DECISION OF THE NEW-YORK LEGISLATURE.

Much blame having been cast by many of the public papers on the course lately adopted by the above body, we have thought it might produce a better understanding of the subject, if the following publication from an Albany paper were laid before our readers, and attentively read by them:

A VIEW OF THE WHOLE GROUND.

It is due to the republicans of this State, now that the adjournment of the legislature has terminated the discussions on the question of the electoral law, and the subjects connected with it, that the whole ground should be carefully and calmly reviewed.—Doubtless they have done this, already, for themselves; and they have probably adopted the conclusion, that the result of this brief session, is not only well, but a subject of universal approbation. Nevertheless, there may be facts contained in the remarks which we offer for consideration below, which may have escaped their notice, or which may have passed from their memories. A recurrence to the history of the past, is only necessary to revive feelings which can never become extinct in the breasts of the real friends of the country and the constitution.

The progress of this question has been marked by peculiarities, which it may not be uninteresting to recal, in order to correct misapprehension, and to detect error. It is indeed the more interesting at this time, because cant and clamor have given to the subject a coloring so unlike the reality, that it requires a hasty view of its present condition, to understand all the truth in relation to it.

The earliest notice of the subject was in 1788, just previous to the first presidential election, when a bill, providing for the choice of electors by the legislature, was passed by the Assembly. The Senate proposed an amendment to the bill, with the following preamble: "And whereas the time intervening between the present meeting of the legislature, and the day on which, by the act of the United States, in Congress assembled, electors were to be appointed, for electing a president and vice-president of the United States, was too short to refer the appointment of electors to the suffrages of the inhabitants of this state—therefore, &c." The Senate varied the bill in other respects, by providing, in the event of disagreement between the two houses, that each house should choose an equal number of the electors.—These amendments were rejected by the Assembly; and the two houses being unable to adopt a bill, in the basis of which both could concur, adjourned without passing any, and the state was not represented in the electoral college, at the then approaching election.

By these proceedings, the question as to the manner of choosing the electors, was brought before the people, in a very distinct and impressive manner. The loss of the votes of the State, and the necessity of the adoption of some mode, from the absence of any, were matters calculated to excite the public attention. Notwithstanding these circumstances, the subject was not again acted upon, until 1792, when the law now in operation was passed.

The construction which was given to the constitution, in this respect, at the time of its adoption, and the opinions which were prevalent at that period, cannot be mistaken by one who has a knowledge of the facts. How far they go to overthrow the position, that the existing law of this state, is an usurpation of the rights of the people and an invasion of the constitution;—nay, how far they afford a precedent and a sanction for it, we shall leave to an intelligent community to determine. Of the *ten* states which voted in the first election under the constitution, *six* passed laws immediately after its adoption, providing for an election by their respective legislatures. These were New-Hampshire, Massachusetts, Connecticut, New-Jersey, S. Carolina, and Georgia. Subsequently, New-York, R. Island and Delaware, passed similar laws. Making *nine* out of the old *thirteen* states, which in the first organization under the constitution, adopted the mode which has been uniformly pursued in this state. A majority of the votes given for Gen. Washington, at each of his elections, was given by electors chosen by the legislatures of the several states. Had the constitution, in that day, received the interpretation which some men of these times, so much wiser than their fathers, pretend to give to it, and had the votes given by electors chosen by the state legislatures, been rejected, George Clinton would have been elected vice-president instead of John Adams, in 1793; and Thomas Jefferson would have been elected president, in 1797, instead of John Adams. It will be seen, by these facts, that at the organization of the government under the federal constitution, the foundation of it was laid in the principle now prevalent in this state; and that to maintain the unconstitutionality of that principle, would establish a series of usurpations, from the days of Washington, down to the present period. A doctrine, which, if it be not too absurd to find advocates, is in no great danger of general belief.

