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## STATE CONVENTION.

### DEBATE.

Friday, June 26th.

The Convention having resolved itself into a Committee of the Whole, Mr. Fisher in the Chair, on the 32d Article in the Constitution, Mr. EDWARDS said, he had bowed some reflection on the subject, and it was due to himself, to his country, and to his Creator, to present the views which led to the conclusion to which he had come. The particular modification of the Article under consideration, which he should propose before he resumed his seat, might not perhaps be acceptable to the Convention, but he was free to say, a less concession to the liberty of conscience could not satisfy him.

Mr. E. said, if there was one subject, more than another, on which he desired that his views should be understood—or upon which he felt understood—upon which he felt more bound by the obligations of duty and a sense of accountability here and hereafter, to express his opinion, with becoming freedom—it was this. In private life, it had been his habit—indeed, he had prescribed it to himself as a law, to remain silent when Religious topics were discussed in his presence; because, while he claimed the right of exercising and enjoying his own opinion, he was unwilling to interfere with or become responsible for the opinions of others. His present situation demanded a different course. The amendment he should propose to incorporate into our Constitution was one which, in a spirit of liberalism that would reflect honor on our character as a State, proclaimed universal toleration. Its object is, to remove all disabilities existing on account of differences of opinion in matters of Religion, and conform in principle to that golden rule—“Do unto others, as ye would that they should do unto you.” Sir! why should a line of discrimination exist? Why retain in our fundamental law, a principle, which savours so strongly of persecution and bigotry? A principle, which proscribes for opinion's sake—uncitizenizing a portion of the community and denying them an equal participation in the benefits of free government?

Human institutions, said Mr. E. may torture the body—may subject to the rack—but cannot enslave the mind or control its action. No fetters can hold it bound—even the wretched victim at the stake cannot be debarr'd the high privilege of pouring out his fervent aspirations at the throne of mercy. Sir, this must and will be so, in despite of all human regulations. And why? Because he, who possesses the power of controlling like the destinies of nations and of individuals, has proclaimed by unalterable laws, that the consciences of men shall not be controlled in matters which concern their eternal welfare. Man's belief cannot be commanded—the liberty of conscience is a natural right, inviolable and inalienable. No man, by his engagements with society, can surrender it, or absolve himself from the obligation to exercise it freely and without restraint, in the discharge of his duty to his God; much less, can Society exercise the power of dispossessing him of it.

Sir, said Mr. E. we have proclaimed this truth in our Bill of Rights, in language so clear and explicit that “the man, who reads”—That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience.” Is the provision in the 32d Article consistent with this declaration? Is there not a palpable incongruity between the two? Does not the one give universal scope to the principles of toleration, and conform strictly to the natural rights of man? and does not the other limit and restrict the inestimable rights of conscience? It disfranchises one portion of your citizens on account of their Religious tenets—while it extends to all others the uninterrupted enjoyment of all the rights secured under our free institutions.

Mr. E. said, he was almost afraid to hear his own voice on this subject; but, in pursuing the examination, he would, from the respect due to the Convention, endeavor to subdue his feelings as much as possible. He was at a loss to conceive why this clause was ever introduced into the Constitution—he had searched in vain for the reasons—but it is there—and it is our duty to examine the influence it

exercises on the great fundamental principles of Civil and Religious Liberty. He laid it down as an axiom, which every wise government should keep steadily in view—that legal Religion and political Liberty are wholly incompatible. That to blend Religion and Politics, would have the effect to open the door wide to a union of Church and State—and that Governments, which all experience shows except to prove too strong for the people, would eagerly seize upon every pretext to strengthen the arm of power, by calling to their aid the influence, which the trifling of some, and the fanaticism of others on the subject of Religion place too often within their reach. Thus, Sir, might be devised the most odious tyranny under which mankind ever groined. Where will the dividing line terminate? If we exclude one sect to-day, what sect will the reckless spirit of proscription next assail? By and by, some other may become equally obnoxious on account of their particular mode of worship. Yes, Sir, once apply the pruning knife—select, a particular creed—sanctify it by a place in your organic law—denounce all who do not subscribe to it, and make those the peculiar objects of your favor who do, and my word for it, if ever the time shall come when the public mind shall be strongly excited, tossed almost into phrenzy, by the tricks of cunning zealots and heated fanatics, a disordered and distempered state of Society may ensue that will shake to its very foundation, if not overturn, the temple of liberty itself. Sir, a system, based on the principle that the consciences of men and their faith in matters of religion shall become an affair of Government, cannot long be tolerated without a total enslavement of the citizen.

