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STATE CONVENTION. DEBATE.

The Articles of amendment, in relation to the number of members of each the Senate and House of Commons shall consist, being under consideration, Mr. Fisher moved to fill the blank with the word "biennial."

Mr. EDWARDS said, he did not expect to detain the Convention; for, if he proposed to do so, he felt too unwell to make the attempt. But he owed it to the Convention to state, that whilst he was present in the Convention, he would not be absent for one day, and that he would be present for the whole of it. He had pronounced it the most important day of the most important session to come before the Convention, and subsequent reflection had not confirmed his opinion. He could therefore vote for any adjustment of the Convention which would authorize elections only at intervals of two years. This statement was due to himself—due to candor—and due to the Convention. Anxious that every amendment made to the Constitution should be confirmed, he was sorry to see this matter, so pertinaciously insisted on for in his opinion, if adopted, the people would reject the Constitution. They would not part with the right over their Representatives which annual elections gave, for the sake of speculative notions of economy. For the whole matter was open for discussion, and the experiment was tried whether there would be any thing or not. He did not himself believe there would, for the Legislature would sit twice as long every two years, and, in the end, the expenditure would be fully as great.

Mr. CARSON of Rutherford, remarked, that he took part in the discussion with extreme reluctance, and that much embarrassment in rising to do so. The manifestation of sentiment, exhibited the other day, was so early indicative of the result of the vote about to be taken on this question, that he should certainly not have troubled the Convention, but that he wished to justify the vote he should be glad to give.

Mr. C. said, he believed the great object which the people had in view in authorizing the call of a Convention, was to correct the inequalities of our representation. That point attained, the most important and the one which most concerned them, they cared but little about any other alterations. In discussions we have had on this question, economy and retrenchment have been assigned as primary considerations why biennial sessions should be preferred. In no part of the State, which he had personal knowledge of, this question had been fairly put in all bearings before the people; and, he thought, the more he heard it touched upon, the stronger was his conviction that it better be left as it was. There were, he said, but three or four States in this whole Union, where biennial sessions are required by their respective Constitutions. With three of these, to wit: Delaware, Mississippi and Missouri, we have no connexion; we can have no sort of practical intercourse; but in those States bordering on us, which we might be supposed to have legislative intercourse, as well as in the Congress of the United States, all have their annual sessions, and it might often occur that the course of all future time, that the most urgent matters might require that we should have simultaneous sessions. So far therefore, as this State requires a joint action with her neighboring sister States, it would be an advantage to have annual sessions.

Mr. C. said, that since the discussion the other day on this subject, at which time he felt inclined to vote for annual sessions, he had bestowed much reflection on the subject, and the consequence was, that his mind had undergone a change. He begged leave to call the attention of the Convention to certain principles defined and laid down in our Bill of Rights, and what they were? It is to be observed, that though the Bill of Rights is declared to be a part of the State Constitution, yet it forms no portion of the organic part of our State Government, and it is nowhere into either the Legislative, Judicial or Executive Departments. It is therefore, nothing more than the most solemn declaration of those rights essential to the

preservation of freedom, and which the wisdom of our ancestors have made sacred by engraving upon our Constitution—the principles of which are not new, but have been laid down and recognized from time immemorial.—The 18th Section declares "that the people have a right to assemble together, to consult for the common good, to instruct their Representatives and to apply to the Legislature for redress of grievances." The 20th Section declares "that for redress of grievances, and for amending and strengthening the laws, elections ought to be often held." The word "often" might be regarded as used in a qualified sense, and it might be said, that once in two years is often, within the true meaning of the Bill of Rights. But he believed this construction to be inconsistent and unreasonable, seeing the practical exposition given of it by the framers of our Constitution themselves, in fixing upon annual sessions.

