

SPEECH OF JUDGE STARKEY,
IN THE RE-CONSTITUTION.

GENTLEMEN OF THE CONVENTION: Whilst I feel deeply that the important duty was not assigned to some one more competent than myself, I do not in declaring that this honor was not expected by me, and hence feel more embarrassed in addressing you.

The subject of your contemplated deliberations is an important one: nothing less than a question involving its consequences the liberty of this people—perhaps of every other people—namely the liberty of our nation. I trust that you will approach it dispassionately—that you will lay aside your party predilections, and meet it, not as politicians, but as patriots—as statesmen. We had flattered ourselves that the capacity of man for self government was no longer a subject of doubt. We have boasted of ours as an example of a free government, based on an enduring foundation. I trust it may prove so, but events of recent occurrence seem to forebode danger. The convocation of this assembly—the intense interest manifest in every countenance here, are proofs that there is cause of alarm. For a time we have been prosperous and happy under a free government; but that time, in the great history of man, is but a brief space, a mere point. The page of history is yet fresh which records our existence as a nation of freedom. Scarce has the stain of revolutionary blood, shed for liberty, faded from the face of the land, before it has been found necessary for the people of the South to prepare to check threatened aggression. And whence this danger? No foreign foe threatens us. Our countrymen, our brothers, are arrayed against us in civil strife. They seem to forget that they are allied to us by the most sacred ties, and to forget the value of the Union. Blinded by the poison of fanaticism, they seek to abridge our constitutional rights in the enjoyment of our property, under the mask of false humanity. If the right to do so was unquestionable, in Christian charity it should be asserted without inflicting remorseless stings to our sensibilities. The entire independence of the States was achieved by the most memorable struggle that history records. They were separate and independent sovereignties, and first united under articles of confederation. These articles were defective, mainly in not having provided proper means for raising a revenue, and in not giving Congress sufficient power to regulate commerce. These defects gave rise to our present constitution. In the convention which formed it, the States met as equals in political power. The small States were unwilling to relinquish their equality of power; the slaveholding States were unwilling to confederate, unless their slaves should be made a basis of representation, and the owners secured in their rights. These were exciting subjects. After great difficulty they were compromised. The second section of the first article provides that representatives and direct taxes should be apportioned according to numbers, to be ascertained by adding three-fifths of the slaves to the number of whites. The second section of the fourth article provides for recapturing slaves escaping into those States where slavery did not exist. In these provisions we have an acknowledgment of the existence of slavery, and a guaranty for its protection as the basis of representation, and as property. The constitution did not create property in slaves. Such right existed anterior to and above the constitution. As slaves were owned in many of the States, they would not of course have entered into the confederacy on such terms as would weaken the right of the owner to his slave, to diminish the value. One of the great objects of the constitution was, that it should, in its consequences, protect property by giving protection and strength to the several States. But as the States were sovereign, they could not surrender to Congress the right to control by legislation the property of their citizens. Such a grant of power would have been a complete surrender of sovereignty. A great consolidated government would have risen up, which was an evil, of all others most dreaded, and most rigidly guarded against, by declaring that all power not expressly granted to Congress, was reserved to the States or to the people. Hence no power can be exercised unless it has been granted by the constitution. The safety of the States and of the people is best preserved by holding Congress strictly within the limit of the delegated powers. No rule of construction can be safe which encroaches upon individual rights. The right to hold slaves as property became a fixed principle, inseparable from the other provisions of the constitution. Indeed that description of property seems to have been thought worthy of specific and special protection. The constitution must exist and harmonize in all its parts. Every principle it contains is inseparably connected together. It is an entire thing, being the great frame-work of the government indissolubly united in all its parts. It would not have been formed without the assent of every feature; it is an infraction to violate any of them; the symmetry is broken.

Notwithstanding this unqualified recognition of property in slaves, and the protection provided for its enjoyment as such, still it is contended that Congress may prohibit and abolish it in the territories of the United States. The Territories are common property, and cannot be appropriated by Congress to the use of one portion of the common owners to the exclusion of another. Equality of right must then prevail; and the act which would destroy that equality cannot be valid. It is a principle in the law of nations, that all the members of the community have an equal right to the use of their common property. Rules may be prescribed by the sovereign power regulating the manner of its use, provided they are not inconsistent with that article.

