augusta, and Pittsylvania, to two additional, and the counties of Frederick, Shenandoah, and Loudoun, to three additional representatives each.”

This amendment was adopted in the house by a vote of 108 to 94. I see that the delegates from the counties of Accomac, Amherst, Buckingham, Campbell, Fairfax, Fauquier, Loudoun, Nelson, Henrico, and the city of Richmond, voted for it.

We have been told more than once that our friends of the Valley occupied the proud position of maintaining the suffrage basis from principle alone; and you, too, sir, (Mr. WHITE, of Loudoun, occupying the chair,) and one of your colleagues, (Mr. CARTER,) the gentleman from Accomac, (Mr. WISE) and the gentleman from Patrick (Mr. SWART) acted from that motive. Well, sir, it is a proud position for you to occupy. I should envy your position but for the fact that I once occupied that position myself. In 1829, when your large county of Loudoun had but an equal representation with the then small county of Lewis, represented by my friend from Lewis (Mr. BLAND) and myself in the Legislature, you appealed to us as a matter of justice that representation of the several counties should be regulated by their white population. What did my then colleague and myself do? Why, sir, we stripped our little county of power and transferred it to the large counties in the Valley, Piedmont, and other portions of the State, upon principle. By tracing the journals, you will see that my friend from Lewis, (Mr. BLAND,) then my colleague from that county, and myself, voted upon every question, not exactly as you vote here, from principle alone, without any interest to prompt you, but with direct interest against the course we were pursuing.

It is a proud position, Mr. Chairman, that you occupy here. I have been gratified, exceedingly gratified, by the course pursued by the Valley and a portion of the East. I have heard the able arguments and the eloquent remarks made by gentlemen upon this floor from the Valley, from Loudoun, and from Accomac, with great satisfaction. You will abandon your position, I have heard it said, because you have no interest to prompt you to adhere to it. I have no such fears, and apprehend nothing of the kind. You have everything to prompt you to a strict adherence to the position you have taken. You and your constituents stand before the world as high proof against the assertion made on this floor, that mankind, in regard to political affairs, are governed by interest alone. Instead of distrusting your fidelity, you and your valley and eastern associates shall be our captains to lead us on to victory, for triumph we must. Ours is a cause that cannot be defeated, although it may be delayed.

There was an attempt made in the Legislature of 1828-'29 to adopt

the mixed basis in the organization of the Convention. The proposition was offered by Mr. Rutherford, who then represented this city — But how different was it from the proposition now presented. Mr. Rutherford, as it will be seen by the journal, upon page 104, proposed to organize a Convention of 100 members. The white population of the State was then 603,081, and the taxation only 403,454. Put together the population and taxes, and you have 1,026,624. Mr. Rutherford was for making a dollar of the taxes equal to a free white person. How very different from the proposition now under consideration, which sinks a freeman to less than 50 cents. And, sir, I am happy to announce to the committee, that although that gentleman, Mr. Rutledge, felt it his duty to offer that proposition, that he himself was at that time in favor of the basis of free white population.

With your indulgence, and that of the committee, I will read an extract from his remarks :

“He had not only been in favor of a Convention, but had uniformly advocated its organization upon the most liberal principles. He had ever been of opinion that an equal apportionment of political power among the free white population of the Commonwealth was essential to the constitution of a pure democracy; and accordingly while a member of the late Staunton Convention, he had (as one of the delegates of the friends of reform) voted in favor of the extension of the right of suffrage, and of equal apportionment of representation, among the free white inhabitants of the State. Such were his opinions at that time, nor had he, as yet, seen any cause to change them. On the contrary, his observation, experience and reflection had tended to confirm his opinions, early imbibed and sanctioned by our bill of rights.”

Here, sir, is the opinion of one of the first citizens of Eastern Virginia, that our views of the principles of the bill of rights are correct, and that we are not now striving for power, for power's sake, but to establish a great republican principle.

How have things changed, Mr. Chairman? A member induced to propose the mixed basis in consequence of the requirement of his constituents! Even then it was supposed that property should be protected by having representation. But, sir, we are cheered by the fact, that the delegate presenting it was opposed to the odious principle. I say odious, because it cannot be otherwise than odious in the extreme to those who cherish equality and liberal principles. I have not made the calculation in reference to the mixed basis scheme of 1829; but we see at once that it would give to population about double the representation in the Convention that it proposed to give to wealth, or the taxes paid, which scheme bears a strong resemblance to the proposition offered by the gentleman from Henrico, (Mr. Borrs.) He stated that his proposition of a compromise would give to a white person about double the influence of a dollar of taxes. The mixed basis scheme now under consideration gives to a dollar double the force of a person. I understood from the remarks of the honorable gentleman from Henrico, (Mr. Borrs,) that by his plan a white person would be about equal to two dollars of taxes, giving to the white population of the State, a much larger representation in the legislative department than to that of taxation. Very many gentlemen upon the other side have placed much of their argument upon the provision of the constitution of the United



States that fixes representation in the House of Representatives upon free population and a portion of the slaves known as federal numbers, and they have attempted to sustain their proposition by the views of gentlemen who advocated that principle of representation in the Convention that formed the constitution of the United States, and by arguments in Congress when the articles of confederation were adopted. In order to come to a proper understanding of the force of the argument, I must be indulged in briefly tracing the history of that day, and when I do so; I shall feel authorized to say that but few of the patriots of the revolution contended for a principle so anti-republican as that of the mixed basis.

I maintain before this committee, that the principle of the suffrage basis is the principle of the revolution—it is the principle of the equality of sovereigns. The sovereignty of the State, for all practical purposes, is vested in the voters, and consequently every voter is a sovereign, and entitled to equal representation. Our fathers of the revolution acknowledged that principle. The declaration of independence, we all know, was adopted on 4th July 1776, and the articles of confederation were reported to Congress on the 12th of the same month, though they were not finally adopted until about 1781. You will find, by reference to the articles of confederation, that the suffrage of the States in Congress, organized by those articles, was equal, each State being entitled to one vote. And why? Because it was a confederation of sovereignties, each sovereignty, as I have stated, being equal. At that day any attempt, as now contended for, to discriminate between sovereigns, would have been denounced.

In the Convention that formed the constitution of the United States, that great compact or bond of union between sovereignties, it will be seen, by reference to the journals, that each State was entitled to but one vote. This suffrage basis was then recognized—this principle, that we now maintain, was admitted and adopted. We are enlightened by very short sketches of the debates that took place in the Congress that formed the articles of confederation, but have them more at large in the Convention that formed the constitution of the United States.

My friend from Pittsylvania, (Mr. TREDWAY,) who I was so unfortunate as to interrupt at the time he addressed the committee upon this subject, has referred to Adams, to Witherspoon, to Franklin, and others who were in the Congress that adopted the articles of confederation. He tells us that the question was upon the basis of representation in the Senate. In that, he has fallen into an error, because under the articles of confederation there was no Senate. He refers us to the following remarks of Dr. Franklin:

“He thought it very extraordinary language, to be told, by any State, that they would not confederate with us unless we let them dispose of our property.”

—and which are used before this committee as tending to support the mixed basis. I beg leave to call the attention of my friend from Pittsylvania to the remarks of Dr. Franklin in the Convention that framed the constitution, on the question of representation. He said, “I now think that the number of representatives should bear some proportion to the number of the represented.”

I shall not trouble the committee by calling its attention to other remarks of Mr. Witherspoon than those referred to by that gentleman, (Mr.

