

supported by law. Then the legislature have the power to regulate elections.—What elections? Shall they have a power to regulate their own, and not those of the executive? What is the plain and obvious meaning of those words? Doubtless that the legislature should secure to the people the privileges of voting for the public officers who should rule them, an inestimable privilege, without which men become slaves. Shall we then be told that this right is rendered uncertain by one or two doubtful words in another part of the constitution? It does not say in what manner they shall regulate elections, and therefore they are left at liberty to adopt any course which will not contravene that instrument. Now let gentlemen show that part or clause of the constitution which gives the powers contended for to the lieutenant governor; point to the clause which takes away the rights of the people. Until it can be shown that the right has been given to the lieutenant governor, not by implication, but clearly and distinctly, he can hold the office of governor only by sufferance. The 19th section 3d article of the constitution, gives to the speaker of the senate, in case of the death, removal, &c. of the lieutenant governor, the same power which he possessed. If the governor resign, die, or remove from office, the lieutenant governor shall hold his office until another be duly qualified; but if the former be absent from the state or impeached, the latter must exercise the office till the return or acquittal of the governor. When any of these contingencies happen to the lieutenant governor in the discharge of the office of governor, the speaker of the senate steps in with equal powers.—He is as much a constitutional officer as the lieutenant governor; for the constitution says that the senate shall elect a speaker pro tem. &c. who in case of the lieutenant governor's death &c. shall perform all the duties of governor.—What is the fact at the present time? By the death of our beloved governor the lieutenant governor now discharges all the duties of that office. The senate have chosen a speaker for that occasion, and what has that body said? Why, that he is speaker only during the session. But if the lieutenant governor could hold the office of governor during the whole term, so might the speaker of the senate; for the constitution gives them the same powers, while discharging the duties of governor. Suppose the lieutenant governor were now to die, what would the senate do? Would they choose another speaker? Show me the article in the constitution which permits them. Suppose the present speaker had only one year more to act as senator, and that according to the construction contended for on the other side, he would exercise the office of governor two or three years longer than he was senator, what would be the result? Could he be speaker when he was no longer a senator? Could he hold an office in the senate after his senatorial term had expired? This doctrine, applied to the speaker of the senate, leads to these absurdities and contradictions. According to the decision of the senate, their speaker would cease to be governor at the end of the session, for he could be governor no longer than he was speaker; so that the senate must remain always in session or we should have no governor. They would have no officer at all to exercise the duties of speaker, or they would have two speakers, both equally entitled to the office of governor. A man would hold the office of governor as speaker of the senate, when he had ceased to be speaker and ceased to be senator? or we might have as many governors in four years as there is sessions of the senate? Yet through all these difficulties and contradictions, you would make this man governor for four years. Such a construction is outrageous—it mocks every principle of reason and common sense. Though the constitution is not so full and clear on the subject as could be wished, yet from its general import, from the general intention of its framers, and from the many absurdities which a contrary doctrine would involve, we are justified in the conclusion that was the intention of the framers of that instrument that there should be a new election. But we may judge further of their intentions by the consequences which would follow. Why have they said that a governor shall not be eligible for seven years after the close of his term?—Why have they made the term of exclusion so long? Because they knew from the experience of past ages, that a long routine of power in the same hands, with such unity of decision and promptitude of action, is dangerous to public liberty and the constitution.—But if we adopt the construction for which gentlemen contend, we completely destroy this principle. If the lieutenant governor fills the office for four years as governor? Could we say to him that he might hold the office for the current four years, but should be ineligible for the next four? No, sir; we cannot say it. Here then is an instance in which the spirit of the constitution would be openly, absolutely and outrageously violated.—I hope that on sober reflection the

