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OFFICIAL PAPER OF THE STATE ..... NEW-ORLEANS, TUESDAY MORNING, DECEMBER 9, 1851.

No 1661 Vol. X.—NEW-SERIES.
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The New-Orleans Daily Bee.

Official Journal of the State, General Council, First Municipality, and Board of Liquidators.

Tuesday Morning, Dec. 9, 1851.

THE NORTHERN MAIL failed yesterday beyond Charleston.

A NEW CONSTITUTION.

The proposition to call a Convention, for the purpose of taking to pieces and remodelling the Constitution, seems very generally acceptable. From all parts of the State the expression of opinion has been largely in favor of the project. The defects of the Organic Law under which we now live are felt so severely—its imperfections trammel trade and enterprise so completely—its sectional spirit is so utterly at variance with broader and more liberal views, and many of its provisions offer such insurmountable impediments to the practical execution of schemes of healthy progress, that even those who helped to frame it, and who are responsible for the work of their hands, are not indisposed to see it thoroughly changed and reformed. The pride of paternity gives way to the urgent necessity of providing for the obvious and indispensable wants of the Commonwealth.

We have indeed heard of only one or two prominent objections to the measure. Some of the citizens of the rural districts seem unwilling to co-operate heartily with the friends of reform, for fear lest the seat of Government be removed from Baton Rouge and transferred back to New Orleans. We think this is an idle apprehension. However unwise and unjust the removal of the seat of Government in the first instance may have been, it is now looked upon as a *fait accompli*. Not one is inclined to undo what has been done. Public buildings have been erected at an immense outlay in Baton Rouge; the whole machinery of the Executive and Legislative departments has been gradually concentrated there, and the transfer would now be highly inconvenient and enormously expensive. Under these circumstances there can be no desire manifested to deprive Baton Rouge of the privilege she now enjoys. As far as respects his constituents, we are quite sure that the Capital should remain where it is. We do however claim, as an act of sheer justice, that in any Constitution which may hereafter be established, New Orleans should be regarded as something better than a Dutch and an outcast. Let her not be maltreated. Let her not be branded as a delinquent. The assertion of a restrictive clause, absolutely withdrawing the seat of Government, is treason to her. This insulting and ominous provision must be stricken out of the New Constitution.

The location of the Seat of Government at Baton Rouge, will in a very few years be a matter of the smallest possible consequence to the citizens of New Orleans, because we shall have by that time an uninterrupted railroad communication, which will reduce the journey to less than half a day, and will furnish every convenience for speedy and regular intercourse to and from the Capital. Place of meeting aside, we would be swept away with all possible alacrity from the present Seat of Government. The suggestion that country friends on this score may be delayed. We can almost guarantee that such a trifling change in a Constitution may engraft upon the Constitution it will not touch the location of the Seat of Government.

The other objection is of a different character. It proceeds upon the very strange and highly original assumption that the people are communistic, save in the one instance of excess set out in the resolution. This objection denies the power of the people constitutionally to change the Constitution, and strikes at the very root of the sacred dogma in regard to government, that the people are the source of all power. The Constitution provides the mode in which it may be amended, but that does not restrict the sovereign right. The assertion is, in the other extreme, that the people are bound by the Constitution, and that it is a violation of it to alter it except in the mode prescribed in the instrument itself. We have never been disposed to pay much deference to such arguments as these. They are not in accordance with our ideas of the sovereignty of the people. We do not believe that the people are bound by the Constitution, their power is not limited by it. In the case before us, the Convention of 1845 has failed to explain the terms in which the people desire to make a new one. Therefore follow that the people cannot make a new constitution, save by a vote of two-thirds of the Legislature, or by amendments which may from time to time be laid before them by legislative authority. The inference would involve the absurdity that the Convention of 1845 monopolized now and forever all power over the subject, and that the simple neglect on the part of half-a-dozen people for the total remodeling of the Constitution, entailed upon the people, as an hereditary, the intolerable burden of submitting to the tedious ordeal of constitutions, until by the slow and tedious process of years, it could be altered so as to conform to their wishes. Such an argument can have little weight with freeing minds.

LADIES' FAIR.—The Fair organized by the Ladies of the city for the benefit of the Male Orphans Asylum of the Third Municipality, will commence this evening at the Armory Hall, and continue until Saturday evening inclusive. The occasion is one which appeals most strongly to the benevolence of our citizens, and we feel they will answer it promptly and munificently, as they have ever done.