Let us not forget, said Mr. E. that by retaining this article, we declare and establish, as a particular intent, one only faith, as the true faith, and not only denounce those who do not embrace it—but refuse to extend to them the privileges of our common country. We subject them to the burthens, and demand of them—the duties incident to our institutions, while we deny them the privilege of participating in the rewards to which loyalty as citizens ought to entitle them. We proclaim that a particular faith shall be the price of office—that all who do not conform to it shall be punished by an exclusion from the honors, emoluments and distinctions which the humblest should be permitted to aspire to. The province of political assemblies, he had thought, was to regulate the intercourse between man and man—and not between man and his maker.

The rights of conscience, continued Mr. E. those inestimable rights without which man would indeed be a poor and wretched creature, owe their origin to a source much higher than any earthly power—their kingdom is not of this world, and he who invades them usurps the prerogative of Deity. Those who chose may dare to become sponsors for the souls of men—for his part, he would not be so presumptuous—he could not, if he would. In the final settlement of that dreadful account which all must sooner or later render, every one must answer for himself; no government or individual will then be found to propitiate in his behalf. Let the truths of the Gospel be equally the property of all; attempt no shackles upon the mind, and you need fear nothing from error. Truth is the only fair antagonist of error, and the latter “may be safely tolerated while the former is left free to combat it.” But, sir, if forgetting this sublime truth, we introduce into our organic law interdictions on account of religious opinions, we must fence them around, we must preserve them from violation, we must coerce obedience by pain and penalties—a resort then must be had to legislative enactments, and they, in time, may render ecclesiastical or spiritual courts indispensable—for who can be so well qualified to sit in judgment as those who teach the favored faith. He did not pretend to the spirit of prophecy, but he was grossly in error, should this career be once begun, if bigotry and fanaticism do not run riot, and if the most direful consequences do not result. Let the passions of men, enlisted on this subject, once get into your legislative halls, and no one can foresee the effects—for all know the uncontrollable properties of religious enthusiasm. The only true way to keep Religion and Politics apart was to confer no peculiar privileges on any one sect, but to extend equal protection to all. The surest way of blending them, was to legitimate some sects and bastardize others, and thus set an example by which all but one might be finally denounced as heretical.

Mr. E. said all no doubt held in equal detestation hypocrisy in politics and religion—all were sensible that it was bad policy to furnish incentives to its exercise. But shall we not promote it by leaving on our Statute book a gilded bait to ensnare the consciences of men? Shall such a blot be permitted to stain our escutcheon.

“Lead us not into temptation” was the prayer of our Saviour. If we hold up the glittering pageantry of office to induce men to play the hypocrite, are we not laying temptations before them? Are we not, by the seductive influence of earthly honors, alienating their affections from their Creator?

Mr. E. asked, if the gentlemen were not aware that this spirit of persecution was already abroad in our land, and among our Churches—aye, even in the same Church? Do they not know, that among the members of one of the leading Churches, a division of opinion existed on a subject of deep and vital interest to this State and to the whole Southern country? Yes, sir—the question had been seriously agitated by one portion of this Church—residing north of a certain line—whether their brethren, members of the same Church, should not be excluded from the Communion table on account of a peculiar description of property which they held—thus tendering to them the alternative of separation or a surrender of rights guaranteed to them by the Constitution and laws of their country. Sir, we should not disguise the fact, that this great political question which threatens to shake to its very foundation the union of these States, has been gravely made a Religious one. Such are the fruits of a spirit of persecution and intolerance. Let us beware then, lest we afford encouragement to it, by countenancing any such principles by our State policy.

But he took bolder ground. He denied that it belonged to or became any earthly power to impose shackles on the consciences of men. He denied that it could be required of them as a duty, to interfere with the relations between God and his own creatures. On this subject, he felt, no responsibility to mere man; and should the impious attempt be made to despoil him of his rights in this respect, as much as he loved North Carolina, he could never refer the votaries of freedom to her as an example worthy of imitation.

