

tal policy? His declaration against the Bank of the U. S. in the year 1826; was that the conduct of a man waiting to see the issue before he could take his side? The removal of the deposits, and the panic scenes of last winter, in which so many gave way; and so many others folded their arms until the struggle was over, while Mr. Van Buren, both by his own conduct, and that of his friends, gave an undivided support to that masterly stroke of the President; is this also to be called a non-committal line of conduct, and the evidence of a temper that sees the issue before it decides? The fact is, this ridiculous and nonsensical charge, is so unfounded and absurd, so easily refuted, but turned to the honor and advantage of Mr. Van Buren, that his friends might have run the risk of being suspected of having invented it, and put it into circulation, just to give some others of his friends a brilliant opportunity of emblazoning his merits, were it not that the blind record, and enabled his friends to exculpate themselves and to prove home the original charge against his undisputed opponents.

The obligations upon good men to unite, when bad men combine, is as clear in politics as it is in morals. Fidelity to this obligation has heretofore saved the republic, and was never more indispensable to its safety than at the present moment. The efforts made under the elder Adams, a half century ago, to subvert the principles of our Government, produced a union of the productive and burthen-bearing classes, in every quarter of the republic. Planters, farmers, laborers, mechanics, with a slight infusion from the commercial and professional interests, whether on this side or that of the Potomac, whether East or West of the Alleghany mountains, stood together upon the principle of common right, and the sense of common danger, and effected that first great union of the Democratic Party which achieved the civil revolution of 1800, arrested the downward course of the Government, and turned back the national administration to its republican principles and economical habits.

The sagacious mind of Mr. Jefferson well discerned, in the homogeneous elements of which this united party was composed, the appropriate materials for a Republican Government; and to the permanent conjunction of these elements, he constantly looked for the only insurmountable barrier to the approaches of oligarchy and aristocracy. Actuated by a zeal which has never been exceeded, for the success and perpetuity of the Democratic cause, he labored assiduously in his high office and subsequent retirement, in his conversation, and letters, to comment, sustain, and perpetuate a party, on the union and indivisibility of which he solely relied for the preservation of our Republic. It was the political power, resulting from this auspicious union, (to say nothing of several other occasions,) which carried us safely and triumphantly through the late war; enabling the Government to withstand, on one hand, the paralyzing machinations of a disaffected aristocracy, and to repel on the other, the hostile attacks of a great nation.

The first relaxation of the ties which bound together the Democracy of the North and South, East and West, was followed by the restoration to power of federal men, and the re-appearance in the administration of federal doctrines, and federal measures. The younger Mr. Adams crept into power through the first breach that was made in the Democratic ranks; and immediately proclaimed the fundamental principles which lie at the bottom of ancient federalism, and modern whiggism,—“the representative not to be palsied by the will of his constituents;”—“constitutional scruples to be saved in practical blessings;”—two doctrines, one of which would leave the people without representatives, and the other would leave the Government without a constitution. The ultra federalism of

this gentleman's administration, fortunately for the country the re-union of those homogeneous elements, by the first union of which the elder Mr. Adams has been ejected from power; and this re-union immediately produced a second civil revolution, not less vital to the republic than the first one, of 1800; a revolution, to which we are indebted for the election of a President who has turned back the Government, so far as in his power lies, to the principles of the Constitution, and to the practice of economy—who has directed the action of the Government to patriotic objects—saved the people from the cruel domain of a heartless moneyed power—withstood the combined assaults of the Bank and its allied Statesmen—and frustrated a conspiracy against the liberty, and the prosperity of the people, but little less atrocious in its design, and little less disastrous in its intended effects, than the conspiracy from which Cicero saved the Roman people, and for the frustration of which, he was hailed by Cato, in the assembled presence of all Rome, with the glorious appellation of Pater Patrie—Father of his Country.

It has so happened, that although every Southern President, (four in number) and the only Western one (through his own terms) has received the warm support of Northern Democracy, yet no Northern President has ever yet received the support of the South and West. Hitherto this peculiar, and one-sided result, has left no sting,—created no heart-burnings, in the bosom of Northern Democracy, because it was the result, not of sectional bigotry, but of facts and principles. The administrations of the two Northern Presidents were alike offensive to republicans of all quarters, and were put down by the joint voices of animated Democracy.