In the progress of our government, the practice has been gradually changing; and in later years, the disposition to change, has been, perhaps, increased. This has not arisen from a belief in the existence of any constitutional inhibition to the continuance of things as they are; but from various local causes, and from the natural tendency of all our constitutions to immediate and direct elections. From such considerations, the change will probably, at no distant day, become entire; the electors will be every where chosen by the people. The propriety of this modification must depend in a great measure upon the fitness of the time at which it is proposed; and the political situation of other states, and of the whole union, at the moment. This is not a thing of passion, but of calm and politic reflection. It is not of so much moment that a change should be effected, as that the character and influence of a state should be preserved; or at least, that its relative weight should not be diminished. Hence it has been frequently urged in the different states, that when a particular state is so situated as to be enabled to throw its undivided weight into the scale, a change ought not to be made which might endanger that result, unless her sister states adopt the same course. And it has been urged also, at all times and with great propriety, that no alteration should take place on the eve of an election, and to meet a particular state of things. Such a change was made by Massachusetts in 1804, and by New-Jersey at a later period; and in each it met with the unequivocal condemnation of the people. In 1800, an alteration in the existing law, was proposed and discussed in the legislature of this state, but not carried into effect. From that time to the present, the republican party have been almost constantly in power; but being convinced that the wishes of the people were not counteracted, they have preserved the statute, and acted under it for twenty-four years. And during every temporary ascendency of the federal and other parties, they also have suffered the law to remain unchanged. We have therefore the best proof which a long continued course of legislative proceeding can furnish, that a majority of every party in the state has been satisfied with the law as it now stands; and that the late attempts to create an excitement, have arisen in some other motive than a desire to promote the wishes of the people, or to advance the public good.

In the course of these discussions, arguments against the adoption of any change which shall lead, even remotely, to a division of the electoral vote of the state, have proceeded from sources entitled to the highest consideration, and have been enforced by a great weight of talent, experience and patriotism. One of the earliest and broadest distinctions between the federal and republican parties, was the desire on the part of the latter, to strengthen and preserve the *state* sovereignties; and on that of the former, to enlarge the powers of the general government. The republicans believing, and we think justly, that the exercise of the functions of the state governments, independently and distinctly, was necessary to the preservation of our liberties; and that the opposite course, by contributing to the increase of the power of the national government, and to the consequent diminution of that of the states, would ultimately obliterate the state lines, and result in a consolidation. It was contended, that the division of the electoral vote, would necessarily lead to a removal of the state entierty, (if we may so speak) and ultimately, it was honestly feared, to the results which were, in the early periods of our history, the causes of real apprehension to republicans. And it has been further urged, that the large states as a protection against the unequal representation and power of the small states, should retain their present modes of ensuring an undivided vote, at least until an uniform system shall be established; and especially so long as an entire vote is among the only constitutional means by which a recurrence to the house of representatives, (by which the relative weight of the large states would be wholly lost,) can be prevented. It was under these various views of the subject, that the determination of the Senate, after the discussions during the last session, was adopted.

The elevation of the democratic party thro' the election of Mr. Jefferson, in 1800, has proved to be a source of sure honor and prosperity to the country; but it was at that time, and it has continued to be, a cause of undisguised and bitter sorrow to those who opposed it then, and who are hostile to it now. It was assailed at that time by the direct opposition of the federalists, single-handed, it is true, but a powerful and active party. It was next assailed by a series of coalitions between the federalists and portions of the republican party, and from 1804 to 1812, resisted the attempts of the successive factions, which were known among us by the characteristic designations of Burrites, Lewisites and Quids, and by all the various appellations which then, as now, it was the fashion to assume. During the period to which we have alluded, including the seasons of the commercial restriction and the operation of the measures which were deemed essential to the just maintenance of our neutral rights; and, subsequently, during the dark period of the war, and its perils and embarrassments; the opposition seemed to acquire new strength and hope. National depression and danger seemed to elevate and invigorate *them*. And all the uses which could be made of the peculiar condition of a suffering country, were combined with the attempts to overthrow the party which had identified itself with the cause of that country. The war passed away in triumph. And forthwith new combinations, under new names, but composed of like materials, (the old federalists, the personal adherents of particular individuals, and disaffected republicans,) were formed as a 'state' party, against the party of the country, and from that time down to 1820, they were ceaseless in their efforts, under all sorts of disguises, and by all sorts of expedients, to prostrate the party of the latter. But its energies were untiring, and though sometimes weakened by partial disaffections, it was unbroken by assault, and came out of all the conflicts a triumphant and rejoicing party.