There is another section, said Mr. C. to which he would call the attention of honorable gentlemen. That is the 21st Section, which declares "that a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty."—What are fundamental principles?—One of them is the supervisory power the people have over their Representatives, and may be found in the first Article of the Bill of Rights, which declares "that all political power is derivable from and belongs to the people." So far as you postpone or put off the right of suffrage, so you weaken and cut up this most excellent principle of free Governments. This Convention, I trust, will not hastily repudiate and set them at defiance.

If, Mr. President, the people who have this right to apply to the Legislature for a redress of their grievances, are to be put off for two years, before they can be heard, and run all the chances of disappointment in the end, why sir, it amounts to a denial of the privilege, and is to my mind, a manifest violation of the true spirit of that clause, and can be no longer considered an axiom in free Governments.—Again sir, frequent elections give value to the right of suffrage, and secure a prompt and faithful accountability from the Representative to his constituent, and in the law-making branch ought not to be departed from. His motto was—annual elections and short sessions. By this means, we would have a national system of legislative economy and preserve our institutions in their happy and just proportions.—To be blotted out of political existence for two years—the very thought chilled his blood and made him feel for the safety and prosperity of the State. Before manhood, and in his boyish days, he was lifted in joyous transports, at each anniversary of this our political jubilee. The spirit, the jovial animation with which the people of all ages and conditions press forward to the polls, proving by the manner of its enjoyment, that they set a high value upon this privilege.

Mr. C. said, that annually, in his section of the State, when people have finished working their crops, they assemble at public places to hear political discussions, then being carried on by those canvassing for their suffrages; and many of these discussions are managed with great spirit and are often replete with instruction to those, no other wise conversant in political affairs; and of that class, are a large portion of their hearers. If it be true, that one of the best securities of the rights and privileges of a free people, is as to enlighten them on these topics, I would say, in proportion as you take away or diminish their elective rights and prevent opportunities of mingling with and hearing public men, and profiting by public discussions, in the same degree, you weaken and detract from the stability of our free institutions. His own observation and experience warranted him in saying, that these discussions in politics now-a-days, though more frequent, yet they were less listened to, and were often delivered in a style to make useful impressions on the people, and served to put them in possession of the public topics which at the particular juncture were of the greatest moment. It might be said, that there are other sources of political information; for instance, the newspapers of the day. This species of reading is extending and becoming more diffused; but it is not general, and it is not half so good as a spirited discussion before the people. In the Northern States, the people have the advantage of free Schools, and education is more universal.—Here, we are not generally educated, and therefore need all the benefits of knowledge derived from these and other sources. Collision of sentiment elicits the truth; and it is, said Mr. C. a sound, though a hackneyed expression, that when the people know the truth, they have no other interest than to do right in public affairs. Mr. C. said, he disliked this innovation extremely, and was sorry to see gentlemen so pertinacious on this point.—He was unwilling that a chasm should be made in our Legislative Councils for so long a time as two years. It

will dampen the love of country and wean the people from the bosom of their own State institutions. Being in favor of annual elections and short sessions, he should vote against the amendment which proposes elections only once in two years.