But, suppose this state of things now to be changed, and a Democratic candidate to be presented from the North; ought that candidate to be opposed by the Democracy of the South and West? Suppose that candidate to be one coming as near to the Jeffersonian standard (to say more might seem invidious; to say that much is enough for the argument;) suppose such a candidate to be presented; ought the Democracy of the South and West to reject him? Could they do it, without showing a disposition to monopolize the Presidential office? and to go on for an indefinite succession, after having already possessed the office for forty years, out of forty-eight? What would be the effect of such a stand, taken by the South and West, on the harmony of the Democratic party? Certainly to destroy it! What would be its effects on the harmony of the States? Certainly to array them against each other! What would be its effect on the formation of parties? Certainly to change it from the ground of principle, to the ground of territory! to substitute a geographical basis, for the political basis, on which parties now rest.

Could these things be desirable to any friend of popular government; to any considerate and reflecting man in the South or West? On the contrary, should not the democracy of the South and West rejoice at an opportunity to show themselves superior to sectional bigotry, devoted to principle, intent upon the general harmony, inaccessible to intrigue, or to weakness, and ready to support the cause of democracy, whether the representative of the cause come from this or that side of a river or a mountain? A southern and a western man myself, this is the state of my own feeling, and I rejoice to see that your convention has acted upon them. And, if what I have here written, (and which I could not have written if I had accepted the most honorable and gratifying nomination of your convention,) if this letter, too long for the occasion but too short for my feelings! if it shall contribute to prevent the disruption of the republican party, and the con-

sequent loss of all the advantages recovered for the Constitution and the People, under the administration of President Jackson, then shall I feel the consolation of having done a better service to the Republic, by refusing to take, than I can ever do by taking office.

Hoping, then, my dear sir, that the nomination of your Convention may have its full effect in favor of Mr. Van Buren, and that it may be entirely forgotten, so far as it regards myself, except in the grateful recollections of my own bosom.

I remain, most truly and sincerely yours,

THOMAS H. BENTON.  
Major Gen. DAVIS, Manchester, Mississippi.

### AN ACT

Concerning a Convention, to amend the Constitution of the State of North Carolina.

Whereas, the General Assembly of North Carolina have reason to believe that a large portion, if not a majority, of the free men of the State are anxious to amend the Constitution thereof, in certain particulars herein after specified; and whereas, while the General Assembly disclaim all right and power in themselves to alter the fundamental law, they consider it their duty to adopt measures for ascertaining the will of their constituents, and to provide the means for carrying that will into effect, when ascertained; therefore

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of each and every county in the State, at the first term that shall be held after the first day of January, 1835, shall appoint two inspectors to superintend the polls to be opened at each and every election precinct in said counties, for ascertaining, by ballot, the will of the freemen of North Carolina relative to the meeting of a State Convention. And if any court or courts should fail to make such appointments, or if any inspector so appointed shall fail to act, it shall be the duty of the sheriff, or the person acting as his deputy on such occasion, with the advice of one justice of the peace, or if none be present, with the advice of three freeholders, to appoint an inspector or inspectors in the place of him or them who fail to act, which inspectors, when duly sworn by some justice of the peace, or freeholder, to perform the duties of the place with fidelity, shall have the same authority as if appointed by the court.

II. Be it further enacted, That it shall be the duty of the sheriffs of the respective counties in this State to open polls at the several election precincts in said counties on Wednesday and Thursday, the 1st and 2d of April next; when and where all persons qualified by the Constitution to vote for members of the House of Commons may vote for, or against a State Convention; those who wish a Convention voting with a printed or written ticket “Convention,” and those who do not want a Convention, voting in the same way, “No Convention,” or “against Convention.”

III. Be it further enacted, That it shall be the duty of the sheriffs to make duplicate statements of their polls in their respective counties, sworn to before the clerk of the County Court, one copy of which shall be deposited in said clerk's office, and the other copy transmitted to the Governor of the State, at Raleigh, immediately after the election.

