

Debate on Mr. Fisher's Caucus Resolutions.

We are at length enabled to commence the Debate in our General Assembly, on the above subject. It was opened by Mr. Fisher, as follows: After a motion had been made by Mr. Bynum to postpone the Preamble and Resolutions indefinitely.

Mr. FISHER said, to meet the wishes of some of his friends, he had consented, to a modification of the first resolution. That Resolution was drawn up in the usual form—*instructing* our Senators, and *requesting* our Representatives; but, there were some gentlemen, opposed to caucusing, who yet doubted the propriety of the Legislature, *instructing* our members of Congress. To meet their views, he was willing so to alter the resolution, as to bring the question of *Caucus* or *not Caucus*, fairly before the House. Of course, then, such gentlemen, as were opposed to the practice of Caucusing at Congress, would vote for the resolutions; while those in favour of this usurpation of the rights of the people, would vote against them. With these explanations, Mr. F. said, he would proceed to consider the subject.

When our forefathers came out of the revolutionary war, they had but half accomplished the great objects for which they had gone into it—they had fought, the battles of liberty, and broken the yoke of foreign tyranny; but it yet remained for them to secure, in permanent institutions, the principles and rights for which they had so profusely shed their blood. This was not an ordinary work; it required time, wisdom and patriotism to accomplish it; and we see, it was not until after seven years of trial, that our government was fixed on a firm basis, by the adoption of the Federal Constitution. This constitution has now been in existence, for 36 years; it is the work of some of the wisest heads and purest hearts, that ever lived; and if it is not undermined by the insidious encroachments of that subtle spirit of aristocracy which is ever on the alert, to steal the power from the many, to give it to the few, it will not fail to secure to our posterity the blessings of Liberty, for ages to come. This constitution, we have sworn to support; and, it well becomes us, to raise our voice against every practice which goes to violate its spirit, or its letter. Such, said, Mr. F. I consider to be, the practice of holding Caucuses by Members of Congress, for the nomination of Presidents of the United States. The second article of the constitution expressly *prohibits* Members of Congress, from acting as Electors. What does this article mean? Does, it intend merely to prohibit Members of Congress from bearing the name of an Elector; or does it not clearly intend to prohibit them from exercising the functions of an Elector? Names are used for the purpose of conveying to the mind ideas of things; and, it is not material what names you give, if the thing itself is the same:—It is the duties, the functions of Electors, that the constitution forbids Members of Congress from exercising—no matter, whether exercised in the electoral college, or in a Caucus. If what Members of Congress do in Caucus, is virtually exercising the functions of Electors, it follows, of course, that they do the very thing which, by the constitution, they are permitted not to do. What is the object of a Congressional Caucus? The friends of the measure, themselves, tell us, that the object, is to induce the people to vote for some one person as President, who otherwise might not be voted for, and of consequence, otherwise would not be elected. Now, in this object, they will either fail, or they will succeed. If they fail, then the Caucus was useless, and should not have been held; but if they succeed, then does it not follow, that they have effectually succeeded in exercising the functions of Electors—in doing what the constitution prohibits them from doing?—in making a President for the people. This being their object, now, said Mr. F. I would ask if ever a Congressional Caucus has failed in its object? It never has. In 1816, after much management, a Caucus was got up at Congress.—Out of all the Members of Congress, 119 only attended; the rest being opposed to it; of those who attended, 65 voted for Mr. Monroe, and 54 for Mr. Crawford. Mr. Monroe having a majority of the Caucus in his favor, he went forth as the nominated candidate, and accordingly was elected. Now will any person contend, that Mr. Crawford would not, at this moment, have been President, if he had succeeded in the Caucus? But as anxious as that gentleman and his friends were to make him President, they gave up all hopes, as soon as they failed in the Caucus. In fact, as soon as Mr. Monroe was nominated by the Caucus, his election was considered secure, and all further opposition ceased; and, when the people of North-Carolina were called upon to vote for the Electors, they considered it so much of a farce, that not more than one vote in ten was given in; they felt that it was unnecessary to spend their time in going to the poles to vote, when the Caucus had already decided the election. Is it not plain, then, that Members of Congress, by means of these Caucuses, do indirectly, what by the constitution they are inhibited from doing directly? It is certain then, that the Constitution of the United States, prohibits Members of Congress from acting as Electors; and it is equally clear that the intention of that instrument is to exclude them from any agency whatever, in electing the President, except in the event of no election by the people. Now let us enquire what are the reasons of this prohibition? Madison, Jay and Hamilton, in a work that will remain a standard as long as the constitution lasts, informs us, that the reason of this inhibition was, to guard against "cabal, intrigue and corruption." The framers of the constitution were wise men; they knew the depravity of the human heart; they had seen in the history of our governments to what lengths ambition would lead men; that many had waded through corruption and blood, to reach their object. They knew that the Presidency, of this great republic was a prize at which men of the greatest talents, and most inordinate ambition might aim; and it was to be feared, that some of these would stop at nothing to gain it. To guard against such men, on such occasions, it was thought wiser and safer to confide the election to the people, than to intrust it to a *pre-existing* body of men. The people, at the same time, throughout the union, vote for Electors—these Electors, are thus created, as it were, in one day; and, before they could possibly be corrupted, they have convened, executed their trust, and dispersed again: So that there is no possible chance of corrupting them. But is this the case with Members of Congress? They are elected nearly two years before hand; and, for a considerable part of that time, are on the spot at Washington, where the intrigue and management is going on: they are a tangible, pre-established body, and are subject to be operated on by the arts and management of the candidates, who are also, generally on the spot.