These results were followed by the project for a convention to amend the constitution. The republicans were anxious to adopt such modifications as should remedy various defects, and remove those odious distinctions which prevented a just and equal enjoyment of the elective franchise. Year after year the subject was submitted to the consideration of the legislature; until a law was finally passed. It is a singular fact, that the persons who, for the gratification of a particular object now, are most noisy and clamorous in an affected display of zeal for the people, were then the opponents of this law, and attempted to procure the rejection of it by the council of revision. But it received the approval of that body, was every where approved by the people, and the convention was held. In it, the same spirit which has urged the rejection of the bill in the council, opposed all the propositions for the extension of the popular rights. The same partizans who now profess so large a love for "the people," attempted then to resist their wishes; and the men whom these new friends of republicanism decry and daily villify, introduced, advocated and sustained, against all opposition, the popular features which now adorn our constitution. That instrument was approved by the voice of nearly a whole people; and the party which had accomplished it, was placed upon such high ground as to seem free from all future danger.

For a season, opposition was silenced. The attempt was made to create the belief that it was extinguished. Immediately a new system of attack was adopted—the provisions of the new constitution were affectedly acquiesced in,—the abolition of all party distinctions was industriously proclaimed—and the election of Governor Yates was permitted to take place without opposition. The result was followed by strong and simultaneous efforts to induce republicans to throw down their defences, to yield their system of regular nominations, and to abandon usages which, along with the justness of their principles, had ensured to them a series of successes for four-and-twenty years. Many honest men were deceived; but the delusion was not general. Uniform and venerated republicans were left, who warned us of the dangers arising from the seductive character of the times; and who believed that at the first secure opportunity, the opposition would again rally. That it had crouched only to spring with greater force upon the object of its attack. They were right. The presidential election presented that opportunity.—Hitherto the republican nominations had been made from the men of the revolution, who had regularly arisen to the situations which presented them as suitable candidates; and the selections were made without serious difficulty. The condition of things, in that respect, was now changed. A new era was to commence. The nomination was to be transferred to a succeeding generation; and from the very nature of the case, great diversity of opinion was to have been expected. The difficulties were increased by the relaxation of the observance of party regulations, produced by the course pursued by the executives of the general government and of this state. New-York, having no candidate of her own, and having no strong preferences for such as had been named, was peculiarly exposed to distraction.

This state of things was too inviting to be overlooked or passed by. The natural and customary opposition to the Republican party embraced it. It was the signal for a series of new operations against the integrity of that party. The choice of electors was a topic likely to become a popular one. By such uses as the Opposition, who suddenly assumed the new title of "the people," intended to make of it, they conceived it to be admirably calculated to effect the object of all their exertions, the destruction and ruin of the republican party. The state elections, they imagined, might be easily connected with it; and they felt as if the fruition of their long deferred hopes was at hand. The project of a change of the electoral law was started by the New-York Patriot, followed by the Statesman: Prints conducted by the devoted adherents of Mr. Clinton, established in direct hostility to the democratic party, and the aim of all the efforts of which was to divide and destroy it. To the introduction of the subject through such questionable sources, succeeded the expressions of the opposition journals in all the variety of their political aspects, in favor of it: and to these was added the suggestions of a western print that it was desirable that five electoral tickets should be offered to the people. Many republicans knowing that the proposition had originated with the deadliest opponents of the people, were suspicious of it. They were confident that some ulterior purpose, some end which did not appear, had induced them to favour it. The friendship of men for the people, who had all along opposed the extension of their privileges, and who from the foundation of the government had been found on the side of the aristocracy, was a new thing, quite mysterious in itself, and only to be explained by the fact that they had flattered themselves with the expectation of a political advantage. In many of the counties, however, before these designs were apparent, the proposition was received with great favour. Many honest republicans whose whole lives had been devoted to the support of the republican cause, became anxious for its accomplishment. They were anxious for it, because what seemed to be right in itself, they were desirous should be done; and that without reflecting upon the policy which induced the opposition at this particular moment to agitate a matter which had stood as it is, without clamour, nearly forty years, and which the power of the people could have changed, had they so wished, at any moment.

