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Legislature of North-Carolina.

HOUSE OF COMMONS. December, 1823.

DEBATE ON MR. FISHER'S ANTI-CAUCUS RESOLUTIONS. (CONTINUED.)

Mr. SHEPPERD remarked, that it would ever be to him a consideration of the highest gratification that the right of the election of President of these United States, should be secured to the people of the several States composing our Union; but while he admired and applauded this feature of the Federal Constitution, he thought there was but too much reason to apprehend, that the great body of the people, upon whom (in times of public peace and tranquillity, like the present) the General Government has only an indirect, and almost imperceptible operation, will be found to manifest too great a degree of indifference about the election of their Chief Magistrate. For whatever measure of excitement may pervade this House while engaged in the discussion, gentlemen may rest assured, that little if any of that spirit will be found to possess their constituents at home. From this belief of the temper and disposition of the people upon the important question involved in these resolutions, he conceived it his imperative duty to guard against all those measures that may have a tendency to withdraw from them the fair and impartial exercise of their constitutional privilege, in a matter of so much importance.

Did he believe, what some gentlemen insisted upon, that the nomination of a candidate for the Presidency by the Members of Congress, would be inoperative upon public opinion, he would not have troubled the House with the expression of his sentiments on the subject; but, as had been observed by the gentleman from Rowan, he believed the nomination at Washington had heretofore succeeded in securing the election of the individual recommended, the practice may therefore be regarded as something more in effect than the harmless expression of an opinion, for as it has had, so will it continue to have, if not a binding, at least a powerful influence on the people of this country. Suppose, said he, that before we leave the city of Raleigh, some one of the gentlemen in nomination for the Presidency should be proclaimed at Washington as the Caucus candidate, what would the managing politicians of the day say to those of us who might still be inclined to support some other candidate? We should, then, hear much of the folly and intemperance of throwing away our suffrage by bestowing it on one who, we should be told, could not succeed for the want of a caucus nomination, and though for one, he should not be disposed to listen to these sage admonitions, and would support his friend, though he might stand alone in such preference, yet it could not be doubted, that such an appeal, when addressed to the public consideration, would have no little effect in determining the vote of the State, especially when we bear in mind the melancholy fact, that the people have been, and will continue to be, too indifferent about the result. In such a state of things, many will be seen to decline giving their votes, whilst others will be found to join in the support of that candidate who would not have been the man of their choice if they had been left free and untrammelled by a Caucus nomination. He could not, therefore, agree with the gentleman from Beaufort that the preamble and resolutions, now before the House, were merely designed to have an effect upon the candidates for the Presidency.—He did not so consider the question, but regarded it as one that had an immediate reference to an important constitutional principle, and thought that the adoption of the resolutions would go to censure and condemn a practice which, in its exercise, has an alarming tendency to a usurpation of the rights of the people, by making the election of President a mere matter of bargain and sale, by unauthorized individuals at Washington City.

The gentleman from Rowan, in opening this discussion, had expressed a wish to modify the resolutions, so as to make them more generally acceptable to the House; but this opportunity, for the present, had been denied him by the very unparliamentary motion of the gentleman from Halifax.—Should that gentleman's motion fail, the friends of the resolutions will amend them, as to make them convey a mere expression of the opinion of this General Assembly on the practice of Congressional Caucuses. What rights we are asked, have we to dictate to our Senators and Representatives in Congress? Considering the resolutions as they now stand, and unconnected with the proposed modification, Mr. S. observed, he did not consider them as holding any thing of a dictatorial tone, but as respectfully conveying that instruction and request which the Legislative Assemblies of our own and other States, have frequently exercised, without a question of their right or authority so to do. We have indeed, no power to control the legislative will of our members in Congress, or to prescribe what shall be their private deportment whilst at the City of Washington; yet we have not only the right, but it is our imperious duty, to convey to them an expression of our opinion upon any question of public moment, and which their conduct may have a tendency to control, still he did not question their power of determining upon the course they might pursue in relation to our request or instruction, by either conforming to the legislative will of the State, or by acting in contradiction to it; but for this, as well as all other acts of their public conduct, they would have to account to their constituents.—One of the

resolutions under consideration, called the attention of our members in Congress to an amendment of the Constitution of the United States, so as to provide for the election of Electors upon the District plan throughout the States.