committee will not be disposed to adopt a construction which would lead to such flagrant consequences. An argument has been drawn from the constitution of the United States.—It is contended and admitted, that in case the president should die the vice-president would hold the office of president during the residue of the presidential term. It will be found that the language in the two instruments is essentially different, and that very circumstance is evidence of a difference of intention. But let us examine the reason of the thing and we shall be further convinced of the difference of intention. By the provisions of the constitution of the United States regarding the mode of electing a president and vice-president, which has been changed, we shall find that the electors did not vote for any man specifically as vice president. Each elector gave his vote for two men; he who had the highest number of votes was president, and he who had the next highest number was vice president.—This was a wise provision, and I think the constitution has been injured by the change. The government of the United States extends over an immense territory, and comprehends a vast empire. Conscious of the principles which I have before laid down, the framers of our national constitution attempted to prevent any particular man from accumulating power. They did not in end that one man should concentrate all the rays of popular favor; but that there should be a rivalry; that there should be at least two great men in the eye of the nation as checks upon each other. As neither was voted for as president or as vice president, two persons would be selected who were qualified to fill the higher office. By this means that blind devotion to an individual was removed, and the people were taught that others might be relied upon for public trust and confidence. Under the operation of the original provision of the constitution the vice-president succeeded the president in office, because he had the greatest share of public confidence, was the most popular, and was considered the most fit for the office. Now the constitution has been changed; the electors vote for president and vice president, and the latter does not in practice succeed the former, and perhaps hereafter never will. The reason, therefore, which gave rise to such a provision in the constitution of the U. States, did not exist in relation to that of Kentucky. If the convention really meant the lieutenant governor should hold the whole term, they have given us the law when the reason is gone.—We vote for one specially as governor and for another specially as lieutenant governor, without any view to his qualifications for the gubernatorial chair. The argument, therefore, which gentlemen draw from the constitution of the U. States is fallacious, and rather militates against their own construction. I will not deny, Mr. Chairman, that there are certain clauses in the constitution which may be so arranged as to appear incongruous and contradictory to the construction for which I contend. But I leave it to the gentleman who may succeed me to obviate those difficulties. Suffice it to say, that it is not my business to prove that the constitution is not incongruous—I do not say that it is perfect. But I do say that whatever power is not by that instrument expressly given, remains in the people, and that I am resisting an attempt to prolong the exercise of power beyond the times and occasions permitted by the constitution. Such are my views and opinions. I am no farther wedded to them, than as the deliberate conclusions of my best reflections. My mind is open to conviction. If gentlemen will refute my arguments, and remove my doubts, I pledge myself that the influence of no ignoble vanity, nor narrow pride, shall prevent me from abandoning my error, & adopting their more correct opinion. To recapitulate. I have stated that all power is inherent in the people; that all powers not delegated in the constitution remain with the people; that of all the departments of government the executive is the most formidable in its encroachments and the most dangerous to the liberties of the people; and hence it should be guarded with greater jealousy, and its powers more strictly defined; that a powerful motive for the adoption of the new constitution was to diminish the power of the governor and make him more dependent on and responsible to the people; that the new constitution is more democratic than the old one; that it contains no provision authorising the lieutenant governor or speaker of the senate to fill the office of a governor deceased, or removed during the residue of the time for which he was elected; that such power can be obtained only by implication and construction; that implication may aid in the exercise of power, but can never create it; that the consequences of such implication would be repugnant to the spirit, and in subversion of the fundamental principles of the constitution; that if the power contended for has not been delegated, it remains with the people; and therefore, that it is competent for the legislature to extend to them the exercise of this right.

Even if there be a doubt on this subject, it is the duty of the legislature to act. It was a law of the twelve tables, than which a severer code has seldom existed; but whose wisdom and justice have rarely been questioned, that whenever there arose a question between liberty and slavery, it should be decided in favor of liberty. If then our government was instituted for the good of the people, contrasted with the prerogative of power, let us not hesitate in deciding in favor of the former. The ground on which we tread is holy. Do not by a rash and ill advised surrender, commit your constituents against their will. Leave it with the people to decide, and they will decide right.—The people of Kentucky prize their liberties, and they know how to preserve them. The people may sometimes err, when it is their interest to do right; but rulers always err, when it is their interest to do wrong. To the truth of this not only frail human nature, but suffering humanity, through all the extended regions of oppression, bears melancholy witness. Resting on the conscious rectitude of my motives, and the justice of the committee, whose confidence I have not deserved to forfeit, I disdain, Mr. Chairman, to disown having agitated this question, the influence of feelings which the meanness of suspicion only could insinuate—or to assign any other reason for the course I have adopted, than a sacred regard to the principles of the constitution and the rights of the people.

(Debate to be continued.)

PRESIDENT'S SPEECH.