I repeat, said Mr. E. this is a question which my own inclinations would not have induced me to discuss, could I have passed it by consistently with the dictates of duty. Gentlemen say that this provision in the Constitution is without effect in its practical operation—that it is a dead letter, a mere *verbum suum*—and harmless. If this be true, it certainly does not become us as a grave Assembly engaged in the important work of revising our fundamental law—of prescribing rules of conduct, not for to-day or to-morrow, but for all time I hope—to let it remain there as a false light to mislead and deceive our fellow-men. If it be ambiguous in its import, let us ascertain its meaning and render it so plain that all may at once understand it. But if, on the other hand, it conflicts with the great fundamental principles of public liberty, do not the high behests of public duty and love of country demand of us to efface it entirely? Would it not be a holy work to scatter it in fragments to the winds of Heaven?

As to qualifications for office—Mr. E. said, he had but one rule. He held the doctrine sound, that man is capable of self-government—that he is the best judge of his own interests.—He was not afraid to trust the people to choose their own agents. If moral or religious disqualifications exist in candidates for office, they are competent to discern them. Fanaticism may for a moment delude, but the people will, when reason resumes her empire, and they are called upon to act definitively, burst the chains which bind them and announce that decision which is best calculated to advance their own interest and promote their own happiness—so long as the public mind is elevated above the mist and clouds of passion and prejudice and set free from the thralldom of bigotry and intolerance, we have some security for the perpetuity of our free institutions. But whenever a Government shall presume to say, that a citizen, however exalted his merit, or distinguished his abilities, shall not, if he entertain particular religious opinions, participate in the offices of the country—that Government is far behind the age in which we live, and has yet to learn the true principles on which depend the equal rights of man.

Mr. E. said, he had understood since he came here, that the public mind was grossly agitated on this subject; and that, in some counties, the excitement bordered almost on phrenzy. He had been wholly ignorant of this, and he still thought gentlemen were mistaken; he had hoped that there was but one opinion as to the propriety of expanding from the Constitution this foul stain on our character. These feelings are but momentary impulses—they will soon give way before an enlightened public opinion—the hallucination will soon be dispelled by the lights of reason and truth. But it became them to throw themselves into the breach, and stem this mighty current of popular delusion—if, indeed, it existed. For one, he was willing to breast it. No one prized more highly than he did, the approbation of his

constituents—to receive that approbation, he regarded as his highest reward—to deserve it, the highest praise. But on a subject like this, he would not exchange the privilege of telling the truth, of speaking his own sentiments freely and independently, for the plaudits of the world. What is that popularity worth which is obtained by a sacrifice of principle and conscience? Sir, said Mr. E. I will go back to my constituents—I will throw myself upon that liberality and intelligence which have always sustained me—I will stand upon the conscientious conviction that I have not swerved from the principles which have heretofore entitled me to their confidence. Should they then demand the sacrifice, I should I have too much respect for them and for their rights not to be prepared for it. I shall have left to me the consolation of knowing that, in the discharge of the duty confided to me, I have taken counsel only from my own head and heart—and above all the consolation, of which I cannot be deprived, that I have not violated that divine precept—“Judge not lest ye be judged.”

Mr. E. in continuation said, he had recently looked into Vattel on this subject—an approved and standard work—which treated with great ability the subject of International Law, and the various relations which man occupies in this life. He would detain the committee but a moment to read a passage from it. [Here Mr. E. read a passage, strongly in favor of Religious toleration.]

Mr. E. also read the preamble to the Act of Religious Toleration, written by Thomas Jefferson—than whom, Mr. E. said, there never lived a man more devoted to the cause of liberty or the rights of man. This Preamble, he could say with truth, contained his own sentiments.

Mr. E. then submitted his amendment—in effect allowing freedom of worship and of speech in all matters of Religion—and forbidding acts of licentiousness, and practices inconsistent with the peace and safety of the State. [Debate to be continued.]