Mr. FISHER said, he was in favor of biennial sessions for a few reasons, which he would briefly state.—In the first place, he thought they would insure to the State more careful, and better legislation. If there be biennial sessions, there must be biennial elections. When elections take place only once in every two years, he thought the people would be more particular in the choice of their members. I am in favor of frequent elections, said Mr. F. but there may be such a thing as having them too frequent. Whenever a thing becomes very common, it ceases to be much valued, and when we cease to prize it, we are careless how we use it. The elective franchise is the greatest political privilege we enjoy, and the danger is, that we undervalue it by the frequency of elections. By having our State elections only once in two years, the people will value the privilege more highly, and exercise it more judiciously. As it now is, in many places we see that the people care but little about going to the polls, and oftentimes, give themselves but little trouble to enquire into the qualifications of the candidates. They say, it is only for one year, and if the election goes wrong, next year they can correct. Members of Congress are chosen only once in two years, and has the country experienced any inconvenience or injury from this? I think not. If it be proper to elect members of Congress, whose powers are so vitally connected with the principles of liberty, only once in two years, can it be less so to elect in the same manner members of the State Legislature, whose sphere of action is more limited and less dangerous to the rights of the people? In the new States, where there is a constant filling up of the country, where new counties are every year springing into existence, and where new laws and regulations become necessary, it is certainly proper that there should be annual sessions of the Legislature; but in an old State, like North Carolina, where every thing is settled, where the system of laws is established, and all the institutions of the country fixed, no such necessity can exist. When there is nothing for the Legislature to do, why bring it in session? It is with Legislative bodies, as with every other mass of men, if they have nothing to do that ought to be done, they will be very apt to set about doing what they ought not to do. For my part, said Mr. F. I think, at present, there is more danger to be apprehended to the institutions of the country from too much, than from too little legislation. When we look around, and see the Legislatures of the several States, and of the Federal Government, all in full operation at the same time, manufacturing laws at the rate of five thousand a year, it is a matter of wonder that our political institutions can remain permanent under this annual flood of enactments, changes and innovations. It looks like unsettling every thing.

A second reason in favor of biennial sessions, is, that the Legislature itself being better selected, will be more cautious in its enactments. The members will consider that the laws they make will have to stand for two years, and therefore they will be more careful what they do. As it now is, laws of doubtful policy are enacted, because if they do not work well, they can next session be repealed.

A third reason is, that there will be more steadiness and consistency in our legislation. It now often happens, that laws are enacted at one session and are repealed at the next. The session adjourns in January—the Acts usually come out in May, and the elections take place in August. So that the laws are scarcely promulgated, before the new members are elected. It often happens, said Mr. F. that an act is passed at one session, is repealed at the next, and at the succeeding one re-enacted. This was the case with that important act abolishing Imprisonment for Debt. Now, if there were biennial sessions, the people would have time to see the operations of the law, and could determine better, whether it ought to be repealed or continued.

Legislature consisted of 202 members; the new Constitution will throw off 32 of these, and leave in future 170 members in both Houses. For several years past the Legislature has continued in session from 50 to 55 days, or, from 100 to 110 days in two years. If a Legislature consisting of 202 members, could do the business of two years in 100 or 110 days, Mr. F. said, he felt certain that a Legislature of 170 members, can do the same amount of business in 75 days; for the reason that small bodies do business with greater despatch, than large ones. One hundred and seventy members, with incidental expenses, for a session of 75 days, will cost about \$40,000, or only one half what two sessions now cost. Is this sum worth saving?—Certainly it was.

Mr. F. said he would very briefly notice one or two of the objections advanced against biennial sessions. It is contended that there ought to be annual sessions of the State Legislatures, in order that they may stand as guards over the rights of the people against the encroachments of the Federal Government. This was not a new idea to him; he had considered it before he came here, and felt its weight. He believed with those who opposed biennial sessions, that the State Legislatures are the natural and legitimate guardians of the rights of the States and the people, and that it was not only their right, but their duty, to keep a strict watch over the conduct of our Federal Rulers. The writers of the Federalist, Alexander Hamilton, John Jay and James Madison, take this view of the subject in the 26th No. of that able work. I do not believe, however, said Mr. F. that the mere action of the Legislature, that is, the passing of a resolution, is a check to usurpation; for, so far as his observation had gone, the Legislature as often decides in favor of the abuse of power as against it. It depends altogether how the majority of the State stand affected to the Administration. If, for example, they are for the powers that be, then the Legislature will approve; if otherwise, will censure. The guardianship, therefore, does not consist in the vote of the Legislature, but in the opportunity it affords for public discussion. The Federal Government is far off from the people—the State Government is close by. The people of North Carolina, send to Congress 13 members; they send to the Legislature 202. They therefore have better means of knowing what takes place in the State Legislature than in Congress. The friends of liberty can speak to them with more effect from Raleigh, than from Washington, and the people will listen to the arguments of the minority as well as of the majority. As a proof of the correctness of this view, Mr. F. said, he would remind the Committee that the Legislature, in 1798, refused to condemn the Alien and Sedition Acts, but the agitation of the subject awakened the attention of the people to it, and the State was soon revolutionized in politics. So, also, in 1822, the Legislature of North Carolina approved Congressional Cautions by refusing to censure them; but the arguments went out among the people, and they declared against Cautions. It was the discussions then, that took place, and not the vote, that made the Legislature the guardian of the people's rights, against federal encroachments. But the question is, will a change to biennial sessions make the Legislature less a check against encroachments, than at present? Mr. F. said, at first, he thought it would, but further reflection brought him to a different conclusion. It is only in elections that the discussions in the Legislature can act, and elections for members of Congress take place but once in two years. If therefore, our sessions can be held during the winter, before the elections take place, then the people will have the full benefit of all the light and information that were called forth during the preceding session. Another advantage of these biennial elections will be, that it can be so arranged that our State elections and our Congressional elections shall not come on in the same year. As it now is, both come on together, and the consequence is, that very often, the State elections influence the Congress election, and vice versa. But to bring them on at different times, the minds of the people being less distracted with conflicting claims, will be able to make better and more disinterested selections. When the Congressional election is pending, Federal Politics will be mostly discussed, and when the State elections are pending, State and local matters will engross attention; so that each will stand fairly before the people, and candidates will have less chance of combining to aid each other in their schemes of ambition.