TREDWAY.) It will be seen, however, by reference to them that he spoke of the sovereignty of the States, and maintained that the States were sovereign until they parted with their sovereignty. And by the constitution of the United States, a portion of that sovereignty was parted with, and hence the change of representation in the Congress of the United States. The gentleman called our attention to the following remarks of Mr. Adams:

"That reason, justice and equity never had weight enough on the face of the earth to govern in the counsels of men. It is interest alone which does it, and it is interest alone which can be trusted. Therefore, the interest within doors should be a mathematical representative of the interest without doors. A has £50, B £500, C £1 000 in partnership. Is it just that they should equally dispose of the money of the partnership?"

In these remarks we have almost the entire argument upon the other side. They were, as you know, made in the Congress that formed the compact or articles of confederation between purely sovereign States.

It seems our friends upon the other side get their whole argument from Mr. Adams. They not only adopt it in substance, but word for word. I will read another paragraph from the same speech:

"The confederation is to make us one individual only; it is to fuse us, like separate parcels of metal, into one common mass."

I was astonished at my democratic friend from Pittsylvania making this reference to the remarks of Mr. Adams. Here is consolidation for you to your heart's content. And it is referred to by States' rights democrats!

But if our friends upon the other side have the right to refer to the views of members of Congress to sustain their position here, have we not the same right to refer to the views of other distinguished members to sustain ours? I beg to call the attention of the committee to what was said by Dr. Rush, when speaking of representation in Congress under the articles of confederation. He said, "Why is it not equally necessary there should be an equal representation there? Were it possible to collect the whole body of the people together, they would determine the questions submitted to them by that majority. Why should not the same majority decide, when voting here by their representatives?"

Now, here is the argument of the suffrage basis. We say that this matter of representation is intended merely to speak as the people would speak, were they personally present. And Dr. Rush, in that Congress, proclaimed that that was the true principle. And it is the true principle, and the only principle which can last. Representation is adopted merely from necessity, and it is intended that the voice of the people should be spoken through their representatives; and any attempt to restrict that voice, either by constitutional provisions or otherwise, is an usurpation and an infringement upon their rights. But we have the opinion of another member of that body. Mr. Wilson said, "That taxation should be in proportion to wealth, but that representation should accord with the number of freemen. That government is a collection of the results of the wills of all. That if any government could speak the will of all, it would be perfect; and that so far as it departs from this, it becomes imperfect."

Could words be more plain? Could correct principles be more clearly and explicitly laid down? How different from the declarations of those

who endeavor here to sustain the usurped powers of the governmental majority

By the provisions of the articles of confederation, the suffrage or representation of each State in Congress was equal. The taxes for the support of the government thus organized were to be levied upon lands. An effort was made to base the contribution upon population. Some desired to have those contributions upon the whole population, slaves as well as free whites. Hear what Mr. Chase, of Maryland, said on the subject: "That negroes in fact should not be considered as members of the State, more than cattle, and that they have no more interest in it." We have the views of gentlemen representing the slave interest at that time. They place this species of property in its proper condition. How does that accord with the remark of the gentleman from Pittsylvania, (Mr. WHITTLE,) that a portion of the sovereignty is in the slaves? Mr. Chase, at that early day, told you that negroes were property, nothing more than cattle or horses; as such we concede that they are to be protected, but not represented. The worthy gentleman from Pittsylvania, (Mr. TREDWAY,) refers us to the remarks of Mr. Hamilton. Now, sir, in my country, it almost runs a democrat mad to name Hamilton; and the whigs I believe—many of us—do not have much confidence in his opinions. He read these remarks of Mr. Hamilton: "It has been said that if the smaller States renounced their equality, they renounced at the same time their liberty. The truth is, it is a contest for power, and not for liberty. Will the men composing the smaller States be less free than those composing the larger? The State of Delaware, having 40,000 souls, will lose power, for she has one-tenth only of the voters of Pennsylvania, which has 400,000 inhabitants; but will the people of Delaware be less free if each citizen has an equal vote with each citizen of Pennsylvania?" But I beg leave to refer my friend to Mr. Hamilton's views upon the question of representation. Mr. Hamilton, in the Convention that formed the constitution of the United States, moved this amendment to a resolution on the subject of representation: "That the right of suffrage in the national Legislature ought to be proportioned to the number of free inhabitants."

Hard pressed, as my friend and his associates are, to sustain the powers of the governmental majority, I freely excuse him for not referring to the views of Mr. Hamilton that I have just read. The gentlemen upon the other side are welcome to all that they can make out of the remarks of Mr. Hamilton that the gentleman from Pittsylvania has read to this committee. His remarks that I have read are direct to the question of representation, and sustain our views. His opinions, however, with me have but little weight, and I am willing to hand them over to gentlemen to make the most of them. I will admit that Mr. Hamilton was a patriot, loved his country, and desired to see its government established upon what he conceived to be correct principles, but his notions were too extreme for me. Look at the plan which he presented to the Convention for organizing the government of the United States. I shall not trouble the committee by reading it, but only refer to some of its prominent features. He proposed a Senate for life, or good behavior, to have the sole power of declaring war; a President for life—the President to appoint the Governors of the States—the Governors of the States to have a veto upon the laws of the States—the President to have an absolute veto on the laws passed by Congress, and the entire direction of war when authorized or begun. I put it to gentlemen even if Mr. Hamilton had proposed representation according to the mixed basis as advocated by them now, whether it would be regarded as

much authority in this body, or to much consideration at this enlightened day?

Mr. Madison has been frequently referred to on this question, in connection with the formation of the constitution of the United States. If the committee will bear with me for a moment, I think I shall be enabled to satisfy every mind that Mr. Madison at that time, was of the opinion that the free white population or the suffrage basis was the true one to be adopted for the government of the States. Mr. Patterson, in the Convention which formed that constitution, said, "Has a man in Virginia a number of votes in proportion to the number of his slaves? And if negroes are not represented in the States to which they belong, why should they be represented in the general government? What is the true principle of representation? It is an expedient by which an assembly of certain individuals, chosen by the people, is substituted in place of the inconvenient meeting of the people themselves. If such a meeting of the people was actually to take place, would the slaves vote? They would not. Why then should they be represented? Mr. Madison reminded Mr. Patterson, that his doctrine of representation, which was in its principle the genuine one, must forever silence the pretensions of the small States to an equality of votes with the large ones. They ought to vote in the same proportion in which their citizens would do, if the people of all the States were collectively met." The committee will recollect that in the formation of the constitution of the United States, the most difficult question was that of the suffrage of the States in the Congress. The small States claimed that among sovereigns there should be equality of suffrage; the large States contended the States parted with a portion of their sovereignty, and that that rule did not apply. We all know that the vexed question was compromised by giving to the States equal suffrage in the Senate, and representation in the House of Representatives upon federal numbers. We see that whilst Mr. Madison was compelled to admit that Mr. Patterson's doctrine of representation was correct, he seized upon the remarks of Mr. Patterson to refute the pretensions of the small States in claiming equal representation in both branches of the national Legislature.

Now, what are we to understand from the remarks of Mr. Madison? Could he have been more direct and plain-spoken upon the question of representation? He says that the views of Mr. Patterson are correct, and that the States ought to vote in the same proportion as their citizens would vote if the people of the States were collectively met. And yet, notwithstanding this, Mr. Madison is used as authority, by gentlemen upon the other side, to sustain the mixed basis principle! But, sir, I have not done with Mr. Madison upon this subject. I will show this committee that he repeated the same remarks some time afterwards. He says, still, speaking upon the question of representation, "It had been very properly observed by Mr. Patterson that representation was an expedient by which the meeting of the people themselves was rendered unnecessary, and that the representatives ought therefore to bear a proportion to the votes which their constituents, if convened, would respectively have."