IV. Be it further enacted, That it shall be the duty of the Governor, as soon as he shall have received the returns of the sheriffs, in the presence of the Secretary of State, Public Treasurer & Comptroller, to compare the number of votes for and against a Convention; and if it shall appear that a majority of the votes polled are in favor of it he shall forthwith publish a proclamation of the fact in such of the newspapers as he may think proper; and shall issue a

writ of election to every sheriff of the State, requiring him to open polls for the election of delegates in the Convention at the same places, and under the same rules as prescribed for holding other State elections, and at such time as the Governor may designate.

V. Be it further enacted, That the same persons who were appointed to hold the polls in taking the vote on Convention, shall hold them for the election of delegates; provided, that if any of such inspectors shall fail to attend or act, the sheriff and their deputies shall supply their places in the manner herein before pointed out.

VI. Be it further enacted, That the several County Courts shall allow the sheriffs the same compensation for holding said elections that they usually allow for holding other State elections. And if any sheriff or other officer appointed to hold said elections shall fail to comply with the requisitions of this act, he shall be liable to a fine of one thousand dollars, recoverable before any competent jurisdiction, to the use of the county whose officer he is. And it shall be the duty of the county solicitors to prosecute such suits.

VII. Be it further enacted, That all persons qualified to vote for members of the House of Commons, under the present Constitution, shall be entitled to vote for members to said Convention. And all free white men of the age of twenty-one years who shall have been resident in the State one year previous to, and shall continue to be so resident at the time of election, shall be eligible to a seat in said Convention; provided he possess the freehold required of a member of the House of Commons, under the present Constitution.

VIII. Be it further enacted, That each county in this State shall be entitled to elect two delegates to said Convention, and no more.

IX. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy; and the delegates shall convene in, or near the city of Raleigh, on the first Thursday in June next; and provided that a quorum does not attend on the day, the delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall continue a quorum to do business.

X. Be it further enacted, That no delegate elect shall be permitted to take his seat in Convention until he shall have taken and subscribed the following oath or affirmation: I, A. B. do solemnly swear, (or affirm, as the case may be) that I will not, either directly, or indirectly, evade, or disregard the duties enjoined or the limits fixed to this Convention by the people of North Carolina, as set forth in the act of the General Assembly passed in 1834, entitled “An act concerning a Convention to amend the Constitution of the State of the people; so help me God.”

XI. Be it further enacted, That the Public Treasurer be, and he is hereby authorized to pay, upon the warrant of the Governor, such sums of money as may be necessary for the contingent charges of the Convention; and also to pay each member of Convention one dollar and fifty cents per day during his attendance thereon, and five cents for every mile he may travel to and from the Convention.

XII. Be it further enacted, That it shall be the duty of the Governor, immediately after the ratification of this act, to transmit a copy to each County Court clerk in the State, and cause it to be published until the meeting of the Convention in the newspapers of the State.

XIII. Be it further enacted, That the following propositions shall be submitted to the people for their assent or dissent to the same; the former of which shall be understood as expressed by the votes “for Convention,” & the latter by the vote “no Convention,” or “against Convention,” at the time and in the mode herein before