Quiet would have been restored. It was a great constitutional question, and on such questions the people of the United States have been taught to look to the decisions of the Supreme Court with veneration, but they have not been accustomed to having them promulgated in advance, and are startled at this seeing them. The effect is almost as injurious to us as a decision regularly pronounced, because it has deterred the South from an equal participation in the territories, whilst it has emboldened the North to persist in its efforts. It has caused one party to believe that it was right, and the other that it was wrong. From this position, it has made "the worse appear the better cause." It is not true that slavery does not exist in California, although it may have been prohibited by the laws of Mexico. True, the conquering country may permit the municipal laws of the conquered country to remain in force, but this is only true of private or strictly municipal law; it is not true as regards political laws. By elementary writers laws are divided into public and private, or political and municipal. Political laws are such as are organic, and confer power and form on the government. They give it vitality as an organized body. These political laws are sometimes reduced to the form of a constitution, which becomes supreme and paramount to all other laws, either public or private. Our constitution is the law of our being—it is the essence of our government; it is the combination of certain great principles, between each one of which there is a connection and dependency, and the aggregate constitutes a unit. To withdraw or destroy any one of them would break the entire fabric. It would lop off an essential part of our political power. When we acquired California, it became subject to our constitution—our whole constitution—our constitution is an entire thing. The territory did not become subject to part of our government only, but every principle of the constitution prevailed there as an active principle, and superseded of necessity whatever was repugnant to any of them. No abridgement of the rights of new comers could be permitted. The vested rights of the citizens there at the time we acquired it, may be protected by a principle not inconsistent with this position. The consequence is, that we have a right to take our slaves there, because they are our property, secured to us as such by the principles of our paramount political law. It were true that slavery was then prohibited by the laws of Mexico, and could not be established there without positive law, then the constitution went there a mere cripple. But not so. Wherever the stripes and stars float over a territory, as an emblem of political dominion, they rest upon a perfect pedestal, formed by every principle in the constitution indissolubly cemented together. As well may it be said that our constitution must give place to the established religion of Mexico.

How strange it is, that whilst Congress has no power over the subject of slavery in consequence of an inhibition, that it should be contended that the laws of the conquered country should secure a prohibition, and thus triumph over our constitutional rights. Thus, as I conceive stands the question of right; but if it were a question of expediency merely, how ungenerous the conduct of the North. We are united as a family of nations. We may have different local interests, but our obligations to each other require an observance of good faith, of good feeling, of mutual support and forbearance. With them it is matter of feeling only—with us, it is a question of interest. Are they not prepared to yield their feelings and their prejudices for the sake of protecting our interest? If not they have forgotten the objects of the Union—mutual safety, prosperity and happiness dictated it. Are they willing to risk all these for the gratification of a mere imaginary philanthropy? It would seem so. The Wilnot Provision is but the entering wedge. That accomplished, and the rest will follow. Emancipation in the States is doubtless the ultimate object, and we have reason to fear that at no point short of this will the effort cease. The Union must be dissolved, and the blessings which we enjoy under our government must become a sacrifice on the altar of fanaticism. We must become a degraded people or abandon our country to the African race. We would say to them, beware! You but rush on to your own destruction.

It is a subject of deep regret, that the powerful engine of prejudice is arrayed against us. Enormities are falsely ascribed to us, with a view to excite indignation. They add insult to injury. We are held out as destitute of common mercy—degraded at home and abroad. The means employed are calculated to excite our slave population and endanger our lives. We hope and believe that there are still a few at the North who value the Union, and do not engage in this unnatural warfare. Our Union should be social as well as political, amity should prevail between the different divisions. But the ties that bind us are being daily weakened and the love of the Union diminished. We have remonstrated but in vain. We yield to none, in a deep and abiding love for the Union. We wish not to sever it, but to re cement it. We can vindicate it only by keeping it inviolate. We would preserve it in all its parts. We want it as our fathers gave it to us, and must defend it against infraction as a sacred duty, owe to their memory. The South has become with these encroachments, under a hope that a sense of justice would ultimately correct the evil, but of this there seems now to be but little hope. We must take our stand. Let us survey the ground well and occupy that position, on which we can stand within the pale of the constitution; and when taken, let us maintain it like men who know their rights and are determined to protect them. We are not the aggressors, and if the result should prove disastrous, let the blame rest on those who have provoked the quarrel.