### From the New York Transcript of July 15.

*Romance in Real Life.*—Most of our readers must have heard of the romantic episode in the loves and lives of the parents of the celebrated Thomas A. Becket, Archbishop of Canterbury; being no less a circumstance than that the father of the Archbishop went to fight the Infidel Saracens in the Holy Land, and while there he was wounded, taken prisoner, and was nursed by a young female pagan, who like most young warrior nurses, fell in love with the object of her attention and solicitude. After the elder Becket sailed from the Holy Land for England, she became absolutely inconsolable at his departure, and a short time afterwards she secretly left her father's house, with a little money and a few jewels, made her way to Acire, took her passage in a ship bound for England, landed in London—and although she could not speak a word of the language, except the name of the being she loved, and only knew a part of this, viz: that his Christian name was Thomas, she went crying that word through the streets of the great city until she found him—soon after which they married. Singular as the above story seems, we have to record one to-day almost equally singular and romantic. Sometime in the course of the last year, as one of our fast sailing Liverpool vessels was dropping down the Mersey, with a fair wind and tide, for New York, the hands on board observed a small sail boat in the river astern of the ship, containing a party of pleasure, which was upset by a squall. The ship's yards were braced round, her topsails backed, and a boat lowered, which made for the party in the water. They were all rescued except a young lady, who becoming separated from the rest, was carried down the river by the rapidity of the tide, and must inevitably have been lost, had it not been for the watchfulness and intrepidity of the mate of the ship, who instantly jumped into the fore chains, dropped into the water, swam to the drowning girl, and being a strong young man, supported her until the boat took them both up. She was taken on board the ship (which was here to) until she recovered, when the rescued party were ultimately landed. Strange to say, the parties all separated without the name of the vessel, or any of her people being made known to the rescued parties; and the ship was soon under way for New York. On her return to Liverpool, the mate—who was a fine, handsome fellow, and who had not failed to observe, during their short acquaintance, that the lady he had rescued was a very beautiful woman—thought it might not be so much amiss to endeavor to find her out, and enquire after her health. With this object in view, he hurried over a file of old Liverpool papers, and discovered on such a day, 1834, a party of pleasure in a sail boat, including Miss Mary —, had been rescued from a watery grave by the crew of a vessel bound out; but as some 40 or 50 ves-

sels (which had been wind-bound) sailed the same day, the name of the vessel was not known. On making further enquiries, he found that the young lady's brother (a surgeon) was one of the rescued people; and that they had left Liverpool and gone to reside in the country. He obtained leave of absence from the ship, and without any chart or compass to steer by, he mounted a horse and rode out of the town towards Warrington. He had not proceeded half a dozen miles, before his horse took fright, ran off, and threw him violently on his head. He was taken up senseless, and carried to the nearest house, which fortunately happened to be a surgeon's. He lay some days in a critical state, and the first object that met his vision on regaining his senses, was the form of the fair Mary above alluded to, seated by his bed-side bathing his temples and officiating as his nurse. She blushed deeply on perceiving that he recognized her, and hastily leaving the room, sent in her brother and an older (but less agreeable) female nurse. Finding him still too weak to converse, they assured him that he was with friends, deeply sensible of their indebtedness to him, and who were but too happy to have it in their power to contribute to his comfort. He was now convalescent, and sinking into a sound sleep they left him. He awoke very late the next day much refreshed; but as neither his host nor the sister made their appearance, he enquired for them, and learnt that they had both been called up in the night, and had gone some distance to attend the dying bed of a near relative.—Not thinking it necessary to explain to the old nurse, he did not state to her who he was, but waited anxiously for the appearance of Mary, whom he had already begun to feel an interest for. The next day he was surprised by the visit of his captain, who stated that the horse had found its way back to the livery stable without a rider, which the owner reported to the ship—he had tried to find out what became of the mate, but could not until that very day; he had heard at an inn that a young sailor had been hurt, and was lying at Mr. —'s. The captain added, that the ship had been suddenly ordered to sea, had taken in her cargo, and was ready to sail with that afternoon's tide. There being no time to lose, the mate wrote a letter to the surgeon, which he left unsealed on the table, and in which he said all that was necessary, including an intention to revisit them on his next voyage; a carriage was procured, and he, though feeble, went to Liverpool, and that evening sailed in his old vessel for New York. The letter left by the mate, unfortunately was never received by those for whom it was intended, being, as was supposed, obtained, read and destroyed by a young lawyer, who had made Mary an offer of marriage, and been refused, but who still visited the house. Thus on their return home, Mary and her brother were still without the least clue to the “local habitation or name” of their preserver, with this exception, that the lawyer, in the course of an incidental conversation, had sneeringly observed, that the mate was “a poor mean Yankee,” but denied knowing his name. Mary fretted and pined away, and at last took to her bed, for almost unconsciously she had become deeply attached to the sailor; her illness assumed at last a serious character, and it being evident that she would not survive unless she again saw the object of her affections, her brother (at her urgent request) took ship for North America, and landed in Boston a few days ago, whence they came on to this city on Sunday night. The passage, and the hope of meeting with the one she loved, restored her to comparative health and strength, and they put up at a private boarding house in Pearl street. Thus had Mary travelled double the distance of Becket's mother, without knowing even the Christian or surname of her beloved. In the mean time the mate arrived at New York, was transferred to the command of a merchantman in the southern trade, was cast away, fell ill, rote to Europe, his letter miscarried—he sailed himself for England, went to the surgeon's house, was told all about Mary, and that she had sailed about seven days for Boston. He took passage in the first vessel, came on to New York, and without knowing that they were in the house, actually put up at the same place, and slept beneath the same roof with Mary and her brother on Sunday night. In the morning when he descended to the breakfast table where he found the family already assembled, the first object that met his view on entering the room, was the form of the fair traveller. She saw his face, uttered no exclamation, but sprang from her seat towards him, and would have fallen had he not rushed forward and caught her in his arms, exclaiming, “Good God! Mary, is that you?” as she fainted away. When she recovered, mutual explanations and greetings took place, and we are happy to say, that they were mar-