provided, to wit: That the said Convention, when a quorum of the delegates who shall be elected and assembled, shall frame and devise amendments to the Constitution of this State, so as to reduce the number of members in the Senate to not less than thirty-four or more than fifty, to be elected by districts, which districts shall be laid off at convenient and prescribed periods, by counties, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; Provided, that no county shall be divided in the formation of a Senatorial district. And when there are one or more counties having an excess of taxation above the ratio required to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county or counties each shall constitute a Senatorial district. 2. That the said Convention shall form and devise a further amendment to the said Constitution, whereby to reduce the number of members in the House of Commons to not less than 95 nor more than 120, exclusive of borough members, which the convention shall have the discretion to exclude in whole or in part, and the residue to be elected by counties or districts, or both, according to their federal population; i. e. according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons, and the enumeration to be made at convenient and prescribed periods; but each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population. 3. That the said convention shall also frame and devise amendments to said Constitution, whereby it shall be made necessary for persons voting for a Senator, and persons eligible to the Senate, to possess the same residence and freehold qualification respectively in the Senatorial district, as is now required in the county; Provided, that they shall not in any manner disqualify any free white men of this State from voting for members in the House of Commons who are qualified to vote under the existing constitution of this State. 4. That said convention may also consider of, and in their discretion propose the following other amendments to the said Constitution, or any of them, to wit: so as, 1st to abrogate or restrict the right of free negroes or mulattoes to vote for members of the Senate or House of Commons; 2. to disqualify members of the Assembly and officers of the State, or those who hold places of trust under the authority of this State, from being or continuing such while they hold any other office or appointment under the government of this State or of the United States, or any other government whatsoever; 3. to provide that capitation tax on slaves and free white polls shall be equal throughout the State; 4. to provide for some mode of appointing and removing from office militia officers and justices of the peace, different from that which is now practised; 5. to compel the members of the General Assembly to vote *viva voce* in the election of officers whose appointment is conferred on that body; 6. to amend the 32d article of the Constitution of the State; 7. to provide for supplying vacancies in the General Assembly of this State, when such vacancies occur by resignation or death, or otherwise, before the meeting of the General Assembly; 8. to provide for biennial meeting instead of annual meeting of the General Assembly; and if they shall determine on biennial sessions, then they may alter the constitution in such parts of it as require the annual election of members of Assembly and officers of State, and

the triennial election of members of State, and provide for an election every two years; and provide for the election of members of the State by the qualified voters for members of the House of Commons, and to prescribe the term for which the Governor shall be elected, and the number of terms during which he shall be eligible. And the said convention shall adopt ordinances for carrying into effect the amendments which shall be made, and submit said amendments to the determination of the qualified voters of the State; but they shall not alter any other article of Constitution or Bill of Rights nor propose any amendment the same, except those which are before herein enumerated.

XIV. Be it further enacted, That if a majority of voters at election first directed to be a Convention, shall be found to have conferred on the delegates said Convention the power and authority to make alterations, amendments in the existing constitution of the State, in the particulars herein enumerated, or of them, but in no others.

XV. Be it further enacted, That the said Convention, having adopted amendments to the Constitution, in any or all said particulars, shall propose some mode for the ratification of the same, by the people or their representatives; and shall promulgate all necessary ordinances and regulations for the purpose of executing full operation and effect to this Constitution as altered and amended.

XVI. Be it further enacted, That the Convention shall provide in what manner amendments shall in future be made to the Constitution of the State.

Read three times and ratified by the General Assembly, 6th January, 1835.

Wm. J. Alexander, S. J.  
Wm. D. Mosley, S. S.

### AN ACT

Supplemental to an Act, passed at the present Session, entitled “An Act concerning a Convention, to amend the Constitution of the State of North Carolina.”

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the following propositions shall be submitted to the people for their assent or dissent, in the same manner, and under the same forms, regulations and restrictions as were prescribed and adopted in an act passed at the present session, entitled an act “concerning a Convention, to amend the Constitution of the State of North Carolina,” that the said Convention may, in their discretion, advise and propose the following amendments to the said Constitution, or any of them, so as, 1. to provide that the Attorney General shall be elected for a term of years. 2. To provide a tribunal whereby the Judges of the Supreme and Superior Courts, or other offices of the State, may be impeached and tried for corruption and mal-practices in office. 3. To provide that upon conviction of any Justice of the Peace, any infamous crime, or of corruption and mal-practice in office, a commission shall be vacated, or said Justice rendered forever disqualified from holding such appointment. 4. To provide in the removal of any of the Judges of the Supreme or Superior Courts in consequence of mental or physical inability, upon a concurred resolution of two thirds of both branches of the Legislature. 5. To provide that the salaries of the Judges shall not be diminished during their continuance in office. 6. To provide against unnecessary private legislation. 7. To provide that no Judge of the Supreme or Superior Courts shall whilst retaining his judicial office be eligible to any other except the Supreme Court Bench.

2. And be it further enacted, That should the people decide in favor of a Convention, as is provided for in the before referred to act, the said Convention is hereby