should not be elected unless I promised to obey their directions, I should have disdained to serve on such dishonorable terms. Sir, I shall vote perfectly independent, and shall certainly avow a change of my present opinion, if I can be convinced it is a wrong one. I shall not, in such a case, be restrained by the universal opinion of the part of the country from which I came. I shall not be afraid to go back, and tell my constituents, "Gentlemen, I have been convinced I was in an error. I found, on consideration, that the opinion which I had taken up was ill founded, and have voted according to my sincere sentiments at the time, though contrary to your wishes." I know that the honor and integrity of my constituents are such, that they would approve of my acting on such principles, rather than any other. They are the principles, however, I think it my duty to act upon, and shall govern my conduct.

This Constitution ought to be discussed in such a manner that every possible light may be thrown upon it. If those gentlemen who are so sanguine in their opinion that it is a bad government will freely unfold to us the reasons on which their opinion is founded, perhaps we may all concur in it. I flatter myself that this Convention will imitate the conduct of the conventions of other states, in taking the best possible method of considering its merits, by debating it article by article. Can it be supposed that any gentlemen here are so obstinate and tenacious of their opinion, that they will not recede from it when they hear strong reasons offered? Has not every gentleman here, almost, received useful knowledge from a communication with others? Have not many of the members of this house, when members of Assembly, frequently changed their opinions on subjects of legislation? If so, surely a subject of so complicated a nature, and which involves such serious consequences, as this, requires the most ample discussion, that we may derive every information that can enable us to form a proper judgment. I hope, therefore, that we shall imitate the laudable example of the other states, and go into a committee of the whole house, that the Constitution may be discussed clause by clause.

I trust we shall not go home and tell our constituents that we met at Hillsborough, were afraid to enter into a discussion of the subject, but precipitated a decision without a moment's consideration.

Mr. WILLIE JONES. Mr. President, my reasons for proposing an immediate decision were, that I was prepared to give my vote, and believed that others were equally prepared as myself. If gentlemen differ from me in the propriety of this motion, I will submit. I agree with the gentleman that economical considerations are not of equal importance with the magnitude of the subject. He said that it would have been better, at once, for the electors to vote in their respective counties than to decide it here without discussion. Does he forget that the act of Assembly points out another mode?

Mr. IREDELL replied, that what he meant was, that the Assembly might as well have required that the electors should vote or ballot for or against the Constitution in their respective counties, as for the Convention to decide it in this precipitate manner.

Mr. JAMES GALLOWAY. Mr. President, I had no supposition that the gentleman on my right (Mr. Jones) was afraid of a discussion. It is not so with me, nor do I believe that it is so with any gentleman here. I do not like such reflections, and am surprised that gentlemen should make them.

Mr. IREDELL declared that he meant not to reflect on any gentleman; but, for his part, he would by no means choose to go home and tell his constituents that he had voted without any previous consideration.

After some desultory conversation, the Convention adjourned till to-morrow, 10 o'clock.

THURSDAY, *July* 24, 1788.

The Convention met according to adjournment.

Rev. Mr. CALDWELL. Mr. President, the subject before us is of a complicated nature. In order to obviate the difficulty attending its discussion, I conceive that it will be necessary to lay down such rules or maxims as ought to be the fundamental principles of every free government: and after laying down such rules, to compare the Constitution with them, and see whether it has attended to them; for if it be not founded on such principles, it cannot be proper for our adoption. [Here he read those rules which he said appeared to him most proper.]

Mr. JAMES GALLOWAY. Mr. President, I had the

part

honor yesterday of proposing the mode which I thought most eligible for our proceeding. I wish the subject to be fairly, coolly, and candidly discussed, that we may not go away without knowing why we came hither. My intention is, that we should enter into a committee of the whole house, where we shall be at liberty to discuss it. Though I do not object to the proposition of the honorable member, as the groundwork of our proceeding, I hope he will withdraw his motion, and I shall second him in the committee.

Mr. CALDWELL had no objection to that proposition.

Mr. PERSON opposed the motion of entering into a committee. He conceived it would be a useless waste of time, as they would be obliged to reconsider the whole Constitution in Convention again.

Mr. DAVIE largely expatiated on the necessity of entering into a committee. He said, that the legislature, in voting so large a representation, did not mean that they should go away without investigating the subject, but that their collective information should be more competent to a just decision; that the best means was, to deliberate and confer together like plain, honest men. He did not know how the ardor of opposition might operate upon *some* gentlemen, yet he trusted that others had temper and moderation. He hoped that the motion of the member from Rockingham would be agreed to, and that the Constitution would be discussed clause by clause. He then observed, that, if they laid down a number of original principles, they must go through a double investigation; that it would be necessary to establish these original principles, and compare them with the Constitution; that it was highly improbable that they should agree on those principles; that he had a respect for the understanding of the honorable member, and trusted he would reflect, that difference in opinion arose from the nature of things; and that a great deal of time might be taken up to no purpose, if they should neither agree on those principles nor their application. He said, he hoped they would not treat this important business like a military enterprise, but proceed upon it like a deliberative body, and that the debates would be conducted with decency and moderation.