Members of Congress, like members of this Legislature, are not always elected for their virtues and talents; a combination of circumstances, without regard to these qualifications, sometimes place them in Congress. When there, they are not less fallible, than before elected; nay, if any difference, they are more so, for the very atmosphere of Washington city seems to create a hungering after "the loaves and fishes." There are in every Congress, a greater or less number of the members seeking after preferment, either for themselves or for their relations or friends. It is known, that at the session of 1820, not less than one-third of all the members were applicants to the cabinet for the offices created by the Florida Treaty. Is it not reasonable, then, to suppose, that the man who will have the offices at his disposal, can, by holding out hopes, operate on those who are so anxious to obtain preferment? To show that it is, let us look to past experience, and consult the opinions of those more conversant than we are with the way in which things are managed at Washington.—Mr. Taylor, a distinguished citizen of Virginia, a uniform republican, and one not unacquainted with the history of Caucusing, in a speech delivered last summer, says of Congressional Caucuses—"The mode of electing the President and Vice-President of the United States, calls out loudly for amendment. The present method is the result of intrigue—sanctioned too, by the most of the members of Congress; a most palpable fraud upon the rights of suffrage. The power of correcting this evil is vested in the people, if they will exercise it. Let them discharge those members who uphold a Presidential Caucus, and substitute those in their places who will use their utmost efforts to procure such amendments of the Federal Constitution as will produce one uniform mode of elections, by districts, in each State throughout the union. Then, and not till then, will the government be administered by a President and Vice-President of their own choice."—One of the reasons why I quote the opinion of this gentleman, is, because he is of Virginia, and there are some in this House, who will esteem them the more on that account.