In providing for the election of President and Vice President by the intervention of electors, the Constitution had removed it one degree from the people themselves, and in adopting the mode by which the Electors should be chosen, he should prefer that which would be most likely to produce the same result, as if the ultimate vote were exercised directly by the people. This he thought was to be attained by establishing the District principle. It was also to be preferred, from its tendency to secure a more general vote, by inducing the people to feel and exercise a deeper interest in the result of the election. But when called upon by the General Ticket plan, to vote for fifteen Electors, situated in different and remote sections of the State, most of whom must be entirely unknown, even by name, to the great body of our citizens, it cannot be expected that they should manifest any solicitude to exercise their constitutional privilege. But we may be told, that the standing and character of the candidates for the electoral appointment will not be sought after by the people, and that they will content themselves by knowing of electors, whom they will support for President. But gentlemen may rest assured, that such had not been, nor would it be, the practical result. The people have, and will continue to require some knowledge or proof of the integrity and ability of the individuals whom they are called upon to employ as their agents, in a business of so much importance.

Mr. S. concluded by remarking, that he should vote against the motion for indefinite postponement, and if it did not prevail, he hoped to see the resolutions so amended, as to make them agreeable to all who were friendly to the principles which they contained.

Mr. B. BROWN said, in rising to exercise the constitutional right which he possessed in common with every member of that House, he must be permitted to express his regret that the preamble and resolutions, now under consideration, had been introduced at all. He regretted it, because he believed much of our time would be consumed in their discussion, which, in justice to our constituents, ought to be devoted to subjects of useful legislation; that, if adopted, they would be inoperative, and therefore useless; as the instructions which they contain, he had no doubt, would be disobeyed by our Senators and Representatives in Congress; that they were extremely objectionable, inasmuch as they proposed for this Legislature to take on itself a jurisdiction which it had no right to exercise. In the course which he should pursue on this occasion, he was uninfluenced by any partiality which he might feel for either of the distinguished individuals who were before the American public as candidates for the Presidency; as such considerations should always be subordinate to the great interests of the nation.—Mr. B. said, we were called on by the Preamble and Resolutions to assume an authority which he believed we were incompetent to exercise; we were called on to instruct our Members of Congress how they should act; not in their public characters, as Representatives, but prescribing rules of conduct which were to govern them in their private capacities as individuals. He believed the right of the constituent to instruct the Representative as to what course of conduct he should pursue on all questions of national importance, was one of the most valuable and unquestionable principles of a free government; but whenever we attempt to dictate to them—not how they shall legislate as Members of Congress; but in what manner they shall act as private individuals, we are no longer acting in our legitimate sphere; and we expose ourselves to have the charge of usurpation retorted on us, which the author of the preamble so zealously labors to fix on Members of Congress, who, as citizens of this country, assemble for the purpose of nominating to the people of the United States some individuals, whom they deem best qualified by their talents and virtues to fill the executive department of the government. If the Legislature assumes to itself the power of imposing silence on Members of Congress as regards the election of a President and Vice President, the absurd consequence would follow, that they could restrain them in the exercise of any other personal privilege; and might, in the plenitude of their authority, and with equal propriety, adopt resolutions instructing them not to attend the President's levees, lest the purity of their Republican principles should become corrupted. Mr. Brown said, the framers of the constitution, in confiding to the freemen of these States, the election of a President and Vice President, must have supposed that they would exercise that privilege understandingly, and avail themselves of all the information within their reach, from the almost boundless extent of our territory; it was impossible that the great body of the people could have a personal knowledge of the several persons who are in nomination for the Presidency; how then are they to obtain this information? If they resort to the newspapers, they are liable to delusion; for whilst one journal ascribes to one of the persons in nomination every moral and political excellence, the columns of another teem with defamation against the same individual, and is unable to discern in him any one quality which would fit him for the Presidency. Where, then, he asked, could the people of this country, with more propriety apply for information than to their Representatives in Congress, who have opportunities of estimating the merits and pretensions of the persons in nomination, much superior to those enjoyed by their constituents? But it had been urged, by gentlemen in favor of the resolutions, that a nomination at Washington by Members of Congress afforded the fairest opportunity for the operation of intrigue and corruption on their choice. It is a sufficient answer to this argument, that the Members of Congress, coming directly from the great body of the people; their feelings and interests are in a great degree identified; they are bound to the country by the strong ties of affection and interest; they are responsible to those who elect them for the faithful discharge of their duty, and they are dependent on