These gentlemen of the convention, I have endeavored to point out what I regard our constitutional rights. The evils you know. The grand serious inquiry is, shall we submit to further degradations, or shall we seek redress? If the latter, how is it to be obtained? Let me again allude to the importance of the subject—again entreat you to weigh it well, calmly and dispassionately. We meet not here to discuss an ordinary topic. Here we can have no party preferences. We are joint owners of this great estate. It is our birthright—our inheritance. We may have our honest differences of opinion about its management by our agents, but when the whole is about to be swept from us we can not differ as to the necessity of its preservation. Let us confer together as patriots. Our country is above our party. Such feelings I trust and believe you all entertain and hope they may lead you to wise and happy results.

THE STAR.

LIBERTAS ET IUSTITIAM SOLUM.
RALEIGH, NOV. 14, 1849.

THE STAR.
The year is so near its close, that we have determined to defer our contemplated enlargement and improvement of the STAR until the beginning of the new year. In the mean time, we respectfully request our friends who have subscription lists, to procure as many new subscribers as they can conveniently, and forward their names by the first of December at farthest.

STICKING TO THE LETTER.
A writer in a paper "shown East," in our own State—we leave the reader to guess where—is out in a wrathful attack on Gov. MARY and the Legislature for recommending to the good people of North Carolina to observe a day of Thanksgiving! He denounces it as unconstitutional! As a polluting of our church and State! as if "freemen will tamely submit to such legislation!" and if so, declares "the yoke will be upon them!" solemnly adding, "if so, in vain did such men as Patrick Henry, Franklin, Washington, Jefferson, and other patriots of the revolution, toil, bleed and die for the rights of man!"

This reminds us of a wise ecclesiastical decision, which, if our memory serves us, the story locates somewhere not more than a thousand miles from the region of this publication. A member of the church was duly arraigned before his brethren on the charge of drunkenness. The trial went on, the charge was fully sustained, the fact was proved and admitted; but it was denied that the culprit had committed a sin! and it was proved, too, to the perfect satisfaction of his very grave and sage ecclesiastical Judges, and, as in the case of the fellow who stole the honey, they "cleared" him! Would the reader know how they arrived at this most unchristian and unjust decision? Why, it was simply by sticking to the letter. It was shown that the Scriptures say, it is not that which goeth in the mouth, but that which cometh out of it, that defileth a man; the drunkard, it was proved, did not vomit; the law was, therefore, explicit and conclusive in his case—he was unanimously acquitted.

Let it not be supposed by the reader that this was an unparalleled case. History furnishes an illustrious precedent. The ancient Muscovites were a grossly ignorant, but very religious people. We are informed by the historian that they had a public dispute on the question, whether it was not a sin to smoke tobacco, and that the advocate of the affirmative of the question proved that it was a sin to smoke, but none to fuddle himself with liquor, by the very same page of Scripture.—Here it is in the author's own language: "Un homme digne de foi m'a assuré qu'il avait assisté à une des publications on s'agissait de savoir si l'usage du tabac n'était pas un péché; le répondant prétendait qu'il était permis de fumer de l'eau-de-vie, mais non de fumer, parce que la vraie sentence est que ce qui sort de la bouche de l'homme le souille, et que ce qui y entre ne le souille point."

