

WESTERN CAROLINIAN.

VOL. IV.]

SALISBURY, N. C. TUESDAY, MARCH 28, 1824.

[NO. 198.

PRINTED
By PHILo WHITE,
Publisher of the *Law of the United States*.

The terms of the Western Carolinian will
hereafter be as follows: Three Dollars a year,
payable in advance.

Advertisements will be inserted at fifty cents
per square for the first insertion, and twenty-five
cents for each subsequent one.

All letters addressed to the Editor, must be
post-paid, or they will not be attended to.

DEBATE *In the Legislature of North-Carolina,* On Mr. FISHER'S ANTI-CAUCUS RESOLUTIONS.

From the Herald Register.

Mr. T. W. Blackledge rose and said, Mr. Speaker, I cannot refrain on this occasion, from again expressing my deep regret, that this house should be called on for this subject at all. Believing the resolutions as intended to have a direct bearing on the Presidential election, the subject becomes to me one of deep, earnest and solemn interest; believing also, that this is a subject which certainly does not come before us in our legislative capacity, and that we are travelling beyond our constitutional limits, in dictating to our representatives in Congress, I regret that our feelings should be excited, and the harmony of the house interrupted by the unnecessary discussion of a subject, at once so critical and delicate. It is to me, a matter of not only regret, but of surprise also, that the gentlemen who have lauded, with such sanctimonious gravity, the era of good feelings—who profess themselves believers in a political millenium, and assert that it has now arrived, should so recklessly and carelessly hazard the existence of the one, and the continuance of the other. These gentlemen must know that they have deliberately thrown into this house a lighted firebrand; a brand which will kindle into a blaze, the now dormant, but unextinguished members of political faction; and rouse into action, with increased malevolence and energy, all the angry passions which emanate from party discord. I repeat, sir, that they have deliberately been the means of rousing these disagreeable feelings—for though the preamble and resolutions are worded with much speciousness and caution, and say nothing concerning the candidates for the Presidency, it must be evident, that whatever they profess, they certainly were intended to subserve the interest of one or more of the candidates for that office, and to prejudice the standing of another—of the one whom I believe to be the most worthy, and who is certainly the most popular candidate, among our constituents. I beg, sir, to be understood as imputing to the friends of these resolutions no unworthy motives; far from it. If they have a favorite, they certainly have a right to use their own ways and means to forward his views, and neither I, nor those with whom I agree, have a right or a wish to be of their counsel. But I am anxious that the subject of debate should be understood, not only as regards its outward and visible form, but as to the real operation which it is intended to have. And I think I am borne out in my opinion, as to their real intent, by the crisis at which they are introduced, the well known sentiments of the gentleman who brought them before us, and of other gentlemen arrayed in their defence, and lastly, by the notoriously preponderating popularity of the favorite candidate of this state, in the house of representatives—in that body, whose simplicity we are invited to instruct, and of whose honor we are requested to constitute ourselves the guardians.

The gentleman from Rowan, sir, has complained that the course pursued by the gentleman from Halifax, in moving the indefinite postponement of the whole subject, is not liberal or parliamentary—because he is by that motion, precluded from offering an amendment to, or a substitute for the original preamble and resolutions. Surely, Mr. Speaker, the gentleman cannot pretend he has been taken by surprise. These resolutions were not drawn in the perplexity and hurry of business, or in the confusion of debate. They have been expected to make their appearance in this house, almost ever since we have met. The awful note of preparation had for a long time sounded ere their appearance—and they now bear evident marks of labor and foresight in their production. But the gentleman from Rowan has discovered, that there are some federal gentlemen in this house, who though they are willing to join in his opposition to Mr. Crawford, yet cannot swallow the whole of the doctrine contained in his preamble and resolutions—who are against censuring, but equally against our usurping right of surveillance over our members of congress, and whose well known consistency will not permit them to sacrifice a principle, to further a political purpose, by voting for the resolutions

in their present shape. This is no more than I expect from their well known independence; but the gentleman from Rowan, I presume, was deceived in his expectations, and now wishes to rectify the error and render them more palatable to those gentlemen, in order that, by uniting that party with a fragment of *soi-disant* republicans, he may array a force sufficient to counteract the strength of the republican party. I do not feel myself bound to indulge the gentleman in any more of his political experiments—he has thrown the die, and must abide the result of chance—he has steered his own course, and if in attempting to avoid Scylla, he has dashed himself on Charybdis, his shipwreck must atone for his miscalculating pilotage.