them for their re-election, and therefore prompted by every motive of patriotism and of self-interest to act with a proper fidelity to the public in their designation of the individual whom they would recommend as President; which recommendation is to have no blinding effect on public sentiment—but to be received for as much as it is worth, and no more.

If the privilege of making a nomination, which Members of Congress possess to the same extent that other citizens do, should be abused, and they were to endeavor to impose on the people a man who was neither honest nor capable, there is virtue and intelligence enough in the people of the United States to reject, with indignation, the individual who would degrade the highest office within their gift. But it had been said by gentlemen who were opposed to a nomination at the city of Washington, that its great object was to control public opinion, and thereby to create an election in direct opposition to the wishes of the nation. He believed public opinion had uniformly preceded the nominations heretofore made, and had pointed to the individuals who had been recommended as the proper persons to be chosen; that Members of Congress, in expressing their opinions on this subject, were merely the organs through which the sense of their constituents was expressed; that most of the elections to the House of Representatives had been made with reference to this question. But who does the resolutions now before us propose to instruct? asked Mr. B. One of the gentlemen is a man venerable for his years; whose solid understanding has been enriched by the treasures of experience, and who might, with propriety, be said "to have done the state some service;" who was not less estimable in private life than he was eminent as a statesman; and whose history for the last thirty years, was an ample security to the people of this country, that, on no occasion, would he betray their interests—he alluded to NATHANIEL MACON; and the gentleman from Rowan (Mr. Fisher) must pardon him, if he should say (for he meant no disparagement to the Preamble and Resolutions of which he was the author) he believed the understanding of the individual just spoken of, would not be so much enlightened on constitutional questions by any reflections which were to be found in that production: he thought it now too late for this Legislature to place so old and so respectable a public servant in leading-strings. The gentleman from Rowan, said Mr. B. has produced an authority in support of his course which is rather unfortunate. He says the state of Tennessee has protested against a caucus being held at the city of Washington. It is true she is the daughter of North Carolina, but however high, he might admire her military prowess and patriotism, he feared she had degenerated from that pure morality in her legislation which he hoped would always mark the course of her ancestor. But a short time has elapsed since the legislature of that state acted on the very principle by nominating Gen. Jackson to the people of the United States as President, which Mr. Grundy (the mover of the protest), and the Legislature of Tennessee now so much reprobate as unconstitutional and of dangerous tendency. If the Legislature of Tennessee assumes the right of nominating a President, surely they should not object to the exercise of the same right by others.—We are told by gentlemen, that a recommendation of some person as President by Members of Congress, has never been resorted to, except when important principles were involved; and if it was ever useful, it is now entirely unnecessary, as party rancour has subsided; and it is no longer a question of principle, but a choice of men. The nomination of Mr. Monroe was an instance to the contrary; the nation at that time had just emerged from a war in which she had been signally triumphant; our navy had acquired imperishable renown; our armies had won a succession of the most splendid victories, and party spirit had in a great degree become extinguished in the general joy for the return of peace. The Republican administration had at no period reached a prouder elevation than they enjoyed at that time; and opposition to Mr. Monroe, on principle, had never been thought of. Precedent, therefore, did not bear gentlemen out in the assertion that all nominations heretofore made were when great principles were involved.—Mr. B. was opposed to the passage of the Preamble and Resolutions on another ground: they contained a grave charge against Members of Congress who met in Caucus. It was asserted, in substance, in the Preamble, that they were guilty of the crime of perjury, by violating the spirit of the constitution which they had sworn to support. This, he said, was a reflection on three of the distinguished individuals who were candidates for the Presidency, Mr. Clay, Mr. Crawford, and Mr. Calhoun, all of whom had attended meetings of this kind, some of them more than once. Their characters were the property of the nation; and he was not disposed, by adopting the principles of the preamble, to sanction the degrading charge of perjury, which it made against those persons and all other who had attended such meetings; as if it is a violation of the spirit of the constitution now, it was equally so heretofore. But gentlemen object to a nomination at Washington, because it is calculated to defeat that provision of the constitution, which declares, if no election is made by the people, then the House of Representatives shall elect. It is alleged, that inasmuch as a nomination by making an election certain, prevents that provision from going into operation, the constitution is violated. If this be a breach of the constitution, then every assemblage of the citizens of this country to promote the success of a particular candidate is equally a breach of the constitution. As well might it be said, if our present worthy President were dangerously ill, he ought not to employ medical assistance, because, if he recovered, that provision of the constitution would be defeated, which clothes the Vice President with his authority in the event of his death.—Such reasoning would not be more preposterous than the argument just mentioned.