WASHINGTON CITY, March 4. This day, at 12 o'clock, in the presence of the Senate, most of the Representatives in Congress, and a large concourse of citizens and strangers, the PRESIDENT of the United States took the oath of office, administered by the Chief Justice of the United States, and delivered the following

SPEECH:

I should be destitute of feeling if I was not deeply affected by the strong proof which my fellow citizens have given me of their confidence, in calling me to the high office, whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification, which those who are conscious of having done all that they could to merit it, can alone feel. My sensibility is increased, by a just estimate of the importance of the trust, and of the nature and extent of its duties; with the proper discharge of which, the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with candor and indulgence which I have experienced in other stations. In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me, to explain the principles which would govern them in their respective administrations.—In following their venerated example, my attention is naturally drawn to the great causes which have contributed, in a principal degree, to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future. From the commencement of our revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution twenty eight. Through this whole term, the government has been, what may emphatically be called, self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find a abundant cause to felicitate ourselves in the excellence of our institutions.—During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous. Under this constitution, our commerce has been wisely regulated with foreign nations, and between the states; new states have been admitted into our union; our territory has been enlarged, by fair and honorable treaty, and with great advantage to the original states; the states respectively, protected by the national government, under a mild parental system, against foreign dangers, and enjoying within their separate spheres by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity, which are the best proofs of wholesome laws, well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit? On whom has oppression fallen in any quarter of our Union? Who has been deprived

of any right of person or property? Who restrained from offering his vows in the mode which he prefers, to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason. Some who might admit the competency of our government to these beneficial duties, might doubt it, in trials which put to the test its strength & efficiency as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this constitution was put into action, several of the principal states of Europe had become much agitated, and some of them seriously convulsed.—Destructive wars ensued, which have, of late only, been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest, to demand justice from the party committing the injury, and to cultivate, by a fair and honorable conduct, the friendship of all. War became at length inevitable, and the result has shown, that our government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the army, the navy and the militia, I need not speak. Such, then, is the happy government under which we live; a government adequate to every purpose for which the social compact is formed; a government elective in all its branches, under which every citizen may, by his merit, obtain the highest trust recognized by the constitution; which contains with it no cause of discord; none to put at variance one portion of the community with another; a government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers. Other considerations, of the highest importance, admonish us to cherish our union, and to cling to the government which supports it. Fortunate as we are, in our political institutions, we have not been less so in other circumstances, on which our prosperity and happiness essentially depend.—Situating within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great Lakes, and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed too with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow men in other countries. Such is our peculiar felicity, that there is not a part of our union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow citizens of the north, engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply compensated, in their turn, by the nursery for seamen and naval force, thus formed and reared up for the support of our common rights. Our manufacturers find a generous encouragement by the policy which patronizes domestic industry; and the surplus of our produce, a steady and profitable market, by local wants, in less favored parts, at home. Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against. In explaining my sentiments on this subject, it may be asked, what raised us to the present happy state? How did we accomplish the revolution?—How remedy the defects of the first instrument of our union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals? How sustain and pass with glory through the late war? The government has been in the hands of the people. To the people therefore, and to the faithful and able depositories of their trust, is the credit due. Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt; when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper

soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause, and endeavor to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties. Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may again be involved in war, and it may in that event be the object of the adverse party to overthrow our government, to break our union, & demolish us as a nation. Our distance from Europe, and the just, moderate and pacific policy of our government may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience if we did not expect it. We must support our rights or lose our character, and with it perhaps our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen, is national strength. It ought therefore to be cherished. To secure us against these dangers, our coast and inland frontiers should be fortified, our army and navy regulated upon just principles as to the force of each, be kept in perfect order, & our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence, as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion, by a naval force, superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes. The former to garrison and preserve our fortifications and to meet the first invasions of a foreign foe; and while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement, of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence, and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination. But it ought always to be held prominently in view, that the safety of these states, and of every thing dear to free people, must depend, in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force, which it would comport, either with the principles of our government, or the circumstances of the U. States, to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized, and trained, as to be prepared for any emergency. The arrangement should be such, as to put at the command of the government the ardent patriotism, and youthful vigor of the country. It is the crisis which makes the pressure, and not the laws, which provide a remedy for it. This arrangement should be formed too in time of peace, to be the better prepared for war. With such an organization, of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion. Other interests of high importance will claim attention; among which, the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow citizens, much to the ornament of the country; and, what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays & lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the United