The remarks of the gentleman from Rowan have been so multifarious and discursive, that I am sure my memory will not enable me to animadvert on them all—not on any of them with the same lucidness and order which they have been laid before us by him. I shall take the liberty of calling the attention of the house to some few of them, in the order in which they are marshalled in my recollection. Before, however, I proceed to this, I would ask leave to examine what I deem a previous question of some importance—whether we are not stepping beyond our constitutional limits, in instructing or advising our representatives in congress? As to the abstract right of passing the resolutions on the table, it is not necessary to waste time in reasoning on it—we have the right to pass resolutions advising and instructing the house of lords and commons of Great Britain or the peers of France, or the privy council of the Czar. But as these bodies are not particularly responsible to us for their good behaviour, I apprehend we should expose ourselves to their derision were we to venture on an interference in their concerns. The case is nearly or quite parallel as between ourselves and the members of congress. I conceive, sir, that there can be no right or expediency in tendering advice or instruction, where there is no responsibility between the party instructing and the party to which instructions are given. The right or expediency is co-extensive with this responsibility, and correspondent to, and in exact proportion with the degree thereof, on the behalf of the party instructed. Now, sir, the members of the house of representatives are elected by the people, and are responsible to the people, and to them only—and so far as we compose a small unit in the vast sum of the people, so far and no farther can we expect our advice or instruction to have weight with our members of congress. For, sir, I apprehend they owe to us no allegiance as members of the legislature; nor in any other capacity but as individuals of the community; as a legislature, we have no influence in their election—there is, therefore, no responsibility on their part, nor consequently any right of instruction on ours. As individuals and part of the people, he have a right to instruct our representatives: because the people have that right. But would it not be nugatory—nay worse than nugatory for us to interfere as a legislature? Would it not be exposing the legislature to contempt, to do an act to which no respect can be paid as an act of legislation? These observations apply, with nearly equal force, to our senators as to our representatives. Though we are the immediate organs in electing them, yet we are elected by the people, and are responsible to them for the correctness of our selection. Our political existence expires almost with the act of election, and in the nature of things can never be integrally resuscitated. They, the senators, are re-eligible by another legislature to be chosen six years afterwards, by the people, from their own body; and they are therefore responsible to them, though in a more remote degree, both on that account and the account of the infrequency of their election, than the representatives; and I apprehend there is no more propriety in our instructing our senators in their duty, than there would be should the electors of the President, advise him as to the course of policy which he should pursue in the administration of the general government. The mode of their election is nearly similar, and the responsibility of the President to the college of electors is more direct and immediate than is that of the senators to the legislature, because the term of re-election is shorter: Yet I am equally certain that an inference like this on the behalf of the electors, would be deemed an act little short of insanity. With this view of the subject, I beg the house to be cautious in passing resolutions, which, to say the least of them, are mere nullities—to forbear giving advice, to which we cannot compel them to listen; or instructions which we cannot coerce them to adopt. I fear, sir,

we should only expose ourselves to the contempt which always attends arrogant impudence of pretension, when accompanied by total imbecility or absolute impotence of execution. Further, sir, if we have a right to instruct our representatives on this subject, we have the same on any other, or all other subjects—it is impossible to draw a line of distinction. And if we believe that our present members of Congress, from want of understanding or honesty, have betrayed the interest of their country, or are about to betray it, and that it is our duty to set them aright; the same motives should induce us to watch over their every act—every vote; and kindly to point out the policy they should pursue. It is equally our duty to continue in session, as long as Congress, for fear that from the want of our aid and instruction, the country might be injured by their counsels. This is one of the absurd consequences flowing from the doctrine—it, in fact, makes congress nothing more than a body met together from all parts of the U. States, to record the edicts of the state legislatures.

This important previous question of the right to instruct, has, it seems, not arrested the attention of the gentleman from Rowan. Pending a *Caucus* by, he arranges his objections against a caucus, under two heads. He says the system is, 1st, unconstitutional; 2d, inexpedient at this time. Let us examine the gentleman's objections in due order.