It will be remembered, that in 1816, Mr. Monroe and Mr. Crawford were candidates for the Presidency. The Revolutionary services of Mr. Monroe, his important services during the last war, and his great experience in public affairs, had pointed him out to the American people, as the successor of Mr. Madison. As to Mr. Crawford, he had no such claims to the office; nevertheless, he was pushed forward as a candidate, and by management came

near being nominated, by the Caucus. To give an idea how Members of Congress may be influenced on those occasions, I will read, said Mr. F. a few extracts from the Editors of the National Intelligencer, made at the time. These Editors are very intelligent gentlemen, they were eye-witnesses of the intrigues and management that were carried on for the purpose of making Mr. Crawford, President. These gentlemen tell us, "that when Congress first met, no other candidate was publicly spoken of, but James Monroe." They add, "We consult our own inclination, and probably the interest of the great Republican family, by availing an examination into the circumstances, a COMBINATION which had nearly produced a nomination in direct opposition to the public will. Again, "It is a fact, undisputed we believe, that the activity and pre-concert of the opponents of Mr. Monroe, and a fastidious delicacy of his best friends, which prevented active exertions in support of his nomination, together, produced a state of things Astonishing to most of the people of the United States, who expected nothing less than that division of sentiment which prevailed among their Representatives." Again;—"On their part, (the part of Mr. Crawford's friends) no exertions were spared. As no labor was too great, so no means were too humble to aid their object." "If one half the exertions had been made by Mr. Monroe's friends, that were made by his opponents, the nomination would have been as unanimous, as it certainly would have been when Congress first assembled—when no other candidate was publicly spoken of but James Monroe. This is a fact, which we ought not to overlook. These gentlemen, further give it as their opinion, that to refer the election to the people, "would greatly narrow the scope for intrigue and venality. It would moreover, prevent the possibility of the popular will, being defeated by a CABAL, which is now possible, to say the least of it, &c." This is the testimony of those who were on the spot, and were attentive to the passing scenes, preparatory to the Caucus of 1816. I shall, said Mr. F. read one more extract. Mr. Niles, one whose Republicanism, honesty and truth, have never been doubted, in speaking of the Caucus, that is to determine the approaching Presidential election, says, "I have had a pretty near view of some of the supposed hidden things that are going on, and do verily believe, just as surely as that I shall die and account for my acts, that quasi bargains have been made, as for the sale of votes, and that these bargains will be brought into a caucus, if composed of the members of the present Congress." This then, is the nature of a Caucus, that is to deprive the people of their just privileges in choosing a Chief Magistrate. But these are not the only Republicans who have disapproved the practice of Caucusing. In every Congress that has held a Caucus, there were many Republicans who condemned it. I take pleasure, said Mr. F. to mention among these, the name of our elder Senator, Mr. Macon; he never attends Caucuses. In the Caucus of 1812, only 17 out of the 36 Senators attended; and only 65 out of the whole number of Representatives attended; so that only a minority of two-fifths were present in that Caucus. With this view of Caucusing, can the people continue to tolerate a practice which is not only a violation of the Constitution, but an usurpation of their just rights and privileges?

But even admitting that Caucusing by Members of Congress, is not a violation of the Constitution, or does not usurp the rights of the people, yet it is improper on another ground. By the Constitution, in the event the people make no election, then the choice is to be made by the House of Representatives, voting by States. It is certainly highly improper then, for the members to prejudice the case by going into Caucus, and solemnly binding themselves to support this or that candidate. They go into Caucus and vote for a President; they return home, and at the election for Electors, vote a second time for their man; they go back to Congress, and in the House of Representatives vote a third time; so that they have three chances while the people have but one.