The Convention then resolved itself into a committee of the whole house, Mr. Elisha Battle in the chair.

Mr. CALDWELL. Mr. Chairman, those *maxims* which I conceive to be the fundamental principles of every safe and free government, are — 1st. A government is a compact between the rulers and the people. 2d. Such a compact ought to be lawful in itself. 3d. It ought to be lawfully executed. 4th. Unalienable rights ought not to be given up, if not necessary. 5th. The compact ought to be mutual. And, 6th. It ought to be plain, obvious, and easily understood. Now, sir, if these principles be just, by comparing the Constitution with them, we shall be able to judge whether it is fit for our adoption.

Mr. IREDELL. Mr. Chairman, I concur entirely in the sentiments lately urged by the gentleman from Halifax, and am convinced we shall be involved in very great difficulties if we adopt the principles offered by the gentleman from Guilford. To show the danger and impolicy of this proceeding, I think I can convince the committee in a moment, that his very first principle is erroneous. In other countries, where the origin of government is obscure, and its formation different from ours, government may be deemed a contract between the rulers and the people. What is the consequence? A compact cannot be annulled but by the consent of both parties; therefore, unless the rulers are guilty of oppression, the people, on the principle of a compact, have no right to new-model their government. This is held to be the principle of some monarchical governments in Europe. Our government is founded on much nobler principles. The people are known with certainty to have originated it themselves. Those in power are their servants and agents; and the people, without their consent, may new-model their government whenever they think proper, not merely because it is oppressively exercised, but because they think another form will be more conducive to their welfare. It is upon the footing of this very principle that we are now met to consider of the Constitution before us. If we attempt to lay down any rules here, it will take us as much time to establish their validity as to consider the system itself.

Mr. CALDWELL observed, that, though this government did not resemble the European governments, it still partook of the nature of a compact; that he conceived those principles which he proposed to be just, but was willing that

any others, which should be thought better, should be substituted in their place.

Mr. MACLAINE. Mr. Chairman, the gentleman has taken his principles from sources which cannot hold here. In England, the government is a compact between the king and the people. I hope it is not so here. We shall have no officers in the situation of a king. The people here are the origin of all power. Our governors are elected temporarily. We can remove them occasionally, and put others in their stead. We do not bind ourselves. We are to consider whether this system will promote our happiness.

Mr. GOUDY. Mr. Chairman, I wonder that these gentlemen, learned in the law, should quibble upon words. I care not whether it be called a *compact*, *agreement*, *covenant*, *bargain*, or what. Its intent is a concession of power, on the part of the people, to their rulers. We know that private interest governs mankind generally. Power belongs originally to the people; but if rulers be not well guarded, that power may be usurped from them. People ought to be cautious in giving away power. These gentlemen say there is no occasion for general rules: every one has one for himself. Every one has an unalienable right of thinking for himself. There can be no inconvenience from laying down general rules. If we give away more power than we ought, we put ourselves in the situation of a man who puts on an iron glove, which he can never take off till he breaks his arm. Let us beware of the iron glove of tyranny. Power is generally taken from the people by imposing on their understanding, or by fetters. Let us lay down certain rules to govern our proceedings. It will be highly proper, in my opinion, and I very much wonder that gentlemen should object to it.

Mr. IREDELL. Mr. Chairman, the gentleman who spoke last mistook what the gentleman from Wilmington and myself have said. In my opinion, there ought to be a line drawn, as accurately as possible, between the power which is given and that which is retained. In this system, the line is most accurately drawn by the positive grant of the powers of the general government. But a compact between the rulers and the ruled, which gentlemen compare this government with, is certainly not the principle of our government. Will any man say that, if there be a compact,

it can be altered without the consent of both parties? Those who govern, unless they grossly abuse their trust, (which is held an implied violation of the compact, and therefore a dissolution of it,) have a right to say they do not choose the government should be changed. But have any of the officers of our government a right to say so if the people choose to change it? Surely they have not. Therefore, as a general principle, it can never apply to a government where the people are avowedly the fountain of all power. I have no manner of objection to the most explicit declaration that all power depends upon the people; because, though it will not strengthen their rights, it may be the means of fixing them on a plainer foundation. One gentleman has said that we were quibbling upon words. If I know my own heart, I am incapable of quibbling on words. I act on as independent principles as any gentleman upon the floor. If I make use of quibbles, there are gentlemen here who can correct me.