Mr. B. said, the experience of the last twenty-three years furnished ample proof that no such dangerous consequences as had been apprehended, would flow from a nomination by Members of Congress. The last four il-

lustrious individuals who had filled the Presidency, were recommended by our Representatives in Congress, and no government in the history of the world had been administered with more ability and integrity than ours. Those who were then opposed to a nomination, predicted the subversion of our constitution and the destruction of our liberties; yet notwithstanding all these evil forebodings, our constitution still survives in its original purity, and the citizen yet enjoyed unimpair'd all the rights that a free government could bestow. Gentlemen on the other side claim exclusive friendship for the people; they wish to put down a practice which wrears from them the privilege of making an election. Mr. B. asked, who were the friends to the people? Those who were for pursuing such a course as would unite public opinion and make it effective in the election of a Chief Magistrate, or those who were for preventing that course, and, in effect, defeating the will of the majority, and thereby causing the election to devolve on the House of Representatives, where the door to intrigue and management was open; where the Representatives of two millions of souls in the small states, will have as much weight as the Representatives of seven millions in the large States? By a reference to the census of the United States, it will be seen, that the state of North-Carolina has a population nearly equal to seven of the small states; and that the great state of New-York is superior in number to ten of the small states; yet, if the election was decided by the House of Representatives, where each state would be entitled to a single vote, the two populous states which he had spoken of, would sink to a level with the little state of Illinois, which contains a population not exceeding sixty thousand souls; and which is entitled only to one Representative on the floor of Congress. Mr. B. remarked, if the election went to the House of Representatives, corruption and intrigue could effect a conquest over the integrity of our Members of Congress with much more ease than they could in a caucus; in the latter, each individual Member voted, and a majority must be gained; in the former, where the voter were given by states, thirty-one Members of Congress could elect a President. In his estimation, this was the most objectionable feature in the Federal Constitution, a Chief Magistrate might be imposed on the nation, by this mode of election, in direct opposition to its wishes. This House cannot have forgotten the imminent danger to which our constitution had been exposed, on a former occasion, when the election was thrown into the House of Representatives; the spirit of party was prepared to sacrifice it at the unhallowed shrine of ambition; a powerful faction in Congress, boldly spoke of making a President by law; which would have produced all the horrors of a civil war. Believing that a nomination of some individual for the Presidency by the Members of Congress, would have the effect to avert an evil so justly dreaded, believing that it would unite public sentiment, and enable the people to succeed in making an election, he should vote for the indefinite postponement of the Preamble and Resolutions, and was in favor of a nomination at Washington, a proceeding which prudence dictated, example sanctioned, and experience taught us was productive of no evil consequence. Mr. B. concluded, by expressing his sense of the obligation which he was under to the House for the indulgence which they had extended to him.