Here we have a second declaration upon the subject: Mr. Madison admitting and conceding, that the principle for which we contend is the true principle. The gentlemen from Richmond (Mr. LYONS and Mr. STANARD) also endeavored to sustain their positions by referring to what was said in the Convention to form the constitution of the United States. The last gentleman who addressed the committee referred to Mr. Sherman. I will read an extract from Mr. Sherman's views upon this subject. I was

astonished at the reference the gentleman made—(2d Madison papers)—“Mr. Sherman proposed that the proportion of suffrage in the first branch should be according to the respective numbers of free inhabitants; and that in the second branch, each State should have one vote and no more.”

I assume the position before this committee that the provisions of the constitution of the United States have no just bearing upon the proposition now under consideration. It was a compromise and adjustment by sovereign States, of concessions upon the one hand and concessions upon the other. I maintain from the course of argument in that body—that enlightened body at that patriotic period of our political existence—that the great men of that day advocated the principles which we here advocate in this year 1851. Take all the debates in that body—take the history of the Commonwealth of Virginia upon the subject of representation, and the argument is overwhelming in favor of the position we occupy upon this floor.

This is the first time that it has become necessary for this governmental majority to assume the bold ground it now assumes, of retaining the power in the hands of the minority. In former contests, the question could be waived and the power retained. The question is now to be directly met, whether this great principle is to be prostrated, or the power of this governmental majority, held by the eastern portion of this Commonwealth, is to be surrendered. That is the question we are to determine, and that is the question to which the attention of the Commonwealth is now called; and not only this Commonwealth, but all who love equality. It involves a great principle—a principle that should never be yielded, for it is liberty itself. I was astonished when I referred to the fact that the articles of confederation, which were changed, I think by Congress in 1783, retained the suffrage basis and adopted federal numbers as the rule of contribution, and that every member from Virginia voted for it. In reply to the argument that has been urged over and over again, attempted to be drawn from the provisions of the constitution of the United States in reference to representation, and to show how wholly different that constitution is in its nature and object from the constitution intended for the government of a single State, I ask the indulgence of the committee while I read some remarks made by Mr. Madison in the Convention of this State that ratified the constitution of the United States. He said: “Give me leave to say something of the nature of the government, and to show that it is safe and just to vest it with the power of taxation. There are a number of opinions; but the principle question is, whether it be a federal or consolidated government. In order to judge properly of the question before us, we must consider it minutely in all its principal parts. I conceive myself that it is of a mixed nature; it is in a manner unprecedented; we cannot find one express example in the experience of the world. It stands by itself. In some respects it is a government of a federal nature; in others it is of a consolidated nature. Even if we attend to the manner in which the constitution is investigated, ratified and made the act of the people of America, I can say, notwithstanding what the honorable gentleman has alleged, that this government is not completely consolidated, nor is it entirely federal. Who are parties to it? The people—but not the people as composing one great body, but the people as composing thirteen sovereignties. Were it as the gentleman asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment; and as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it; were it

such a government as, it is suggested, it would be now binding on the people of this State, without having had the privilege of deliberating upon it; but, sir, no State is bound by it, as it is, without its own consent. Should all the States adopt it, it will be then a government established by the thirteen States of America; not through the intervention of the Legislature, but by the people at large. In this particular respect, the distinction between the existing and proposed governments is very material. The existing system has been derived from the dependent derivative authority of the Legislatures of the States, whereas this is derived from the superior power of the people. If we look at the manner in which alterations are to be made in it, the same idea is in some degree attended to. By the new system, a majority of the States cannot introduce amendments; nor are all the States required for that purpose; three-fourths of them must concur in alterations: in this there is a departure from the federal idea. The members of the national House of Representatives are to be chosen by the people at large, in proportion to the numbers in the respective districts. When we come to the Senate, its members are elected by the States in their political capacity; but had the government been completely consolidated, the Senate would have been chosen by the people in their individual capacity, in the same manner as the members of the other house. Thus it is of a complicated nature and this complication, I trust, will be found to exclude the evils of absolute consolidation, as well as of a new confederacy. If Virginia was separated from all the States, her power and authority would extend to all cases: in like manner were all powers vested in the general government, it would be a consolidated government; but the powers of the federal government are enumerated; it can only operate in certain cases; it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction."

Here we have the true character of the federal government, given by one of all others who best understood it, and he tells you that there had been no other government like that. It was a government of itself, although there had been in existence for many years governments of the several States of the confederacy, and among them our constitution adopted in 1776, and under which the affairs of the State had been carried on to 1778, the time that these remarks were made. I regard this reference by honorable members to the constitution of the United States as entirely foreign to the question now under consideration. The gentleman from Pittsylvania, (Mr. TREDWAY,) referred to a portion of the declaration of independence and the constitution of the federal government. We know that the declaration of independence was adopted in 1776, and that the constitution was formed in 1787, more than ten years after the adoption of the declaration; and it should also be borne in mind that the declaration of independence was intended to assert the rights of the States as independent sovereignties. There being no confederation at the time of the adoption of the declaration of independence, State sovereignties existed in their separate capacities only.

Then this portion of the argument is out of the question. Does it not present the question, on the part of gentlemen who advocate the mixed basis, as holding on to power, disregarding the great principles of the bill of rights? They find it necessary, in order to retain the power, to adopt some rule by which it will remain where it is. Instead of resorting directly to the slaves, for the purpose of keeping out of view that interest, and retaining the power in the hands of those that hold that interest

and thereby control the affairs of the State, they adopt the principle of population and taxation combined. It was said by the gentleman from Pittsylvania, (Mr. WHITTLE,) and it was conceded by eastern gentlemen in the last Convention, that *prima facie* the white population was the true basis of representation, but that circumstances might make it necessary that that principle should be departed from. Let us see if there is anything in the condition of the State that requires a departure from that great principle. What are the great interests of the State? I beg leave to call the attention of the committee to what I conceive to be among the great interests of the Commonwealth. I look to the landed interest as one of those great interests. I find by reference to the tables that the Tide-water portion of the Commonwealth has 6,178,716 acres of land, valued with the improvements upon it, at \$49,614,282. Its town lots and buildings are valued now at \$28,350,292; the aggregate value of land and lots is \$77,964,574, paying an annual tax of \$91,370, valued in 1819 at \$71,496,997; increase in twenty-one years but \$6,467,577. The Piedmont country has 9,945,362 acres of land, valued now at \$73,286,115. The town lots, including the buildings, are valued at \$4,500,361, making an aggregate value of \$77,786,476, valued in 1819 at \$78,165,919; decrease in twenty one years, \$389,443, paying now a tax of \$81,018; and making aggregate of tax upon land east of the Blue Ridge of \$172,388. The Valley has 6,527,368 acres of land, now valued at \$53,125,657; town lots at 4,290,589, making an aggregate of 57,416,246, valued in 1819 at \$41,173,312; increase in twenty-one years \$16,242,734, paying a tax of \$59,346. Trans-Alleghany has 26,144,341 acres of land, now valued at \$55,739,994; town lots \$5,772,934; making an aggregate of \$61,512,928, valued in 1819 at \$16,057,978; increase in 21 years, \$44,454,950! paying a tax of \$65,324; making an aggregate of \$124,660 of taxes paid west of the Blue Ridge upon land; showing a difference of \$58,728 between the east and west in taxes on land; a small amount, which a few years will cancel, for the lands in the Trans-Alleghany, at the same rate of increase in thirty years, will amount to \$225,000,000. The free white population of the entire east is \$402,771; increase since the census of 1840, nine per cent. The entire West has a population of 494,763; increase since the census of 1840 of 33 per cent. The slave population in the east is 412,728; in the west it is 63,224; making a difference of 349,504.