Under the excitement thus produced, the elections of last fall were commenced. In several instances, candidates, who themselves were content with the existing law, were induced to think, from the clamours of the opposition, that the change was required, and pledged themselves, if elected, to vote for the bill in question. In some instances, resolutions to the same effect, were passed at the nominating conventions. That the views of the Opposition were to gain power, instead of gratifying the people, is evident from the fact, that notwithstanding the candidates nominated by the republicans, were in many instances, on this point, of the same opinion with themselves, yet, in every instance, they brought forward their own candidates and supported them with zeal. Having the new song of "the people" always upon their tongues, and having played their parts with such adroitness as to deceive many, they were confident of success. They were constant and proud in their predictions of it. But they were again doomed to suffer disappointment. Large majorities of the republican members, regularly nominated, were elected to both houses. Even previous to the election, the disguises which the opposition had assumed, were too thin to conceal their real intentions: and between the election and the meeting of the legislature, their plans for the dismemberment of the republican party gradually developed themselves. At the opening of the session, there were but few reflecting republicans who were not sensible that the party had approached a precipice from which, at another step, they would be precipitated to destruction. But assurances had been given, and they were to be redeemed. They *were* redeemed in every instance. Had it been desired they should have forgotten (which it was not) no considerations could have induced them to forget the obligations which their own declarations, or those of their friends, had imposed upon them. The assembly passed the bill. The Senate were differently constituted. A large majority were at liberty to act, in relation to the bill, as the interests and character of the state required. The situation of the Governor was not dissimilar. He also was at liberty to govern his acts by the free expressions of the public opinion against a division of the electoral vote, and by the high obligation to preserve the republican party unbroken.—With such impressions, he submitted the question to the wisdom of the legislature, accompanied by a a declaration, which was every where regarded as adverse to a change of the law. He went farther, and urged senators to stand firm in the defence of the state rights and power, and the integrity of the democratic party; and to resist the attempts of the opposition to prostrate the one by destroying the other. The view taken of the question by the senate, was such an one as was expected of men acting under high responsibility. The discussions in that body, were ample and dispassionate; and they resulted in the postponement of a subject which they did not think lightly of, nor wrong in the abstract; but which they were convinced was agitated on the threshold of an important election, from personal motives, and for political ends; which would tend to weaken, if not destroy, the relative influence of the state; and which, however desirable an uniform mode of election, directly by the people might be, it was unwise and inexpedient then to adopt it. The legislature adjourned; and the subject ceased to be a topic of interest or of conversation.—The public mind was restored to its ordinary tranquility. The reports of excitements, which were industriously circulated during the session, were discovered to be the exaggerations of interested and turbulent men; and the whole thing, with its attendant feelings was passing rapidly into forgetfulness. Expiring efforts were made by the opposition, in some few instances, to create ferments, and to assemble the citizens, to denounce the senate; but they proved to be the lame abortions of weak partizans.

Such was the condition of things, when these discussions were revived by the appearance of the Proclamation, and the assembling of the legislature in obedience to it. The review of these transactions, however, minutely as it is our intention to notice them, will be the subject of an article in a future paper.

North-Carolina,

HAYWOOD COUNTY.

Superior Court of Law, second Wednesday after the 4th Monday of March, 1824.

John Crow, *vs.* James Holland's heirs.

WHEREAS it appears to the satisfaction of the Court, the Defendants James Holland, jun. Sophia Perkins and Cynthia Rhodes, heirs of James Holland, dec'd. are inhabitants of another government: It is therefore ordered, by the Court, that publication be made 3 months in the Raleigh Register, that the aforesaid defendants appear at the next Superior Court of Law, to be held for the county of Haywood, at the Court-house in Waynesville, on the 2d Wednesday after the 4th Monday in September next, then & there, to plead, answer or demur, otherwise judgment will be taken *pro confesso*.

Test,

67-3m. J. B. LOVE, Clk

State of North-Carolina,

Lenoir County Court.

July Term, 1824.

Robt. W. Goodman, adm'r. of Henry J. McKinne, *vs.* Wm. McKinne, Jno. Simpson, & Chelly his wife & Ballard Wood and Ann his wife. } Petition to recover debt &c. under act of 1789.