Mr. Monroe, Gen. Jackson and Mr. Lowrie.

The overwhelming demon of party spirit has stalked through our land, like "the destroying angel," and seeks to blast the eminent, the virtuous, the veterans, "the first born sons of America," in one common ruin. The Nobles and Grandees of Britain are loud in the declaration of American prowess and of Republican glory.—The Editors of the Richmond Enquirer—of the constitutional Whig, and of the National Advocate of New York, are loud in the declaration that the chief, the statesman,—that the very Patriarchs of American liberty are "decayed in their glory and sunk in their worth."

The individual more immediately selected for obloquy and reproach is our chief magistrate. James Monroe is made the butt against which the arrows of virulent antipathy have been shot.

CHARGE I.—He is charged with duplicity and falsehood in asserting that he had never read a letter written by General Jackson, in the presence of Mr. Lowrie, and which letter was asserted to recommend the appointment of two Federalists and two Democrats to compose the Cabinet, and which letter was further urged by Mr. Monroe in vindication of several appointments which he had made, one especially, which were hostile to many leaders of the Democratic party. Now what are the facts? The President read a letter from Gen. Jackson, in the presence of Mr. Lowrie, recommending the selection of a Cabinet on certain principles. The following is the extract from that letter bearing upon the point in discussion, and it has been so garbled, so mutilated, so caused to read and mean any thing or nothing, that we give the exact passage: "Pardon me, dear sir, for the following remarks concerning the next Presidential term—they are made with the sincerity and freedom of a friend. I cannot doubt they will be received with feelings similar to those which have impelled me to make them. Every thing depends on the selection of your ministry. In every selection, Party and Party feelings should be avoided. Now is the time to exterminate that monster called Party Spirit. By selecting characters most conspicuous for their probity, virtue, capacity and firmness, without any regard to party, you will go far to eradicate those feelings which on former occasions have been so many obstacles in the way of government, and perhaps have the pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feelings; his conduct should be liberal and disinterested, always bearing in mind, that he acts for the whole, and not a part of the community. By this course you will exalt the national character, and acquire for yourself a name as imperishable as monuments marble. Consult no party in your choice, pursue the dictates of that unerring

judgment which has so long so often benefited our country, and rendered illustrious its rulers. These are the sentiments of a friend; they are the feelings, I know my own heart, of an undivided patriot."

Now let the reader examine these quotations—let him examine all the expressions which precede, and all which follow the words "without any regard to party," and let him, candidly, put that construction on them, which he would have given, had he never heard of this controversy. Do these sentiments convey the idea that Federalists ought to be admitted into the Cabinet?—do they convey the idea that Federalists with the principles of Federalism ought to be admitted into the Cabinet? Surely not.