The whole amount of taxes paid in the East is \$366,236; in the west 204,256, making a difference of \$161,980; the increase in the East since the last assessment has been 36, and in the west 56 per centum.

I find by the tables furnished that there are, in the Commonwealth, 72,976 poor children, of which but 31,655 have been sent to school, leaving 41,321 uneducated; and presenting to the mind the deplorable fact that in this great Commonwealth of Virginia, the mother of States and of Statesmen, there are, under the operation of this governmental majority, more than 41,000 children growing up in utter ignorance. We know what the census tells us with reference to the number over twenty years of age who cannot read and write—only 79,294!!! The neglect of the education of the children shows how that result has been brought about.

I wish to call the attention of the committee in this connection, while looking at the condition of the Commonwealth, to the amount of expenditures under appropriations made by the legislature for works of internal improvement. I do so from the fact that we have been told over and over again, that the west has plundered, and desires to plunder, the eastern por-

tion of the Commonwealth, in the form of appropriations for works of internal improvement. It will be seen by the tables upon this subject, that there has been expended east of the Blue Ridge of mountains, \$9,405,394 18; west of the Blue Ridge, \$4,172,581; making a difference between the east and west of \$5,232,813 18. Now, we have been told that the eastern portion of the Commonwealth pays all the taxes, and that the great effort is on the part of the west to control the tax-laying and appropriating power with a view of making large appropriations in the west prejudicial to the interests of the east. It is true that the east pays the larger portion of the taxes of the State; but it is certain that they have appropriated to themselves much the larger proportion of these taxes—their full share.

What is the annual amount of taxes paid by the east?—\$366,236. This excess, \$5,172,581, of appropriation in favor of the east over that of the west, would exhaust almost the entire amount of the tax paid by the east. But, sir, take all the appropriations made in the east, \$9,405,394, and the interest upon that sum is \$564,323 65—almost double the amount of taxes paid annually by the eastern portion of the Commonwealth.

How is it with the west—with an expenditure of \$4,172,581, the interest on which is \$240,334 86? The taxes, \$204,256—showing that their taxes are nearly equal to the whole amount of the interest upon the expenditure. So this outcry against the west, of plundering and appropriating the money of the east, is without foundation. Now, I admit it is proper, in the formation of a constitution of a State, to look to all the interests of that State, and so to frame the provisions of that instrument that every interest may be protected and secured; but I do not admit that it is necessary, in order to protect the various interests of the Commonwealth, that property should be an element of representation. I concede frankly, and I do it without hesitation, that it is the interest and duty of every well regulated government, to provide amply for the protection and security of property; but I must and do protest against the necessity, in order that property should be properly protected, that it should form an element of representation. I take the views of Mr. Madison upon that subject—that representation is an expedient by which the voice of the people is brought into the legislative hall. Each representative should represent an equal number of people of the Commonwealth. Whenever you depart from that great principle, you are perfectly out at sea. Adopt this principle, and you have well-defined landmarks to govern your action; but the very moment you depart from it, you are perfectly without rule or guide; you may adopt one rule at one time, and another rule at another time—it may be changed or modified to suit the interest or caprice of the party in power. A great principle is gained by adopting the suffrage basis.

What do these statistics show us? A majority of something like 100,000 free white people west of the Blue Ridge. They show that the population and wealth are all increasing rapidly in that section of the State, and stationary in the east. These statistics show that for a series of thirty years the lands east of the Blue Ridge have not increased one dollar in value, while the lands in the west have increased more than five-fold. The population of the east increases at a slow pace. The population of the west increases rapidly. The fact cannot be doubted that the west is rapidly increasing in population and wealth. Under these circumstances, I ask you Mr. Chairman, what kind of legislative action is required for that portion of the Commonwealth? Does it not require active, vigorous, enterprising, energetic measures? And what is required for that portion sir,



that is stationary? It is merely security to property! I repeat, it is merely security to property. The proposition now under consideration is to place the legislative power in the hands of the minority of the people, who are the stationary portion of the community—stationary with regard to improvements, population, enterprise, wealth and, worse than all, mental improvement. Now, cast your eye to the far west. Look at the difficulties that country had to encounter. In its early settlement the pioneers had to conquer the Indian savage. They have since had to conquer a most miserable system of disposing of the public domain. Notwithstanding this, they have advanced with almost the stride of a giant, and at last they are about to conquer this governmental majority. What would your State be without the west? What was the condition of this State seventy years ago? The first among her sisters. Where is she now? Where will she be twenty years hence, unless she is stimulated by some new power to give her life and energy and new action? Where would she be but for the energy and enterprise of the west? My friend from Accomac (Mr. WISE) can answer that question better than I can. He would say "dwarfed;" but there is no doubt that, instead of standing where she ought to stand, the first among her sisters, she has retrograded comparatively by this miserable policy of stifling the energies of her people.

In consequence of the strong effort that is being made to retain in the hands of the slaveholders the legislative power, I have directed my attention to the condition of the slaveholding portion of the State. I have taken the twenty-two counties having the largest slave population over that of the white; I find that in them the white population is 67,435, and the slave population is 97,935; making an excess of 30,500 of slaves over the white population. That since the last census these counties have increased in population but 777, and decreased 4,903. These counties have 5,854 white persons over twenty years of age who cannot read and write. In many of these counties a most deplorable state of ignorance exists. There is in the entire State about 1 in 12½ over 20 years of age that cannot read and write, but in these slave counties there is about 1 in 11½ of that unfortunate class. The 22 counties alluded to are Caroline, Essex, Greensville, Gloucester, Charles City, Hanover, James City, King George, King and Queen, King William, Lancaster, Middlesex, New Kent, Northumberland, Northampton, Prince George, Spottsylvania, Surry, Sussex, Warwick, Westmoreland and York. In most of these counties the lands have continued to decrease in value for the last thirty years.

Let me ask the indulgence of the committee to give the number of free whites, and the increase or decrease since 1840, the number that are over twenty years of age in some of these counties who cannot read and write, and the value of their lands in 1830, 1840 and 1850. Essex, white population 3,072, decrease 883, cannot read and write 400, or one in seven; average value of lands per acre in 1830, \$8 45, in 1840, \$9 08, in 1850, \$9 57. Greensville, white population, 1,725, decrease 203, cannot read and write 183, or one in nine; average value of lands per acre in 1830, \$6 13 in 1840, \$4 69, in 1850, \$2 82. Charles City, white population, 1,656, decrease 15, cannot read and write 176, or one in nine; value of lands per acre in 1830, \$8 90, in 1840, \$7 10, in 1850, \$7 75. King George, white population 2,302, increase 33, cannot read and write 236, or one in nine; value of lands per acre in 1830, \$11 42, in 1840, \$8 63, in 1850, \$9 61. King William, white population 2,712, decrease 438, cannot read and write 204, or one in thirteen; value of lands per acre in

1830, \$9 50, in 1840, \$8 36, in 1850, \$8 10. New Kent, white population 2,224, increase 243; cannot read and write, 198, or one in eleven; value of lands per acre in 1830, \$5 76, in 1840, \$5 71, in 1850, \$5 43. Northampton, white population 3,104, decrease 237, cannot read and write 275, or one in eleven; value of lands per acre in 1830, \$11 49, in 1840, \$12 57, in 1850, \$11 23. Surrey, white population 2 195, decrease 362, cannot read and write, 294, or one in seven; value of land per acre in 1830, \$4 81, in 1840, \$4 07, in 1850, \$4 55. Sussex, white population, 3,084, decrease 500, cannot read and write 86, or one in 35; value of land per acre in 1830, \$5 19, in 1840, \$4 08, in 1850, \$3 06. I will not pursue this melancholy picture any further. I have referred to these counties out of no disrespect to any one. For the members representing them, I personally entertain the kindest feelings. The course of the governmental majority forces it upon me. I have carefully endeavored to ascertain if there was any good reason why one person in these 22 slave counties is to have more than double the political power of those residing in the 23 counties in northwestern Virginia, and constituting a portion of my constituents having the fewest number of slaves, to which I shall hereafter particularly refer.