IT appearing to the satisfaction of the Court, that the defendants in this case reside without the limits of this State; It is therefore ordered, that publication be made five weeks in the Raleigh Register, that unless said defendants appear at the Court of Pleas and Quarter Sessions to be held for the County of Lenoir, at the Court House in Kinston, on the first Monday in October next, and plead, answer or demur, the said petition, will be taken pro confesso, and heard exparte. Attest,

71-5w. D. CASWELL, Clk.

State of North-Carolina.

COUNTY OF RANDOLPH,

Superior Court of Law,

Spring Term, 1824.

John Sweet, v Niomi Sweet. } Petition for Divorce.

IT appearing to the satisfaction of the Court, that the Defendant in this case is not an inhabitant of this State: It is ordered that publication be made for three months in the Raleigh Register, and Hillsborough Recorder, for the defendant to appear at the next term of this Court to be held on the first Monday after the fourth Monday of September next, then and there to plead answer or demur, otherwise the petition will be taken pro confesso, and heard ex parte.

A COPY,

16-3m. J. WOOD, C. S. C.

State of North-Carolina,

Warren County.

IN EQUITY—Spring Term, 1824.

John J. Egerton *vs.* Simon Harris

IT appearing to the satisfaction of this Court, that Simon Harris, the defendant in this cause, is not an inhabitant of this State: It is ordered, that publication be made for six weeks for the said Simon Harris to appear on or before the next term of this Court, to be held at the Court-house in Warrenton, on the 3d Monday after the 4th Monday in September next, then and there to plead, answer or demur to complainant's bill, otherwise it will be taken pro confesso.

TEST,

64 GEO. ANDERSON, C. M. E.

State of North-Carolina,

Rutherford County.

Court of Equity—Spring Term, 1824.

James Bridges, *vs.* Augustus Sackett. } Injunction.

ORDERED, That publication be made 3 months successively in the Raleigh Register, notifying the defendant, Augustus Sackett, (whom it appears is not an inhabitant of this State) to appear at the next Court of Equity, to be held for the County of Rutherford, at the Court-house in Rutherfordton, on the 3d Monday after the 4th Monday of September next, and there and then to plead, answer or demur, or Complainant's bill will be taken pro confesso, and heard ex parte.

Test, THEO. F. BIRCHETT, C. & M.

May 4, 1824. 53—

State of North-Carolina.

Edgecomb County.

Court of Pleas and Quarter Sessions, May Term, 1824.

William Worsley, *vs.* Bennett Barrow. } Original attachment, levied on one improved lot in the town of Tarborough.

IT appearing to the satisfaction of the Court, that the Defendant is not a resident of this State. It is therefore ordered, that publication be made for three months in the Raleigh Register, for the Defendant to appear at the next Court of Pleas and Quarter Sessions to be held for the County of Edgecomb, at the Court House in Tarborough, on the fourth Monday of August next, and plead &c. otherwise judgment final will be entered against him. Teste,

MICH'L HEARN, C. C.

August 20. 80-3m.

Valuable Lands for Sale near Raleigh.

THE subscriber offers for sale a valuable Tract of Land lying on the road leading from Raleigh to Hillsborough, containing between eight and nine hundred acres, and within 8 or 9 miles of Raleigh. The land is of excellent quality, and a great portion of it adapted to the culture of Tobacco—of course it would produce Cotton in high perfection. It has comfortable buildings for a small family, and will be disposed of at the reduced price of three dollars per acre with easy and convenient instalments. Those disposed to purchase, will apply to the Printers, or Henry Seawell, Esq. in the vicinity of Raleigh.

JOSIAH ATKINS.

Wake county, August 11. 78 10t

A Teacher Wanted

In Farmwell Grove Academy, Halifax County

AS this situation, after the present year will be vacant, in consequence of the removal to the west, of Mr. McLean, the present Teacher, the trustees are anxious to employ a suitable person to take charge of the Institution. Satisactory testimonials of character and capacity will be required. The tuition arising from this school, has exceeded six hundred dollars, and I believe, except for a part of the first year, has never fallen under five hundred dollars per annum. Persons who may be desirous to contract for a situation of this kind, will direct their communications to Col. H. G. Burton, Halifax. This Academy is situated in a healthy part of the county, has good spring water and excellent society.