Is there a heart which beats with American feelings that would not rejoice in the completion of the wishes of Jackson? Is there a soul that beats with the high tide of impulse of holy and patriotic emotion, which would not gladden at the glorious prospect of a united people—of a united band of freemen rallying around the government and "the chief of their choice." Gen. Jackson proposed to the President, in the warmest friendship—arrange your Cabinet and choose your heads of departments in such a way, as that the nation shall be one—one in its feelings—one in its exertions—one in its mighty energy to resist any attempt of the Holy Alliance. The position that a nation united within itself can never be conquered, has become an historical axiom. It was this union that overthrew the millions of Persians when they advanced against the Greeks, combined in behalf of the liberties of their country.—It was this union which, in modern times, during the terrible convulsions of the French Republic, when brought to act on the great mass of the citizens, sent two millions of armed men into the field and dashed to pieces the efforts of all the powers of Europe. It was this union which caused Great Britain, in the years 1803-4-5, to present to France—had its chief and its hosts landed, the collected hands composed of every man who could bear arms, and whilst they calmly awaited the shock, merging the distinction of Whig and Tory and Reformer, with a few trivial exceptions, in the name of Briton and the defender of Britain's rights.—And it was this union, at the close of the war, in this our own country, which presented a front that caused the enemy to hesitate, and the actual, if not legal, traitor to cower. Influenced by such feelings, Gen. Jackson recommended Colonel Drayton, who had been a Federalist, to be appointed Secretary of the War Department.—He left his practice at his bar estimated at 16,000 dollars per annum, to engage in "the tented field." He had stood by his country in the hour of need, and, in Gen. Jackson's opinion, he was deserving of the confidence of his country.

Grounded on such premises, it was affirmed on the authority of Mr. Lowrie, that Gen. Jackson had proposed, in a letter to Mr. Monroe, that two Federalists should be introduced into the Cabinet at Washington. Mr. Bremer, the friend of Gen. Jackson, called on the President, and asked whether such a letter had been read. He answered—No. Could he have answered otherwise? The very same men who now attack him so strongly, would have been the first, in consequence of their malevolent feelings, to have wounded his reputation and honor. They would have said, and said truly,—no such fact exists in the letter, and even if we are opposed to General Jackson, we think that this is an ungenerous mode by which Mr. Monroe endeavors to injure his prospects.

But the nucleus, the pivot, the very centre on which the whole controversy turns, is what were the enquiries of Mr. Kremer, and what was the answer of the President?—They have been already stated, and let every impartial man judge. But the grand and leading position which Mr. Lowrie assumed, was that he had obtained a letter, the property of the President, and was the answer to Jackson's proposition. The person in Richmond, who was the medium by which this purloined article was conveyed to Mr. Lowrie, says in his accompanying letter to Mr. Lowrie, and says in the most express terms, that the letter inclosed "is a copy of a letter from Mr. Monroe, to Gen. Jackson, in answer to one from him in which he recommended to the President to form an administration of two Federalists and two Democrats." The obvious scope and tendency of Gen. Jackson's letter to the President was a recommendation to make the nation united, energetic, and great, by rendering it unanimous in its efforts.—He says to the President—select "characters most conspicuous for their probity, virtue, capacity and firmness, without any regard to party."—Now are probity, virtue, capacity, and firmness, sufficient reasons for appointing an individual to a public office?—Without attempting to analyze these terms, or open Johnston's Dictionary, as Mr. Ritchie of the Enquirer would do, (for he bothered his own brains and that of all his readers, the other day, by an explanation from the Dictionary of the word *conspicuous*.) we humbly think they mean that, where public disinterestedness—personal worth—vigorous talents—and decision, to carry into effect the designs emanating from these talents are to be found, we ought to employ without regard to names—party—or political sect; those who can do most good for their country. No matter what the name of the political party under which a man may have acted—is he now calculated to be of service to his country—can he do that service more efficiently than other men? If so, then employ him for the weal of that land which we love, and which weal he will most effectually promote. This is the plain, unvarnished, obvious meaning and tendency of Jackson's proposition in the letter to Mr. Monroe. The answer which Mr. Monroe gave to Mr. Kremer is the only one consistent with truth, which he could have given. He fairly and justly answered the interrogatory put to him; and because he did so, he has been infamously stigmatized.

Richmond Phœnix.

Free Masonry.—It was mentioned in Mr. Wolf's Journal, that there are many free masons among the Turks in Persia, Damascus, and in the mountains of Lebanon.