I have looked at the great landed interest in the entire slave region, and find but little to relieve the picture. I am sorry to tell my honorable friend from Mecklenburg (Mr. GOODE) that in his county, since the last assessment, the lands have depreciated \$2 per acre. In the county of Green-ville it is most deplorable. My friend (Mr. CHAMBLISS) will pardon me for making reference to his county again. In 1830 the lands averaged \$6 13 per acre, in 1840 they depreciated to \$4 69, and in 1850 to \$2 82 per acre.

Mr. GOODE, [in his seat.] There is a railroad going through that county.

Mr. LETCHER, [in his seat.] What would the land be worth without the railroad?

Mr. CAMDEN. I suppose that getting a railroad has prevented the lands from depreciating still more. But for that railroad, I doubt whether the lands would be worth having.

Now, take the Greenville district. We have this state of things; a white population of 23,000, a slave population of 24,082; and 3,685 white persons over the age of 20 years that cannot read and write—a number greater by 1,136 than the whole number of the votes cast in that district at the last presidential election. In that great slave district, to which we have been referred over and over again, there is one person over 20 years of age in every six of the whole population that cannot read and write, to say nothing of those under that age who are equally unfortunate. Now, I refer to these facts for what purpose? Why, to show that it is not the true policy of the State to invest the control of the legislative department in this slave interest. I am as much opposed to abolitionism as any member on this floor. I am myself a slave-holder. I detest an abolitionist in every form. But whilst I am for protecting this property, whilst I am for securing it to its possessors, I do protest against placing the legislative control of the commonwealth in the hands of that interest under pretence of securing it to its owners and to prevent its undue taxation.

The committee will, I trust, excuse me for a very short time, for referring to the effect of the adoption of the mixed basis, in apportioning representation according to plan A. I have taken sixteen senatorial districts, each having a member, eight in the East and eight in the West, and I find according to that apportionment that there are 112,715 free white persons more in the eight senatorial districts of the West than in the eight of the East. So by this apportionment 112,715 of the freemen of the West are

totally disfranchised. Here we have a statement showing this result:

One Senator, Marion, Monrovia and Taylor, 25,633—One Senator, Notoway, Prince Edward and Lunenburg, 16,600. Excess west, 16,993  
 One Senator, Lee, Scott and Russell, 29,635—One Senator, Surry, Prince George and Petersburg, 11,521. Excess west, 18,714.  
 One Senator, Jackson, Wood Wirt Gilmer and Ritchie, 26,103—One Senator, Dinwiddie, Brunswick and Greensville, 12,422. Excess west, 13,681.  
 One Senator, Patrick, Henry and Franklin, 24,129—One Senator, Halifax, 10,950. Excess west, 13,239.  
 One Senator, Hancock, Brooke and Ono, 26,598—One Senator, Mecklenburg and Charlotte, 12,159. Excess west, 14,439.  
 One Senator, Doddridge, Harrison and Lewis, 23,563—One Senator, Albemarle, (759 cannot read) 11,935. Excess west, 11,847.  
 One Senator, Logan, Boone, Wyoming, Raleigh, Cabell, Wayne and Fayette, 24,141—One Senator, Harico, James City and Charles City, 11,956. Excess west, 12,857.  
 One Senator, Kenawha, Putnam and Mason, 23,541—One Senator, New Kent, King William, King and Queen, and Essex, 11,956. Excess west, 11,545.  
 Total excess west, 112,715. I have put down Patrick, Henry and Franklin with the western counties, in accordance with their proximity to the west, and the great injury the mixed basis would do them.

The same injustice applies to the House of Delegates. See:

One Delegate, Logan, Boone, Wyoming and Raleigh, 9,911—One Delegate, Northampton, 3,104. Excess west, 6,807.  
 One Delegate, Lewis, 9,620—One Delegate, King George, 2,302. Excess west, 7,318.  
 One Delegate, Monroe, 9,065—One Delegate, King William, 2,712. Excess west, 6,353.  
 One Delegate, Russell, 10,872—One Delegate, Sussex, 3,084. Excess west, 6,353.  
 One Delegate, Wythe, 9,644—One Delegate, Powhatan, 2,513. Excess west, 7,121.  
 One Delegate, Scott, 9,320—One Delegate, Notoway, 2,217. Excess west, 7,103.  
 One Delegate, Lee, 9,443—One Delegate, Amelia, 2,790. Excess west, 6,653.  
 One Delegate, Greenbrier, 8,942—One Delegate, Cumberland, 3,156. Excess west, 5,770.  
 Two Delegates, Harrison and Doddridge, 13,944—Two Delegates, Orange and Greene, 6,663. Excess west, 7,281. Total excess west, 52,200.

The following is the ratio in the four grand divisions by the mixed basis: Tide-water, 4,717 give a Delegate; Piedmont, 5,206 give one; Valley, 6,043 give one; Trans-Alleghany, 8,087 give one. True ratio, 5,740.

I put it to you, Mr. Chairman, and to the members of this committee, to say, whether it can be expected in this enlightened age, that a free people can submit to such degradation and injustice? We are told that there is no degradation in all this. Gentlemen have said that the members from the West enjoy all the privileges upon this floor that the members from the East enjoy. I come here representing in part about 40,000 freemen, and other gentlemen come here from the Eastern portion of the commonwealth representing but one-half or less of that number. I do not consider myself degraded in this body, it is true. Personally, I care not a fig for the position that may be assigned me here. I would suffer degradation and submit to it in my own person, if I could but place my constituents in the position that they justly are entitled to occupy in the distribution of the legislative power of the government. It is their interest, it is their right, it is their position, that I am here to advocate and defend.

Gentlemen on the other side have said that we have no right to complain of the past administration of the government. One of the gentlemen from Richmond city (Mr. SCOTT) and the gentleman from Albemarle (Mr. SOUTHWALL) alluded to the remarks of Western gentlemen upon this floor, in reference to the past policy of the State, as placing this old Commonwealth of ours upon her trial on an indictment for high crimes and misdemeanors. Well, does it not become a statesman, when he is called upon to aid in the formation of a constitution for the future government of the Commonwealth, and when those who have possessed the power in times past claim to retain it, although they are in a minority of the people of the State, to look to the past policy of this governmental majority? I do not wish to put this old mother of ours upon her trial. The worthy gentleman from Richmond city said that it was cruel in the extreme to make these charges, and why so? As I stated before, an examination of the past

policy of the State is forced upon us, and whilst I do not feel authorized to enter a *nolle prosequi* to any indictment or charge that may have been presented against this Commonwealth, yet, occupying the position that I do upon this floor, I am bound to look into them, and if it will suit the gentlemen on the other side, and especially my worthy friend from Richmond city (Mr. SCOTT) better, let this examination be regarded as an information, in the nature of a *quo warranto*.

Mr. C. here gave way for a motion that the committee rise, which was agreed to.

Mr. CAMDEN. On the rising of the Committee yesterday, I was looking into the past policy of this governmental majority having the control over the legislative department of the State, with a view to see if this claim set up by that party to retain their power is justified by the policy pursued by it heretofore. I stated on yesterday the melancholy fact, that with all her natural advantages, Virginia, once at the head of her sisters in property, numbers and wealth, now occupies the position of the fourth State in the Union, and in a very short time must, unless the policy of the State is changed, take a much lower position in the confederacy. I take the ground that the natural advantages possessed by this great commonwealth, by a judicious administration of her government, would have maintained her in the position that she had at the formation of the Union.