Mr. F. said, for these reasons, to which he might add others if time allowed, he would vote for biennial sessions of the Legislature.

Judge TOOMER rose to make but a remark or two. This Convention, he said, was authorized to provide for biennial, instead of annual meetings of the General Assembly; but it has no authority to deprive that body of any other power conferred upon it by the Constitution. That instrument does not declare that the Legislature shall meet annually, but certain duties are prescribed in it, which are to be annually performed. But it contains also a provision that the Legislature may adjourn themselves to any future day; so that if the amendment prevails, and we declare the Legislature shall meet biennially, yet it will be perfectly competent for that body, when assembled, to adjourn to meet annually, semi-annually, or sooner, if the public good may seem to require it. The argument therefore, that biennial sessions of the Legislature will be productive of great evils, has no force; for if the people are in favor of more frequent meetings, public sentiment will coerce that body to adjourn, to meet again in twelve months. We do not then, as has been argued, deprive ourselves of the privilege of meeting annually, if the people so will it. If it be found, that annual sessions are essential to the preservation of our political rights, the people will willingly incur the expenditure necessary for the purpose.

Judge T. said, we did not now exercise the privilege of convening the Legislature so frequently as our ancestors did. Why was this? One reason perhaps, was the expense, but another was, that the frequency of enjoyment had pallied upon the appetite. He believed that the liberty of the people depended upon the purity of the elective franchise, and he was therefore disposed to make it more highly appreciated. Would the sparks of liberty glow with less intensity if the Legislature met every two years, than they do now when it meets every year? Why is it, that the Congressional elections excite more interest than the elections of members of the Legislature? It is because the duties of one station are more important than those of the other; it is because the people, exercising the right of suffrage but once in two years, are more circumspect in the selection of their agents, and attach greater value to the privilege.

"Coming events," it was said, "cast their shadows before," and though political, Judge T. remarked it was nevertheless true. For years, there have been complaints that the Legislature was too frequently assembled at great expense, without any corresponding public benefit. The people have found fault, because so often called from their farms to vote—they have complained that their young men met too often at election grounds, for purposes of intemperance and dissipation—every class of the community has complained on this score. It was expected, on every hand, that if a Convention were ever called, this subject would be examined and revised, and therefore, there could be no surprise about the matter. He hoped the amendment would prevail.

Gov. SWAIN said, he should vote to fill the blank with the word "biennial," with a view to press the amendment he had alluded to in his remarks.