ried yesterday afternoon, and set off the same evening to spend the honeymoon at Albany, and by this time, doubtless know one another as well as though they had been acquainted for years.

Mobile, Ala. July 30.

*Outrageous Abduction of a Child.*—This community have perhaps never been more excited, or outraged than it was the day before yesterday by the intelligence that a child of one of our citizens, Dr. Gardner, had been carried off; and that too by an own brother. The circumstances of the abduction were not generally and fully known until about 11 o'clock in the morning of that day. About that time an alarm of fire had been given, which had called out the several fire companies, and a considerable number of the citizens of the place. The fire which had caused the alarm was easily and speedily extinguished. Information was then communicated to one of the fire companies that a child of Dr. Gardner, five or six years of age, had been stolen by one of his (Dr. G's) brothers—that this inhuman depredator had left intelligence behind in a letter, with another brother, that for thirty thousand dollars the child would be restored to its parents, and unless this ransom should be paid they should never see it more. It was further stated that the agonized father had consented to redeem his boy in the manner proposed, first having offered 15,000 dollars, which was refused, and that the brother who was acting as mediator was at that moment at the Mobile Bank receiving a part of the ransom money. The company to which these facts were made known immediately repaired in a body to the Bank, seized the brother they found there, and bore him away to a place of secret confinement for examination. This one secured, it was next resolved to make sure of two other brothers, who, if not actually in the plot, it was feared would communicate intelligence of the movement that were going on to the man that was absent with the child, and thus thwart all further efforts for its recovery.—The citizens of the place had by this time become generally informed of the facts, and the excitement, which was very great, had become universal. In a short time, and at short intervals, the other two brothers were found and taken into custody. In the meantime such measures had been taken with the first that was seized as extorted from him a confession of his knowledge of the hiding place of the absent brother and child. He solemnly promised, on condition of his life being spared him, that he would use all the means in his power to rescue the child alive, which he believed could be done by allowing the brother who had borne him off to escape also with his life, after surrendering up the child; altho' he had been assured if he brought any other persons with him, the life of the boy should be sacrificed on the instant.

The necessary arrangements were soon made for the pursuit, but by this time the populace, exasperated at the unnatural act of barbarity which had been committed, had assembled in such great numbers around the prison, manifesting, too, such a spirit of vengeance and indignation at the outrage, that it was considered unsafe to take the individual, who had promised to act as their guide, out from his confinement until the crowd could be dispersed. As the first step to accomplish this end, the City Troop and the Guards, who had been called out shortly after the excitement began, were dismissed, and the assembled citizens were requested by the commander of the cavalry company, in an audible voice, to go immediately to their homes and leave all further proceedings to a party of citizens that had taken the matter for the present into their own hands. The request was complied with, though not without some apparent reluctance. While the crowd was dispersing, in prosecution of the plan proposed the Don Juan, a small low-pressure boat that runs remarkably still, was chartered, and got in readiness for the expedition. Just after nightfall, the party with their guide embarked on the boat and left the city, for the place designated, which was some fifteen or twenty miles up the Mobile river.

Yesterday morning at sun-rise, the boat returned—and joyful to relate with the stolen child—in safety! The joy of the parents; especially of the father, who was awaiting anxiously the return of the boat, can be better imagined than painted. As the boat reached the wharf, the child was held up to the view of the father, when in the rapture of his feelings he fell on his knees and gave thanks to God. To those who had witnessed his agony the day previous, this scene of a father, embracing his lost boy, was really affecting beyond all description. Whether the brother that acted as mediator and guide on this occasion, and the one who committed this strange and atrocious theft, were allowed to escape, or what was or is to be their fate, is more than we can fully ascertain. Certain it is, they were not brought to the city by the return boat.