Now, what has this governmental majority done for the internal prosperity and developement of the natural advantages of the State? We hear much complaining with regard to the appropriations made for internal improvements. But what has this policy effected, especially in Eastern Virginia? If, after an appropriation and expenditure there of upwards of \$9,000,000 in works of internal improvement, the same tendency to decline is seen, it must be caused by an injudicious State policy. And what has the government done to improve the mental resources of the people? While pursuing an imperfect and erroneous policy, something has been done for the higher and something for the lower classes of society; but the great capital, the great staple of the commonwealth—the masses—the energetic and enterprising portion of the people have been left to struggle as best they could, and left to their own energies.

It is the first duty of a republican government to provide for the education of the whole people of the Commonwealth; not that government should do everything, but that, by a judicious exercise of legislative authority, a well regulated system of education should be adopted by which the mind of the Commonwealth may be developed. When, sir, I cast my eyes over this wide Commonwealth, and look at its past and present policy, I can see nothing to commend it to my consideration for a retention of the power now claimed by this governmental majority; and I wish to examine for a moment, Mr. Chairman, and see whether this policy, the policy heretofore pursued by those possessing the political power of the State, has been such as to promote liberal republican principles. I have come to the conclusion that that policy has tended to a different result, although it has been constantly opposed by the West; and as evidence of it I will call your attention to the vote taken in the House of Delegates upon a bill to organize the Convention of 1829-'30. It was then proposed to extend some liberality to that large portion of the people of the Commonwealth that had so long been deprived of the right of suffrage; that right being at the time confined to freeholders. It was proposed that all persons of twenty-one years of

age, being residents, etc., should be permitted to vote for members of the Convention, but was defeated. The vote upon that question was ayes 81, nays 117. The entire western vote being in favor of the proposition, it was intended as an inroad upon the aristocratic freehold suffrage, and was voted down and resisted by this governmental majority. But look if you please at the proceedings of the last Convention. Why, we are now told that this old Commonwealth is to be radically reformed in all of its departments, except upon the question of the basis of representation. Why is this so, I ask? Why is it that this governmental majority is disposed to yield to the demands of the people except upon this one question, the reform of which is also demanded by a large majority of the people? I hesitate not to say, that but for the determined spirit of the West, her constant and energetic efforts for reform and to establish liberal principles, a very different state of feeling would now prevail in this body. I do not mean that the members of this body would entertain different views from those which they now entertain; but I tell you that gentlemen entertaining different feelings and views from those now occupying seats here from the eastern portion of the State would be here in their stead. As I stated before, until the Convention of 1829-'30, the right of suffrage was confined to the freeholders of the State. The committee in the Convention having charge of the subject, reported a provision that was engrafted into the constitution extending the right of suffrage to certain individuals, heads of families, &c.

Now, I wish to call the attention of the Committee to the fact that an effort was made by eastern members of the Convention, this governmental majority party, to deprive that class of citizens of that boon—Every vote to strike out was given by eastern members. Here is the record:

“Mr. Garnett's amendment, submitted on yesterday, which proposes to amend the twelfth section of the amended constitution by striking out the following clause, to wit: 'And every citizen who, for twelve months next preceding, has been a housekeeper and head of family within the county, city, town, borough or election district where he may offer to vote, and shall have been assessed with a part of the revenue of the commonwealth within the preceding year, and actually paid the same,' was taken up by the house, and, the question being put, was determined in the negative—ayes 40, noes 55.

“On motion of Mr. Garnett, ordered that the yeas and nays on the question be inserted in the Journal. The names of the gentlemen who voted in the affirmative are—Messrs. P. P. Barbour, (President,) John W. Jones, B. W. Leigh, Samuel Taylor, Wm. B. Giles, Wm. H. Brodnax, George C. Dromgoole, Mark Alexander, William O. Goode, John Marshall, John Tyler, P. N. Nicholas, John Y. Mason, James Trzycan, Augustine Claiborne, John Unguhart, John Randolph, William Leigh, Richard Logan, Richard N. Venable, Robert Stanard, Walter Holladay, William H. Fitzhugh, John Roane, Wm. P. Taylor, Richard Morris, J. M. Garnett, John S. Barbour, John Scott, John W. Green, Thomas Marshall, L. W. Tazewell, Geo. Loyall, Joseph Prenties, Hugh B. Grigsby, Samuel Branch, Flemming Bates, Augustine Neal, A. F. Rose, John Coalter—40.”

The member from Richmond, (Mr. STANARD,) the other day stated to the Committee, that although young he witnessed the proceedings of the Convention of 1829-'30 with considerable interest, and that certain remarks of John Randolph, of Roanoke, made a deep and lasting impression upon his mind. I wish to call the attention of the Committee to the remarks of Mr. Randolph made upon the motion to strike out the clause extending the right of suffrage to heads of families and housekeepers.

“Mr. Randolph said he believed he was not singular in the opinion he was about to express (though he might be the only member of the Convention by whom it was uttered) of sincere gratification on finding that the gentleman who had just taken his seat was in favor of what he (Mr. Randolph) conceived to be the only safe ground in this commonwealth for the right of suffrage: he meant *terra firma*—literally *firma*—the land. The moment, said he, you quit the land, (I mean no pun,) that moment you will find yourselves at sea, and without compass, without land-mark or polar star. I said that I considered it the only safe foundation in this commonwealth. For whom are we to make a constitution? For Holland? For Venice? (where there is no land.) For a country where the land is monopolized by a few—where it is

locked up not only by entails. (I do not mean such as the English law would laugh at,) but by marriage settlements so that a large portion of the people are necessarily excluded from the possession of it; but for a people so practically agricultural, where land is in plenty, and where it is accessible to every exertion of honest industry? I will venture to say, that if one-half the time had been spent in honest labor which has been spent in murmuring and getting up petitions, that the signers might be invested with that right and important at muster-rolls, at cross roads, and in this Convention, yet not worth three months labor, the right would have been possessed and exercised long ago."

I ask you, Mr. Chairman, to whom are our eastern friends, who enjoy the right of suffrage under the provision of the present constitution that I have alluded to, indebted? To western voters. It is true, a portion of the eastern members voted for it; but for the concentrated vote of the West, the old freehold suffrage would have remained steadfast and fixed in the constitution. Look at the remarks of Mr. Randolph upon that subject; they are an index to this eastern slave policy. The object has been, and still is, to retain the power of the State in the hands of the few to the prejudice of the many. But this is not all. If you will pursue the history of the proceedings of that body as appears by the record, you will find that great efforts were made by the members from the West to obtain all the great reforms that are now about to be conceded to the people. The West proposed to elect the Governor, Justices of the Peace, Sheriffs, &c., by the people, and reform the County Courts, but they were all defeated by the vote of eastern members, as the journal will shew.

My time will not permit me to pursue this subject at large as I designed. My object in bringing this matter to the notice of the Convention was not from any personal feeling towards one single member of this committee, East or West, but to impress upon the minds of the committee the important fact which the history of this commonwealth, in other respects will show, that the liberal principles now popular in every portion of the commonwealth took their rise in the West; and that when this State shall have become liberalized, and the great mass of her citizens placed upon the platform of equality, they will be indebted for it to the energy, enterprise and perseverance of the West.