THE NEW ADMINISTRATION.
President Taylor's Administration has as yet had no opportunity to adopt any measures or develop any system of policy, except that which has respect to our foreign relations; and so far, every thing that has transpired proves that no Administration ever entered upon the difficult and delicate duties connected with that department of the government with greater ability, propriety, or success; or with brighter prospects of brilliant diplomatic career. The doctrine of Washington, Madison, and Jackson, that what we will ever respect the rights of others, we will never suffer our own to be trampled upon, has been carried out to the very letter, and with such firmness and magnanimity as to have gained the hearty applause of the whole country, excepting only a few disappointed partisans, and added fresh laurels to the brow of the noble old chief who stands at the head of the Government.

PUBLIC MEETING.
On Monday of Court Week (19th inst.) at 11 o'clock, a public Meeting of the citizens of Town and County, will take place at the City Hall. Business of such importance connected with the Central Rail Road project will be submitted to the meeting, and every individual who feels any interest in the Prosperity of the city of Raleigh and County of Wake, is urgently requested to attend. Several addresses may be expected on the occasion.

WELL DONE WILMINGTON.
A committee in a few days, procured subscriptions in Wilmington, to the stock of the North Carolina Rail Road amounting to \$18,900, and it is confidently expected much more will be subscribed.

MOUNTAIN BANNER.
After a temporary suspension, our friend the Mountain Banner has revived, and again made its appearance, a welcome visitor, at our desk. It comes forth from its collapse with renewed vigor and sprightliness, and makes a most respectable appearance among the improved hebdomads of our State. Long may it live and prosper in the world.

WILMINGTON JOURNAL.
The Wilmington Journal is out in an enlarged form and entire new dress. The enterprise and diligence of its Editor merit the commendation and patronage of the public.

TENNESSEE.
The Legislature of this State is now in session. On the slavery question, Gov. TROSBADLE, in his message, says the North Carolinian, takes "this position; he does not hold that Congress has power to legislate on the subject of slavery in a territory, and any attempt by Congress to establish or to prohibit slavery in the new territories, "would be an outrage upon justice and principle, which would justify prompt and efficient resistance by all the means known to the Constitution." He, therefore, recommends the Legislature to proclaim to our northern brethren, "in terms of respectful frankness, and firmness, our unalterable purpose of maintaining our rights at all hazards, and to the last extremity;" and that this be done by a remonstrance to the Congress of the United States.

NEW YORK ELECTION.
The Express says—"The Whig majorities in the city will vary from 2000 to 2500, which ought to carry every thing, and every body in." The Commercial says—"The Whigs are victorious. In the Common Council there are eleven Whig aldermen and seven Democrats, and the board of assistant aldermen has the same numerical proportion. The city and county officers and Whig State nominations are also entirely and proudly triumphant, and the four Whig Senators were without doubt elected.

Of the sixteen members of Assembly twelve, at least, are elected. Brooklyn has done no less nobly than New York, carrying all her tickets triumphantly. The Whigs have a majority in Albany; also in the county.

The returns from 19 counties give a Whig majority in the popular vote of about 6,600; and their victory in the entire State is believed to be complete.

SOUTHERN CONVENTION.
We this week defer our own remarks, and invite attention to the article in another column, advocating this important measure. It is from a paper of well established reputation, which has been long distinguished for its good sense and moderation. We cannot believe that any man born and raised under a Southern sky can pronounce the writer *insane* or a fit subject for a *lunatic asylum*. To our mind, he speaks language of truth and sobriety.

GODEY'S LADY'S BOOK.
We have received the November number of this periodical. It will be found to contain more than its usual amount of reading matter, and is illustrated by a number of handsome engravings.

The Petersburg Intelligencer says:—A vile impostor, representing himself the nephew of J. N. Mallin, and pretending to be deaf and dumb, has been for several days levying contributions on the good citizens of that town. Look out. He is about 5 feet 6 inches high, has a mole on his left cheek, and a rosy complexion.

A public meeting was held in Petersburg on the 8th inst., which was ably addressed by Ex-Governor Morehead, and which appointed ten Delegates to the Greensborough Convention.

DEATHS FROM CHLOROFORM.
We have seen recently several accounts of death from the use of Chloroform.