Mr. F. further observed, that he could readily anticipate many of the arguments that would be brought forward in the defence of Congressional Caucuses. One of them would be, that they were necessary to prevent the election from going into the House of Representatives; for if it goes into the House, the choice will be made by States—each State giving but one vote. At first appearance, this is a plausible argument, but it will not bear examination. The Federal Constitution, it must be kept in view, is a work of compromise. When the members from the different States met in convention to form a Constitution, they soon found, that it was a work of immense difficulty—so conflicting were the feelings, interests and views of the several states. We are told, that at one time, they were on the point of breaking up and returning home, without having come to any conclusions; but inspired by the spirit of patriotism, they renewed their labors. Each section of the country gave up some of its views in order to gain other; and thus by mutual compromise, they formed the Federal Constitution, which never would have been formed on any other principles. Mr. F. said he would very briefly notice three of the principles of compromise adopted in the Constitution. The first was, that the small States should be protected from the overwhelming influence of the great ones, by being admitted to an equal weight in the Senate. Without a concession of this kind in their favor, the small states would never have gone into the union. The next compromise was in favor of the Southern States—the partial representation of our slave population, by which we gain one-third of our weight in the House of Representatives. The Southern States never would have adopted the Constitution without some provision of this nature. The third principle of compromise, is intended further to operate in favor of the small States;—it is, when the nation fails to elect the President, that then the election shall be made by the States—each giving one vote. Mr. Madison, in his remarks in the Virginia Convention, speaks of this part of the Constitution as an important compromise, designed to conciliate the small states. This, then, is a compromise, and the avowed object of a Caucus is to defeat this provision of the Constitution. Heretofore, Caucuses were against party—now they are against the Constitution. What would we say, if the Members from the non-slave holding States were to go into Caucus to defeat that part of the Constitution, which allows three-fifths of our slaves to be represented, and thus to deprive us of one-third of our weight in the General Government? Would we quietly permit them to do so? No—we would cry treason! and march either to defend the Constitution or to dissolve the Union. Now, cannot the small States with equal justness, cry out against a Caucus, that scheme to destroy the provisions of the Constitution intended to operate in their favor? Surely they can! We should not forget the golden rule of doing to others, as we wish others to do unto us.—One part of the Constitution is as sacred as the rest; if any part is more so than others, it certainly ought to be those parts formed on the principles of concession and compromise:—these it were that brought the States together, and a violation of these, more apt than any other, may dissolve the Union. To hold a Caucus, then, by Members of Congress, for the purpose of defeating the express provisions of the Constitution, is certainly doing what they have solemnly sworn not to do—it is violating the Constitution, is cheating the smaller states out of their just powers, and the people out of their rights.

It will be objected to the election going into the House of Representatives, that a majority of the States, containing a minority of the people, will be able to elect the President. In reply to this it may be said, that it is not likely that such a combination will ever take place between the small states; but even if it does, no danger can follow, when it is considered, that the election must be made from one of the three highest of the Candidates voted for by the people.

When the People elect Members of Congress, it is with a view to Legislation; when they choose Electors, it is with an eye to the President:—hence the people, in the Electoral College are represented; but in the Caucus they are not. But suppose the Members do carry into the Caucus, the wishes and feelings of their constituents. The first thing they do is solemnly to bind themselves to support the man who receives the most votes, though he may be the one of all others most obnoxious to the people. Again, we will be told, that we ought now to sanction a Caucus, because Caucuses have heretofore been held. The force of this argument is, because Members of Congress have heretofore done wrong, we must justify them in repeating the wrong—thus, precedent is becoming law:—but, it is to be hoped, the people of the United States, will put a stop to it, before it becomes as irrevocable as the laws of the Medes and Persians. Mr. F. said he rejoiced to see that the people were already taking the alarm; that they began to see the dangerous tendencies of the practice of Caucusing, and that they were raising their voices in every part of the nation against it. Our sister State Tennessee, had already denounced it, and we may expect to see it put down in every quarter of the nation. In North-Carolina, Caucuses have ever been unpopular; they will become more so. The vote that we are about to give on these resolutions, will not be concealed from the public—it will go forth, and the people will see who are their friends, and who are for giving up their rights.

FROM THE FAIRFAXVILLE OBSERVER.