I have very hastily—and gentlemen will see the necessity of proceeding in haste—called your attention, Mr. Chairman, and that of this honorable committee, somewhat to the past policy of the governmental majority that now seeks although in a decided minority of the people, to retain the control of both branches of the Legislature. My object in doing so was to show, as I trust I have shown, that this extraordinary claim to retain that power is not well founded. I beg your indulgence for a moment to call to the attention of the committee what it is that this governmental majority asks at the hands of the majority of the people. It is to give to the minority a complete control over both branches of the General Assembly.—Well, what does that embrace? It is not a mere power of appropriation for works of internal improvement and protection to slave property. Look at the vast scope of power, the vast range of legislation which it has taken the liberty to claim. The legislative body is to prescribe rules affecting the life and liberty of the citizen. It has control over the great question of education, which, I maintain, is far more important than any question that may arise in regard to the protection of slaves, or for works of internal improvement. You may tax me for education. You may double that tax, and I will pay it with more cheerfulness than any other portion of our contribution to the public treasury. The legislative department will also have control over the entire physical power of the State; it will have complete control over the militia. That great physical power of the

Commonwealth must be yielded up for the purpose of protecting the slave interest and to guard against imaginary improper taxation. It is also to have control over the monetary affairs of the State. The life-blood, or circulating medium of the State, is to be yielded to this power. We must surrender to the minority the election of United States Senator, and control over all our federal relations—over every matter connected with the federal government and our state sovereignty. Even this great taxing power as well as the appropriating power comes under their control. The legislative department is also to have control over the judicial department. Although we may, in the organic law, make certain provisions, and lay down to some extent fundamental rules for the judicial department of the government, yet that department, to a very great extent, as well as all the other departments of the government, will be subject to the control and power of the Legislature. Experience has shown that the legislative power is the great controlling power of the State. Now, let us see if there is any good reason for all this. Our friends upon the other side claim it upon two grounds alone; and indeed the discussion is measurably settled down upon a single point, and that is, the taxing and appropriating power. It is true that many of our friends in the East dwell at considerable length upon protection of the slave interest, but the majority of those who have discussed this question in favor of the mixed basis have yielded that point, and conceded the fact that the slave property of the State will be amply secured. You are bound to concede that we are sound on this question.—We have been weighed in the balance, and have not been found wanting.

Certain allusions to the section of the State which I have the honor in part to represent, made here and elsewhere, makes it necessary that I should call the attention of the committee to that particular section; and in doing so, it will enable me to present to this committee my views to some extent against the mixed basis, and to show by comparing the condition of the slave counties with the non-slave-holding counties, that there are very strong reasons against this remarkable claim for retaining power.

I presented, to some extent, the condition of 22 counties in Eastern Virginia, having the largest slave population. The section of country in the Western part of the State, alluded to before, has 23 counties, namely: Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Taylor, Randolph, Barbour, Harrison, Lewis, Braxton, Nicholas, Doddridge, Gilmer, Tyler, Ritchie, Wood, Wirt, Jackson and Pocahontas; and these counties have been designated upon this floor and in the public prints, as having the least interest in slave property; and these two extremes present to the consideration of the committee a fair opportunity for examination and comparison. The 22 Eastern counties have a white population, as I stated on yesterday, of 67,435, and a slave population of 97,935, and if the mixed basis is adopted, will have 16 members in the House of Delegates, or one for about 4,214 white persons. The 23 north-western counties to which I now allude, have a population of 160,832, and they have assessed upon the tax books 12,189,095 acres of land. In 1830, they had a population of but 79,849, showing an increase in population in 20 years of 80,533. Their population has more than doubled. These counties have but 16 members in this body, and if the mixed basis is adopted, will have but about 20 members in the House of Delegates, or one delegate for about 8,410 free white persons; being about half the political power given to the white population in the slave counties to which I have called your attention.

I ask honorable gentlemen of the committee to contrast the growing condition of the 23 northwestern counties with the stationary condition of the 22 slave counties in the East, during the same period. In 1830, 20 years ago, these western counties paid a tax of but \$10 774. They now pay under the recent assessment \$53,736 52, an increase of more than five-fold in the short period of 20 years. Suppose this increase of wealth and population continues for the next twenty years, what will be our condition? Why, a population of 320,000; and we will pay taxes annually to the amount of about \$250,000. That wealth and population will continue to increase at the same rapid pace for the next twenty years, no one can doubt, who is acquainted in that region; for independent of the other causes that tend to that result, in the course of two or three years, there will be two hundred and fifty miles of railroad traversing those twenty-three counties, and that too without costing our eastern friends one single dollar. My honorable young friend from Essex, [Mr. M. R. H. GARNETT,] the other day, in his able argument, which I listened to with great pleasure, although so extreme, and presenting so few positions with which I could agree, finished by referring to the letter of the Clerk of the House of Delegates, shewing the amount of appropriations made during the last winter for works of internal improvement, as evidencing the propensity of the north-west for sharing in the plundering of the Tide-water region. I wish to call the attention of this committee to the expenditures made in the north-west for works of internal improvement, in order to place that region in its proper light upon this subject. You will be surprised when I tell you that but \$516,067 73 of the public money has been laid out for works of internal improvement in that region; and see what it has done to increase the population and the taxes. It has increased the taxes from ten thousand to fifty odd thousand dollars. In fact this north-western portion of the State is the only portion where its current taxes will pay the interest upon the sum expended for improvements within its borders. The current taxes of eastern Virginia will not discharge the interest upon the appropriations expended within its borders. How does the Tide water stand in reference to this matter? We will understand it better when the report of the committee to settle the accounts between Piedmont and the Tide-water shall be printed and laid upon our desks. I learn, however, because I was a member of that committee, that Tide water has not been oppressed to the extent that some honorable gentlemen from that region would have us believe, by not getting its share of the appropriations to works of internal improvement. It will be found, in reference to the whole Trans-Alleghany country, that the taxes annually paid in that region will exceed the interest on the various sums expended for works of internal improvement there; and that the Trans-Alleghany and the Valley together pay in taxes, annually, a sum sufficient to pay the interest on the expenditures for such works west of the Blue Ridge. It is not so with Piedmont and the Tide-water country. Now, some of our Piedmont friends, in the early part of this discussion, or even before it commenced, seemed to object to anything that looked to a union of the west with the Tide-water country. The honorable gentleman from Fauquier [Mr. SCOTT] cautioned the Tide water country from going over to the west upon the subject of the basis, with a view to their protection against heavy appropriations for improvements; and he also cautioned the west against uniting with the Tide-water country upon what are termed guaranties or restrictions upon legislative power. Now, this Piedmont country, it will be seen, has had the lion's share of all these appropriations.

The gentleman from Fauquier, [Mr. SCOTT,] in his remarks, gave us a fable from *Æsop*, in illustration of the point he was making against the west; and as the gentleman seems to be fond of fables, let me refer him to the fable of the sick lion. We are told by *Æsop*, that the lion once gave out that he was very sick, and invited all the beasts to come and see him. The fox was, however, a little shy, and staid away: the lion sent for him, but the fox returned for answer, that he should like very much to see his majesty, but he had noticed that the tracks of all the other animals visiting his den went in, but none returned. So it is with our Piedmont friends. The west is looked to for one purpose, and Tide water for another; but it is to effect one common object, and that is, to benefit the Piedmont country, and enable that region to obtain millions by giving to other sections only thousands. I should like to know if our Tide-water friends are going to see the sick lion to-day?