WE ARE ALL INTERESTED.
There is not a man, woman or child, in the South, whether the owner of slaves or not, who is not deeply interested in the maintenance of the constitutional rights of the slave-holding States against the encroachments of the Freesoilers and Abolitionists. The accomplishment of the unconstitutional designs of this reckless and mercenary horde, to abolish slavery in the District of Columbia, and prohibit its extension into the new Territories, would lessen the value of slave property, and in the same proportion blast the prosperity of the slave-holding States, the ruinous effects of which would be more severely felt by the poor and laboring classes than any other among us. Such an outrage upon our rights would thus deprive the rich of the means of giving employment and good wages to mechanics, laborers and artisans; and so far from keeping money plentifully afloat by spending it freely for the necessities and luxuries of life, there would be no money in circulation, business would stagnate, trade languish, and desolation reign!

But what would be the effects, if the extensive and fertile Southern territory purchased by the common blood and treasure of the country were opened, as it should be, to the introduction of slaves? What would be the effects in North Carolina? Here we have too many slaves; which depreciates their value and lessens the value of white labor; the settling of the new country would create a demand for them there; the price would be such as to induce owners to sell all who could be spared; the State would be rid of the useless surplusage of that part of her population; the money received as the proceeds of their sale would be put in circulation among us, to give encouragement to improvements, build up manufacturing establishments, quicken trade and commerce, create flourishing market towns, and our schools, create beautiful action throughout all grades of the community, and line the pockets of every man who would make an industrious employment of his hands. Have we not reason, then, whether the owners of slaves or not, to be united and determined in contending for our rights?

But it is said, and we have heretofore admitted, that California will probably present a Constitution to the next Congress, deciding the question for herself, and demand admittance into the Union. What then shall be done? Why, admit her, whatever may be her decision. But it is not certain that she will decide this question. What then shall be done? (Shall we sit quietly down, and let the reckless majority in Congress impose a tyrannical and unconstitutional restriction on the Territory, and not even so much as enter a protest against it? This thing is solemnly threatened by the majority. Should we not rise up in the spirit of freemen, and unanimously protest against the execution of the threat? There will be no necessity for threatening fire and sword, fury and vengeance, and a dissolution of the Union.—That is the last thing that should be thought of. Is it possible that we are so bound up in the shallows of constitutional expedients that we have no other mode and measure of redress far from it. There is one, which we have heretofore suggested, that must be admitted by all to be peaceful, constitutional and feasible.) It is, to let the fanatics know, that if they commit further aggressions on the South, the South will league together in an inviolable covenant to cut short her trade with the North, and instead of building up her large and flourishing manufacturing and commercial towns, establish and support such towns among ourselves. In such a measure as this the laboring classes would necessarily possess and feel a deep and abiding interest. It is a matter worthy of their most serious consideration, as it is of the entire mass of the Southern people!

BUSINESS MEN'S ALMANAC.
We are indebted to Mr. V. B. LAMBER, Newspaper Agent of New York, for a copy of his "Business Men's Almanac for 1850." This Almanac is highly and justly commended by the press.—It must have been prepared with great care and labor. It contains a rich and varied fund of useful knowledge, and every man of business ought to possess a copy. Besides the usual astronomical tables and calculations, it contains tables giving the areas, populations, banks and bank capital, rates of interest, times of election, produce of wheat, oats and corn, sales of Rail Road, debts and tonnage of all the States and territories; also, carefully prepared, condensed, yet comprehensive articles on banking in America and in Britain, cotton, breadstuffs foreign trade and navigation, Canada, Cuba, California, postage reform, fire and domestic common carrying, coal trade, iron manufacture, British, fish and Continental railways, biographical sketches, &c.

M. DE GARAY, who is directly connected with the Tehuantepec route enterprise arrived at New Orleans a few days since on the steamer Teviot from Vera Cruz. He states that a good wagon road over the Isthmus would be completed in about four weeks from that day. The distance is 144 miles, of which 115 are by land and 29 miles by water, and over this a mail may be carried through in fifteen hours. The total elevation to be overcome over the whole route between the two oceans is about 600 feet.