1st, as to its unconstitutionality—The gentleman recites to us a clause from the Constitution of the United States which prohibits members of congress, among others, from being electors of President and Vice President of the United States; and avers, that when they meet in a caucus and recommend any particular candidate to the people, they thereby virtually become electors, and violate the constitution. An elector, Mr. Speaker, is a creature of the constitution, and existing by it, and described and defined distinctly as to his powers therein. He is a person chosen either by the people or the legislature, to meet at a certain time and place, and give a vote for President and Vice President. This, sir, is, I believe, a full and distinct definition of an elector. Will the gentleman from Rowan point out to me, to which part of this definition a member of congress answers, when he expresses his opinions to his fellow citizens as to the merits of any one candidate for the Presidency? Even his ingenuity must be at fault to this question; his sophistry does not deceive himself. Before I proceed any farther in the examination of this part of the subject, I will take the liberty of explaining my ideas of the interpretation of the constitution as applicable to the subject. I believe, sir, that a citizen retains in every office which he may be called on to fill, each and every privilege to which other citizens are entitled, except where they are expressly taken away by some clause of the constitution. This plain and simple proposition, is so consonant to our most ordinary ideas of civil liberty, that I apprehend none will be hardy enough to deny of contradict it. Our general liberty and privileges, are, in some few particular instances, abridged by constitutional prohibition—as in those instances where the exercise of a particular privilege or liberty is deemed incompatible with the holding any particular office. Thus a member of congress may not exercise or hold any office of trust or profit under the general government, nor be an elector of President and Vice President of the United States. But these exceptions are never construed beyond the strict letter of enactment—we have confined them to their strict literal meaning. I understand, that this instrument has, among the republicans, always received a rigid, scrupulous, and narrow construction. They have never permitted the general government to assume any powers but what were plainly and clearly given—nothing by implication. The case was different formerly. At the eventful crisis of 1798—1799, the constitution was a mere nose of wax; it was construed to mean any thing or nothing, precisely as it agreed with or contravened the views of their then dormant party. But those times are gone by, and we are no longer in the habit of construing expediency and necessity to be synonymous terms. Now, sir, I call upon the gentleman from Rowan to point out the clause in the constitution which prohibits our members of congress from forming an opinion on any political subject; or of expressing that opinion when formed?—to point out the clause which makes a difference of criminality between expressing the same at home; or between expressing an opinion singly, and doing the same in company with others. The gentleman from Rowan will not deny, that our representatives may do the former

acts, that is, form and express an opinion as to men and measures whilst at home and acting in their private capacity. Let him then point out the discrimination between the one and the other—let him shew the point where innocence terminates and guilt commences. Let him demonstrate, why that which an individual may do honestly and constitutionally, may not be done with equal honesty and equal regard to the constitution, by numbers. In fine, sir, let the gentleman from Rowan, and I seriously ask him to do it, give us some tangible definition of a caucus, that we may fairly understand what we are so urgently pressed to pronounce unconstitutional and inexpedient. Until he shall have answered these questions, or give these explanations, I can only give to the gentleman's arguments the weight due to earnest and frothy declamation.

But, sir, we are told by the gentleman, that it is wrong that our representatives should express an opinion on, or interfere in this matter, because if they did, there would be great danger of their being corrupted, or bribed by the candidates for the presidency—and that this is evinced by the fact, that they are excluded by the constitution from being electors;

It appears that the venerable framers of that instrument, entertained a deep jealousy of their political purity in this matter. It seems to me, sir, to be strange, that the framers of our constitution should be so exceedingly jealous of the purity of our members of congress as to inhibit them from expressing an opinion on the subject, or recommending a candidate to their constituents—and at the same time should lodge in them, in the dexterous resort, the selection of the president. In the first event, viz: an election by the people of electors, the number of candidates will generally be so great, and the prospect of the election of either of them so remote and contingent, that their means of corruption are greatly inferior to what they are, in the latter event, an election by congress. The promise of an office by any one of the candidates, previous to the decision of the electoral college, would be too uncertain to have any influence; when, from the number of the candidates, it was very probable, that that body would fail to make a constitutional selection. Surely, sir, if any thing is to be dreaded on this score, the peril is much more imminent, when the election becomes vested in the house of representatives. Then there can be only three candidates; there will generally be only two who are prominent. Then, the whole executive patronage will be concentrated in the hands of those two: and can and will be wielded with a much more powerful and dangerous effect against the purity of congress. Yet, sir, the framers of the constitution have even, in this event, placed in their hands the important and momentous privilege of a final election. This argument, sir, returns upon its author: the probable effect of a caucus nomination will be an election by the people, and a prevention of the question's reaching the house of representatives. If there is danger of bribery and corruption at all, there is less in a caucus than in the house of representatives—because the means of corruption are then not in possession, but contingent.

Again, if a caucus, even if corrupt, only recommends, and the people can ratify or reject their choice—there is nothing binding or obligatory in the recommendation which they make. But in the house of representatives, as the probability of corruption is stronger, so is their election final, conclusive and obligatory.