J. GRANT.

Halifax, July 24, 1824. 74-tf.

C. J. Tooker,

Cabinet Maker & Upholsterer;

HAVING contracted to furnish the Capitol of North-Carolina begs leave to inform the inhabitants of Raleigh and its vicinity, that he is about to establish himself in the above line, near the Capitol Square, where he hopes by the aid of good materials, sound workmanship, and some little display of taste, to merit a share of public patronage.

May 20. 54

State of North-Carolina.

Surry County.

IN EQUITY.—Petition to sell Land.

Larkin Snow, Job Southard and Mourning his wife, Margaret Snow, Judah Snow, Obed and Jane Snow, infants, by their guardians, Wm. Thompson, and Tabby Snow *vs.* Levi Snow and Henry Snow.

IT appearing to the satisfaction of the Court, that the Defendants Levi Snow and Henry Snow are not inhabitants of this State: It is therefore ordered by the Court, that publication be made for six weeks, in the Raleigh Register, that they appear at our next Court to be held for the county of Surry, at the Court-house in Rockford on the first Monday in September next, to plead, answer or demur to the petition, or the same will be taken pro confesso and heard exparte. Test,

67--6w. JAS. PARKS, C. M. E.

June 22, 1824.

State of North-Carolina,

Warren County.

IN EQUITY—Spring Term, 1824.

John F. Egerton, *vs.* Wilmot E. Harris.

IT appearing to the satisfaction of this Court, that Wilmot E. Harris, the defendant in this cause, is not an inhabitant of this State: It is ordered, that publication be made for six weeks for the said Wilmot E. Harris to appear on or before the next term of this Court, to be held at the Court-House in Warrenton, on the 3d Monday after the 4th Monday in September next, then and there to plead, answer or demur to complainant's bill, otherwise it will be taken pro confesso.

Test,

64 GEO. ANDERSON, C. M. E.

State of North-Carolina.

Franklin County.

Court of Equity, 2nd Monday after 4th Monday in March, A. D. 1824.

Jesse Reed, Complainant: *vs.*

George Murphy, Williamson Murphy, Nicholas Murphy, William Murphy, Patience Murphy, Amey Murphy, Elizabeth Murphy, Darby Thomas and Nancy his wife, Joseph Bledsoe, and Winifred his wife, Frances M. Murphy and Temperance H. Murphy, are defendants.

IT appearing to the satisfaction of the Court, that William Murphy and Elizabeth Murphy, two of the defendants in the above case, are not inhabitants of this State; It is therefore ordered, that publication be made in the Raleigh Register once a week for six months successively, that the said defendants, William Murphy and Elizabeth Murphy, make their personal appearance at the next Superior Court of Equity, to be held for the county of Franklin, at the Court-house in Louisburg, on the second Monday after the fourth Monday of September next, and plead answer or demur to the said bill of omplaint; otherwise the said bill will be taken pro confesso, and heard ex parte as to them, and decree made accordingly.

Test, SAM. JOHNSON, C. M. E.

State of North Carolina.

Northampton County.

Court of Pleas and Quarter Sessions, June Term, 1824.

Elias Johnson, *vs.* Drury Nelson. } Original attachment, levied on land.

Judgment by default is granted, the Plaintiff and the property condemned, subject to the Plaintiff's recovery.

IT appearing to the satisfaction of the Court, that the defendant is not an inhabitant of this State: It is therefore ordered and decreed by the Court that publication be made in the Raleigh Register for three months successively, that unless the defendant Drury Nelson appear at the next Court of Pleas and Quarter Sessions to be held for the County of Northampton at the Court House in said County, on the first Monday of September next, and replevy the property so attached and plead to issue, judgment final will be entered against him and execution awarded accordingly.

Witness, John W. Harrison, Clerk of our said Court at Office, the first Monday of June A. D. 1824, and in the 48th year of American Independence.

63 J. W. HARRISON, C. C. C.

Issued June 11. Adv $6