☞ A document is in preparation containing a detailed account of the value of each exhibitor's goods sent in to the World's Fair. The greatest English and the greatest French goldsmith have already sent in their invoices, the former being nearly $200,000, and the latter about $100,000.

ELECTION OF PRESIDENT IN SOUTH CAROLINA.—Mr. Perry, editor of the Greenville *Patriot*, and a member of the South Carolina Legislature, has introduced a bill to give the election of President and Vice-President of the United States to the people. Heretofore the Legislature, and not the people, have cast the vote of South Carolina. The bill was made the special order for the 2d inst.

SAVANNAH MUNICIPAL ELECTION.—Dr. Arnold, the Union candidate, was chosen Mayor of Savannah, at the election in that city on the 1st instant, by 12 majority over Purse (I. F.) The Union men elected 7 Aldermen and the Democrats 9.

☞ The Georgia Legislature has rejected, by a vote of 92 to 26, a proposition to call on the people to unite in sending delegates to the Democratic Presidential Convention to be held in this city.

CATALOGUE SALE OF DRY GOODS & CLOTHING.—The particular attention of buyers is called to the Catalogue sale of 175 lots of seasonable Dry Goods and Clothing, to take place THIS DAY, at 10 o'clock, at F. H. Pettipain's auction room, No. 8, Canal street. Terms liberal, at sale. d9

Federalism and Democracy.

We call attention to the following able and judicious article from the Baltimore *American*:

"The American people have long since settled their opinion on these adverse Democratic theories, and, after an experience of sixty years, prefer that which distributes, to that which concentrates power. At least that portion of them, who oppose the extension of the federal influence have thus so, with a solid and accumulating earnestness of conviction that our system is impregnable to any assaults, either from within or from without, so long as the theory of local and State right shall be fully adhered to, in the practical administration. The only dangers, heretofore, have arisen from the assumptions of federalism and if these can be corrected and restrained, there is no reason why the principle of our institutions could not be made to embrace the whole world."

This paragraph was fine in the New York Evening Post—a journal which has devoted its labors for years to the work of building up a party which by the force of a majority might overthrow the institutions of Southern States, knowing, at the same time, that these institutions are not only identified with State rights and subject only to State control, but that they are also recognised and protected by the compacts of the Federal Constitution.

The terms *Federal*, *Federalist*, *Federalism*, have undergone great perversions, and are often used in direct opposition to their true signification. In the ordinary jargon of party politics such perversions may be looked for, and they pass along with other abuses. But when statesmen of government are spoken of, and when principles are regarded, it is becoming we submit, that words intended to designate systems of principles should be employed aright. Federal, Federalist, Confederated—these terms designate not a centralized government, but a government made up of associated integers of States, each with its local rights, unapproached by the sovereignty of the general government. Become centralized beyond the defined relations established between the parts and the whole, in such proportion as it recedes to be *Federal*.

The tendency of Democracy is towards centralization. The simple element of Democracy is the rule of the majority, and its constant and increasing effort is to carry that principle wherever its influence reaches and to make it prevail over everything else. Democracy in a State means that, and so far as the States have connection with the General Government and so far as there are affinities between the Democracies of the States, so as to unite them in concerted political action in relation to the measures and policy of the General Government, so far Democracy breaks the union, and is only of power in so far as it is the parent of the Constitution which makes it a union of States.

If the principles of Federalism prevailed in the Constitution of the United States, it is for the reason that it is what it is, and is called a Federal Constitution. By virtue of its wise provisions Delaware stands in the Senate of the United States, on an equal by with New York and in a certain contingency the votes of the representatives of Delaware in the House of Representatives are as much as the aggregate votes of the three representatives of all that lives south of the State of New York. The contingency referred to is the choice by Congress of a President and Vice-President of the United States. Democracy seeks Federalism as the cause of the bars and barriers which are in its path, as the cause of its being in the way of the uncontrolled exercise of its majority, because it is a party which affects to see rights in the people, and not in the States. The term Democracy has a sort of charm, it is used so much as a cognomen by the Democratic party. We think it is a misnomer, and that it is a misnomer which has been used to mislead the people of the Union. The Democratic party claims to be the party of the people, and that the Whig party is the party of the aristocracy. We think the Whig party is the party of the people, and that the Democratic party is the party of the aristocracy. We make the assertion, and we will prove it. The Democratic party is the party of the aristocracy because it is the party of the Slave States, and the Slave States are the aristocracy of the country