Now, is there any good reason, either upon the slave question or the appropriation question, that the majority of the people of this commonwealth shall not have control over the legislative department of the government? I say, and that too without the fear of contradiction, that upon the slave question the west is as sound as the east. I ask gentlemen to point out one circumstance, one fact, tending to shew any good rea-



son that our eastern friends should distrust us on this subject. I know north-western Virginia well, from one extremity to the other: a more high-minded, honorable and generous people are not to be found on the face of the earth. I am proud to say that it is the home of my friends, and the grave of my fathers. I do not come before this honorable committee with views to suit the east, different from the views I entertain and express at home. As other gentlemen have referred to their circulars or "way-bills," as the honorable gentleman from Prince George would say, with the indulgence of the committee I will read a portion from mine:

"The slave interest in the east is the flimsy pretext for keeping us out of our due share of representation; but there is no justice, nor even a show of justice, in it. The west is as sound upon the question of slavery as the east, although the policy of the east has been such as might have tended to a different state of things, had the west been capable of deviating from just principles. Upon this subject we occupy a proud position; we maintain the constitutional rights of the south, although that peculiar interest is made the pretext for withholding our dearest privileges. We are not to be driven "from our propriety" upon this subject by the injustice of others. We prefer to be right, battling for justice, rather than for a moment to be in the wrong, whatever it might gain for us."

We occupy a proud position. Three of the counties, I have the honor in part to represent, border upon the State of Ohio, within sight of the nefarious den of abolitionists there. I went before my constituents, occupying the same position as I do here in this committee. I tell you, I tell this honorable committee, that the opinion expressed by me in this circular, is the prevailing opinion in north-western Virginia. This sentiment was endorsed in the canvass by my honorable colleagues before the people, and I believe that it is heartily approved of by every delegate upon this floor from north-western Virginia, and I might say from western Virginia. We intend to be right upon that question. There are certain great principles of right that every community should stand up to; and because others may oppress and do us wrong, it is no justification that we may do wrong. But I caution the members of this committee from carrying this question of the mixed basis too far. We have a constant warfare on the border with the abolitionists of the free States. They are pressing upon us, and when we look to our eastern friends for countenance, succor and support, will you only give us the cold frown of distrust? You should support, encourage and enable us to maintain our position among our people. Will you sacrifice us—will you, by your policy here, drive the people of the West mad upon this basis question? I will not believe it. We are said to be a very refractory people. If you will look around, and see the causes of dissatisfaction, you will not be surprised at our excitement. According to the mixed basis principle, which you say is right, the north-western part of the State should have four more delegates upon this floor.

I regret very much, although I have been indulged much more than I had any right to expect from this committee, that the morning hour was taken up with other matters, and my time somewhat abridged, so that I cannot go as fully into some matters as I intended. With reference to the question of internal improvements, I do not come here presenting guaranties to the consideration of this Convention, with the view of obtaining for my constituents their due share of representation in the legislative department. My constituents are too proud to suffer me to do any such thing, but I do come here prepared to make such provisions in the constitution as will protect all the interests of the commonwealth. I shall not accord one limitation, one guarantee more than I would be willing to grant upon the principles of right and justice. Gentlemen say that we yield the whole question by offering these limitations. I say that there is nothing in the argument. Has it not been well said by my honorable friend from Accomac, (Mr. Wise,) and my honorable friend from Kanawha, (Mr. Summers,) and other gentlemen who have taken part in this debate, that these limitations are nothing more than rules to circumscribe and limit the powers and action of the agents of the government. It is no restriction upon the power of the people whatever—it is a limitation and restriction upon the agents of the people. These guaranties are offered that our friends in the East may be well secured by constitutional provisions in the enjoyment of slave property, and have a security against undue taxation. Look you to the resolutions upon this subject adopted by the legislative committee. The honorable gentleman from Henrico, (Mr. Borrs,) the other day, read you a resolution adopted by that committee, intended to be inserted in the constitution, in reference to the right to property in slaves. That resolution was offered by myself, and it was modified in form at the suggestion of my honorable friend from Jefferson, [Mr. Lucas,] another member from the West, and it was adopted unanimously I believe. I stated in committee at the time, that I did not think it at all necessary—that I believed, independent of any provision in the constitution, the Legislature had no power to emancipate the slaves of the

State, without the consent of the owners. I was willing and anxious to see that provision incorporated in the constitution, to satisfy the abolitionists that all they had effected in 20 years upon this subject was to have a constitutional provision, when before there was none.

Now, with regard to taxation, can there be any improper discrimination upon that subject prejudicial to the East by the adoption of the ad valorem system? I confess, when this question of ad valorem taxation was discussed in my district, and even to the time of the assembling of this body, I had some doubt of the propriety of it, for I believed that the true policy of taxation was to discriminate in favor of articles of necessity, and to increase the taxes upon articles of luxury; but my honorable friend from Accomac has satisfied me upon that subject, by showing that a provision may be incorporated into the constitution, so as to classify these various articles of property subject to taxation, and give to the Legislature the power to tax gold watches and other articles of luxury to a higher extent than the farmer's plough-horse. A proper arrangement of this kind obviates the only objection I have to this mode of taxation.— Look to the resolutions of the legislative committee, and the committee raised on the subject of guaranties. I say, if any eastern gentleman, let his prejudices be ever so strong, will coolly and calmly sit down and examine these provisions, with a determination to arrive at a proper understanding of the matter, he must be convinced that it is not necessary to give representation to property, in order to give it protection.— There is a provision limiting the amount of the public debt. Cannot you control this appropriating power in that form? Cannot you control it by declaring that laws making appropriations to works of internal improvement are to be passed by a majority of the delegates elected to both houses of the General Assembly, by providing the means for the payment of the annual interests and the debt itself within a reasonable time? There can be no difficulty whatever upon that subject. The fact is, that it is a contest for power—for power's sake. The West plants itself upon principle, upon justice, upon equality. The East has the power, and wishes to retain it, and these arguments are offered as a justification for doing so.

I have been asked, if I come into this body to divide this old commonwealth. I say no! But I do come here to obtain justice and equality for my constituents. My constituents have commissioned me to do this, but it is not for me in this body to menace or threaten it with a division of the State or any other extreme measure. I will not go as far upon the subject of a division of the State, as the gentleman from Richmond [Mr. Lyons] has gone. I have my own views. I stand ready to co-operate with my constituents in any and every measure to obtain equality of political power in the government, and I tell you there is a firm determination on the part of my constituents to have it, I may say, at all hazards. I think I understand the views of my constituents upon that subject. This idea that has been held out that the resolutions sent here by them are intended merely for effect, I say, is founded in error. These resolutions speak the sentiments of my constituents. I say, without hesitation, if you reject the proposition to submit to the people whether they will adopt the mixed or the suffrage basis, and you palm upon them for all time this odious mixed basis scheme, that they are prepared to adopt extreme measures. We are told by our friends from the East that they want quiet—want rest to the public mind. I tell you that you cannot effect it by adopting the mixed basis. The ink will scarcely be dry upon the parchment that contains that provision before you will hear the voice of the people crying out against it, and seeking redress in some form or other. I ask my Eastern friends to hesitate before they adopt this extreme measure.

Look you to the proceedings of the Convention of Kentucky. A day was set apart to enable the members to sign the constitution having the suffrage basis in it. You present a western member the constitution to sign with the mixed basis in it. He dare not sign it. He dare not do it, and return to his constituents. It is not so with our eastern friends. By the adoption of the suffrage basis, you violate no principle, you do not cast upon them any degradation, you do not place them in a state of inferiority. I stated that it is not so with the West. The East may yield to the West with honor, its due share of power; the West cannot yield to the claim of the East without dishonor. That is the situation that we occupy. We dare not do it. If we consented to do it, our constituents would not approve it. I then ask the honorable members of this committee to pause and hesitate and ponder over this question, before they inflict a blow which may be attended with disastrous consequences to this great Commonwealth.

*Erratum.*—In page 7, line 33, read as follows: The committee reported *the Constitution* to the Convention on the 24th June, 1776, &c. The words in *italics* were omitted by mistake.