Judge GASTON said, that the amendment of the gentleman from Buncombe, he thought, was wholly unnecessary. In proposing amendments here, gentlemen did not always advert to the provisions of the existing Constitution. The 10th section of that instrument gives to the Legislature the power of "adjourning themselves to any future day and place." That part of it which authorizes the adjournment to any other place, was annulled by the Ordinance fixing the permanent seat of Government at Raleigh; but the power to adjourn to any future day still remains, and, if it shall be found, that the people desire more frequent meetings of the Legislature, the General Assembly is competent so to provide.

The eyes and noses were then taken on the question—Shall the blank be filled with the word "biennial?" and decided in the affirmative.

The People against the Caucus. If any event can be indicative of good to this country, it is the nomination of Judge White as the people's candidate for the next Presidency.—It is a fair illustration of Republican principles, and will afford the real democracy of the nation an opportunity of asserting their rights, and of establishing them upon a permanent basis, against the dictation of a party, and the arts, intrigues and frauds of a convocation of office-holders, office-seekers, and interested partisans, if the people have only virtue enough left to improve it for their own advantage, and in vindication of their own insulted honor.

trust interest, they will do so. They will lay aside all petty differences of opinion, all minor considerations of policy, and carrying him by loud, triumphant acclamations into the Presidency.

That Judge White is the man whom the honest, independent yeomanry of the country ought to support, we think no dispassionate, unprejudiced man, who will reflect coolly and candidly upon the condition of the country, at the present crisis, will deny. He has been presented to the people by honest, intelligent and republican citizens, who have selected him for his personal worth and peculiar qualifications for the station. He has had no agency in his own nomination. He has neither sought nor intruded for it. He has violated no duty, sacrificed no principles to obtain it. Solicited to become a candidate, he, like every true patriot, and upright, consistent republican, says, "he submits himself to the will of the people." This is open, frank, modest and proper. His own unassuming worth, acknowledged talents, and tried integrity, had spontaneously attracted the attention of the American people towards him. A large and highly respectable portion of the republican party, those who have adhered to their principle through all changes and circumstances, without a "shadow of turning," have called upon him to serve them in the highest station within their gift and in accordance with every upright and strictly republican principle, he has modestly consented to place himself at their disposal, and has pledged himself to abide the result. The pledge he will not violate, but will religiously keep. Is there any thing in all this which is not decidedly republican; in accordance with every thing the republican party have, from its earliest infancy, advocated, as correct and proper. Is there any thing in all this, that seeks to defraud the people of their right of a free and voluntary choice, by the influence of intrigue, the practice of art, or covert management, like the Baltimore Ned Rucker Caucus, and the course and declarations of its nominees? They have said, let us decide upon the candidates. We understand this matter better than the people, and whomever we recommend, the people ought and will support, or we will denounce them with an intention to "divide the party."

Now let us look at this matter calmly, for a few moments, and see how it really stands. If it is correct, it cannot lose its influence by being submitted to the cool investigation of reason; to the test of principle, and of experience.

Why should the Baltimore Caucus, or any other self-created body, be called on to decide for the people, whom they shall elect to govern them—to be their next President—the "successor of General Jackson." Is it because the people are so ignorant of the characters and qualifications of the great men of the nation, that they are incompetent to make a wise and discreet choice? Or is it because they are so regardless of their rights, and so indifferent about their exercise, or so vicious, that they are not to be trusted, to manage their own affairs? For, that it is, after all, the business of the people, no one will venture to deny. Even Ned Rucker's Caucus is daily calling upon the people to ratify and confirm their acts, and give them full force and effect, stamped with fraud as it is, from its inception to its dissolution.

There are reasons, however, such as they are. Reasons that are called republican, though thus calling them, is a libel upon the name of republican, or of Democracy.—The first reason is, that an army of office holders, ambitious aspirants for power, and sycophantic, time-serving, unprincipled political partisans, could not retain their places, come into power and place, by the strength of their own merits, and the free and voluntary suffrages of the people. Hence, the Caucus is their fit agent to delude the people.