One other argument against a caucus nomination is, that by a recommendation through that channel, the people are robbed of their rights; that the right of election is in effect taken from the people, and they are declared to be unable and incompetent to make a choice. This seems to be a favorite argument with the friends of the resolutions. It has called into exercise their most skilful logic, and their most vehement declamation. I do not believe, sir, that the gentlemen expect to effectuate much on this floor, by their eloquence on this point. No, sir; it is an argument *ad captandum vulgus*; it is intended for the ear of the gentlemen's constituents at the contest for the presidency which must shortly ensue. The gentlemen are welcome to all the merit and all the aid which they can derive from it, both here and at home. Let us enquire whether it will stand the test of examination, I lay it down, sir, as an axiom, which even the jesuitical gentleman from Rowan will not deny, that if the people are robbed of any right, they no longer possess that right. If the right of voting for a president is taken from the people by the recommendation of a caucus, then the people no longer possess that right. Now, sir, suppose that a congressional caucus should nominate for the

presidency, Mr. Crawford or Mr. Adams, will not the gentleman from Rowan still possess the right to vote for Mr. Calhoun? Will he not possess it in as full and plenary a manner, if no nomination had ever been made? Will he not exercise that right, sir? I think the gentleman will not negative either of these questions. And, sir, if he possess the right, and will exercise it, how does he, or can he differ from any other individual, nay from the very humblest individual in the community, as to the possession of any right common to the freemen of the land? If the gentleman from Rowan possesses the right, which he cannot deny, then every other individual possesses it—the people possess the right (even though a caucus does make a recommendation) to vote for any person as president. But we are told, that the members of a caucus, in effect, declare that the people are incompetent to make a choice, because they make a recommendation of a particular individual. The gentleman from Rowan, Mr. Speaker, will recollect that he, and several other of the most respectable individuals in the western part of the state, met in caucus, in this city, not merely to recommend a president, but to destroy the present constitution, and recommend to the people the new. They did draw up a new one—they did recommend its adoption to the people.

Now, sir, when that gentleman, who is one of the most active and influential members of this *constitution caucus*, and who was mainly influential in getting it up; when he recommended to the people, the adoption of the new constitution, did he thereby declare them incompetent to choose for themselves? or by recommending them to vote for a particular set of resolutions, on a particular constitution, did he thereby deprive the people of their right of voting for any thing, save the thing recommended? He would suppose this a harsh interpretation of his labors on that occasion; he might surely call it a foolish and ridiculous one. Yet, sir, I cannot well imagine two cases more precisely similar. Both meetings are caucuses, both meetings recommend a certain course of conduct to the people, both are voluntary and self-existent, and neither of them have any power or authority, save what is afterwards given to them by the voluntary act of the people. It is not unfrequently the case, Mr. Speaker, that with the unthinking, a good cause sustains injury by being christened with an evil or a ridiculous name, and an evil cause derives support from the contrary fact. I think the friends of the resolutions are attempting to play off that policy on the present occasion. The very gentleman who paints in such odious colors the features of a presidential caucus, you find the most active and influential in the caucus whose object is to destroy the very constitution of the country—those who proclaim the loudest against congressional caucuses, are delighted with the proceedings of county assemblies and town meetings; and yet, sir, I believe it would puzzle any of these gentlemen to point out a sensible difference between the several assemblages. Let us examine if there be any difference; let us enquire what a caucus is, and whether there is any thing so very odious in the term. It is not, sir, I believe, a primitive English word, whence it was derived, or when or where, or how it was adopted into the language, I am unable to say. A caucus may be defined to be a meeting of individuals assembled in their private capacities as citizens, for the purpose of carrying into effect some particular object. From some cause or other, not necessary or material to be known, it has generally, though not necessarily, been appointed to meetings of a political nature. I believe this is a fair definition of the meaning of the word; and I can see no difference between a congressional caucus to recommend a President, and a convention caucus to modify the constitution—or a county assembly or town meeting to recommend similar measures; in point of principle, members of congress attend the one, in their private capacities; the others are attended by the citizens, and also by your justices of the peace, captains, colonels and generals of militia, merchants, doctors, lawyers, and constables in their private capacities, and each express their opinion on the subject. I see nothing improper in this, sir; to be sure we did not appoint the justice or the constable, or the general or congressman, for the express purpose of recommending a president to our choice; but it is equally certain that we did not intend, nor was it the intention of the constitution, to deprive them of the right of expressing their opinion on the subject, or of recommending their adoption to their fellow citizens. The people may ratify or reject the recommendation, at their own option.

Believing, sir, as I do, that they all stand, as to constitutionality, on equal ground, I have no hesitancy in saying,