If my premises are wrong, let them be attacked. If my conclusions be wrong, let me be put right. I am sorry that, in debating on so important a subject, it could be thought that we were disputing about words. I am willing to apply as much time as is necessary for our deliberations. I have no objection to any regular way of discussing the subject; but this way of proceeding will waste time, and not answer any purpose. Will it not be in the power of any gentleman, in the course of the debates, to say that this plan militates against those principles which the reverend gentleman recommends? Will it not be more proper to urge its incompatibility with those principles during that discussion, than to attempt to establish their exclusive validity previous to our entering upon the new plan of government? By the former mode, those rules and the Constitution may be considered together. By the latter, much time may be wasted to no purpose. I trust, therefore, that the reverend gentleman will withdraw his motion.

Mr. RUTHERFORD. Mr. Chairman, I conceive those maxims will be of utility. I wish, as much as any one, to have a full and free discussion of the subject. To facilitate this desirable end, it seems highly expedient that some groundwork should be laid, some line drawn, to guide our proceedings. I trust, then, that the reverend gentleman's proposal will be agreed to.

Mr. SPENCER. I conceive that it will retard the business to accede to the proposal of the learned gentleman. The observation which has been made in its behalf does not apply to the present circumstances. When there is a king or other governor, there is a compact between him and the people. It is then a covenant. But in this case, in regard to the government which it is proposed we should adopt, there are no governors or rulers, we being the people who possess all power. It strikes me that, when a society of free people agree on a plan of government, there are no governors in existence; but those who administer the government are their servants. Although several of those principles are proper, I hope they will not be part of one discussion, but that every gentleman will consider and discuss the subject with all the candor, moderation, and deliberation, which the magnitude and importance of the subject require.

Mr. CALDWELL observed, that he would agree that any other word should be substituted to the word *compact*; but, after all that had been said, the Constitution appeared to him to be of the nature of a compact. It could not be fully so called till adopted and put in execution; when so put in execution, there were actual governors in existence.

Mr. DAVIE. Mr. President, what we have already said may convince the reverend gentleman what a long time it will take us to discuss the subject in the mode which he has proposed: those few solitary propositions which he has put on paper, will make but a small part of the principles of this Constitution. I wish the gentleman to reflect how dangerous it is to confine us to any particular rules. This system is most extensive in its nature, involving not only the principles of governments in general, but the complicated principles of federal governments. We should not, perhaps, in a week lay down all the principles essential to such a Constitution. Any gentleman may, in the course of the investigation, mention any maxims he thinks proper, and compare them with the Constitution. It would take us more time to establish these principles, than to consider the Constitution itself. It will be wrong to tie any man's hands. I hope the question will be put.

Mr. PERSON insisted on the propriety of the principles, and that they ought to be laid on the table with the Declaration of Rights, Constitution of the state, and the Confederation.

Mr LENOIR approved of the principles, but disapproved of being bound by any rules.

Mr. MACLAINE was of the same opinion as to the impropriety of being bound.

Mr. JAMES GALLOWAY wished to leave the hands of the members free, but he thought these principles were unexceptionable. He saw no inconvenience in adopting them, and wished they would be agreed to.

Mr. LENOIR answered, that the matter had been largely debated. He said, that he thought the previous question ought to be put, whether they should lay down certain principles to be governed by, or leave every man to judge as his own breast suggested.

After some little altercation, the previous question was put — for the principles, 90; against them, 163; majority against them, 73.

His excellency, Gov. JOHNSTON, then moved to discuss it by sections. This was opposed, because it would take up too much time.

After some altercation about the mode of considering the Constitution, Mr. IREDELL arose, and spoke as follows:—

Mr. President, whatever delay may attend it, a discussion is indispensable. We have been sent hither, by the people, to consider and decide this important business for them. This is a sacred trust, the honor and importance of which, I hope, are deeply impressed on every member here. We ought to discuss this Constitution thoroughly in all its parts. It was useless to come hither, and dishonorable, unless we discharge that trust faithfully. God forbid that any one of us should be determined one way or the other. I presume that every man thinks it his duty to hold his mind open to conviction; that whatever he may have heard, whether against or for the Constitution, he will recede from his present opinion, if reasons of sufficient validity are offered. The gentleman from Granville has told us, that we had since March to consider it, and that he hoped every member was ready to give his vote upon it. 'Tis true, we have had since that time to consider it, and I hope every member has taken pains to inform himself. I trust they have conscientiously considered it; that they have read on both sides of the question, and are resolved to vote according to the dictates of their consciences. I can truly say, that I believe there are few members in this house who have taken more pains to con-