A meeting of the Stockholders of the Cape Fear Navigation Company, was held at the Town-house in this place, according to previous notice on Monday last. Messrs. Mebane, Boylan, Mendenhall and Johnson, attended from other Counties, and also acted as proxies for absent Stockholders: upwards of 1000 shares were represented. The object of the meeting was to take into consideration the proposition made to the Company by the State, to take stock to the amount of \$25,000, on condition that the Company reduce the price of their shares to \$50, and give to the Board of Public Works, the superintendence of the improvements hereafter to be made in the Cape Fear River: and we are happy to state that the terms proposed were acceded to. This arrangement, we have no doubt, will be productive of lasting benefit to the State, as it will be the means of turning into its natural channel a valuable trade, which has hitherto gone to enrich our neighbors; for there can be no question in our opinion, that with the present means of the Company, to be expended, as they will be, under the direction of the Civil Engineer, the Cape Fear River may be so improved, as to be navigable at all seasons of the year. When this shall be effected, and the improvements below Wilmington completed, such inducements will be held out to the merchants and planters in the upper counties, as cannot fail to draw hither a large portion of their trade. That such will be the case, there can be no reasonable doubt. When both interest and patriotism shall combine, as they will do to foster our towns, their influence will be too powerful to be resisted; we look forward therefore with confidence to the period, not very remote, when the operation of these two causes united, shall give to North-Carolina that commercial importance to which, from the extent and variety of her resources, she is entitled, and the increased political influence which will naturally follow.

His excellency Governor Holmes, attended the meeting, and, we are assured, is very solicitous that the contemplated improvements of the Cape-Fear should be commenced without delay, and prosecuted with energy till completed. We hope he may deem it expedient to call a meeting of the Board of Public Works, to consult upon proper measures for speedily effecting an object so vitally important, not merely to the Cape-Fear district, but to the State at large.

Hamilton Fulton, Esq. the Civil Engineer, was likewise present; and his statements, (he having lately examined the river between this place and Wilmington) were very encouraging.

*It will be seen by an advertisement in to-day's Register, that the Board will convene in this city, on the 29th inst.

FROM A LATE LONDON PAPER.

British and American Literature.

The following remarks conclude a Review in the last number of Blackwood's Edinburgh Magazine, of a publication (Memorabilia of Wm. Faux,) respecting the U. States. The justice of its sentiments on the subject of each country pirating the books of the other, must be obvious to all:

Since we are talking of such matters, there is a notion that has long been in our heads, and we shall take this opportunity of mentioning it—assuredly not with any views, or the possibility of them, as to ourselves. We regard the Americans—how could we do otherwise?—as immeasurably nearer to us than any other people in the world; and in spite of all jealousies and prejudices, the two nations continue kindred as long as they speak the same tongue. Now, although we are living under different governments, we really can see no good reason why that circumstance should at all affect the literature, which is, and ever must be the common food for both. In the last age, English authors had no remedy when their books were pirated in Ireland—that has been corrected—it was corrected long before the Union. Why merely because the Americans have President Monroe, and we stick to King George, should the author who writes equally for England and America, (as all authors, who write in the common language must do,) why should he be paid for his writings only by one half of his readers? This is not fair in itself; and the doing away with such a thing, would tend, we suspect, much more than most people can have any notion, to the diffusion of friendly and benignant feelings between the inhabitants of the two countries.—Look to Germany for an example. Surely there are more natural ties between us and our American cousins, than between the subjects of the different states of that country. Yet their literature is considered as a common property, which it were sin and shame to leave unprotected; and the poet who writes and publishes in Berlin, draws as much profit from the copies of his book, sold in Dresden, Munich, or Hanover, as if they were the capitals, not of other kingdoms, but of other countries.—Why should it not be so with those who have the same Shakespeare, and the same Franklin?

The proposal would certainly come with the best grace at present from the other side of the Atlantic; but they must hope that the benefit would ere long be quite reciprocal; and far be it from us to hope otherwise. As things are, they have the mortification to see their best writers publishing here rather than at home: and in fact, even at this moment the thing tells much more against American genius, than it does for American purses.

There would be something very delightful in the spectacle of two great nations, whose blood is the same, and the best part of whose feelings and manners must be the same, also thus recognizing the rights of that genius, which, whatever may be the course of external events nothing can prevent from being and continuing to be a common property,—and, we should fain believe, an equal pride.

Printing in general neatly executed at this office.