

provided by law for a new election? Is there not as strong a reason for it in one case as in the other?

Read the constitution, where it provides for the election of governor.—There was one opportunity to provide for an election for a shorter term than four years; but the convention have not done it. They have, however, provided against an interregnum, by furnishing an officer to fill his place in case of death. There was a second opportunity to have mentioned a new election, if they had so intended. But they seemed to have matured the whole plan before hand, and pass on to provide a person to supply the place of the lieutenant governor. Here was a third opportunity. In providing that those officers should exercise the duties of governor, in case of his death, &c. why did they not insert some clause authorising a new election if they meant any such thing? It cannot be said, they had no examples before them; for they had the constitutions of the union and of several of the states. They selected what they thought proper; and as they had the power to provide for a new election, why did they not provide for it? Look at the constitution of the U. S. That provides expressly, that when the president dies, the vice president shall fill his office for the balance of his term; and in case of the death of both those officers, congress shall point out by law who shall discharge that office. Can it be presumed then, that the convention, when they omitted that provision, still intended that we should exercise the powers which are given by it? And have we a right to add to, or diminish the powers given in our constitution? If we now authorise a new election, I say we add to them; for there is now no such provision in that instrument. I say we violate both its letter and spirit. Can we, according to its letter, elect a governor and not a lieutenant governor? Can we elect a governor, while a lieutenant governor is in the office? Or can we legislate out of that office, one who is constitutionally there? He is qualified by age; by election, by being sworn into office; & can we say, that by the death of the gov., we are authorised to remove him? I hope the good sense of the house will reject the idea, put from them a question which carries with it ruin, and not touch the constitution.

Call to mind the late election. Were there not others before the people, and did they not know the provisions of their constitution? Yes, sir, even the ladies understand the provisions of that instrument. It is a knowledge which is not confined to politicians; but extends to your school boys in your streets. Gentlemen will not say, that there was one among the electors so ignorant, not one who did not know that the man for whom he voted as lieutenant governor, might become governor. There was not one who, did not select the candidate for lieutenant governor whom he considered best qualified.—The people chose the present incumbent as the man who in case of the absence or death of their governor, should supply his place. Are they satisfied with their choice? I cannot say. If I am asked as to the people; but as their representative I could. But if all the people were of a different opinion, still I should speak as I do. As much as I respect their opinions there is a tribunal which to me is more terrifying. Whatever powers they may have conferred on me, I cannot say, that by election I have a right to destroy the constitution.

Let gentlemen see in what situation they would place the country. Say that we pass this law and direct the sheriffs to open a poll on the first Monday in August next. Let us stop there. We tell him to open a poll for governor, when the constitution staring him in the face, says, that he shall at the same time open polls for governor and lieutenant governor! Will the sheriffs obey you? Will the judges of the election pay any regard to your law? Will they violate their oath, and open a poll? What trouble and confusion will ensue!

Our governor has not power equal to that of a justice of the peace. He has no real power to do injury to the community; but the senate can control all his actions. If he would make a sheriff, a militia officer, a judge or any officer whatever the nomination must pass through the hands of the senate.

When a resolution on this subject was introduced by the gentleman from Bourbon a few days ago, I expressed opinions which may have been construed in favor of a new election. When that resolution was introduced, I advocated it under the belief, that no five men could be appointed on a committee from this house who would differ with me in opinion, or would believe, that the office is not already constitutionally filled. I believed that the report when brought before the house would be adopted by an overwhelming majority; and though I did not expect perfect unanimity of opinion, I flattered myself, that so decisive an expression of legislative opinion, would put down essays from abroad.—This was my object.

This is a subject on which all ought to speak. I have heard with pleasure

the arguments of gentlemen on the other side. I have been pleased with their ideas and expressions; and that they have not convinced me, is perhaps owing to my want of capacity. But I fear their feelings have been too warm, and hope that the sentiments which have been uttered, will not be the opinions of their better judgment.

If it was necessary to legislate on this subject, why was there not some act passed in the first years of the constitution? Why not in the first session after its adoption? Both that and every subsequent legislature possessed the same power that we do. Why was not there some law made on this subject, when there were many members of the convention on this floor? It never entered their heads. They did not think it necessary; for they had already provided, that the lieutenant governor should, in case of death, fill the place of governor; the speaker of the senate that of the lieutenant governor, and in case of further need, that the secretary should call the senate.—Is it then necessary that any thing should be done? That a man elected lieutenant governor, is evidence that he is the second choice of the people; and it is only when he is gone, that the senate is resorted to.—When every possible contingency has thus been provided against by the constitution will it be said that they have not gone far enough, but we must add to the constitution? Shall we defend the rights of the people, when we pull in pieces that instrument? The people will say to us, we did not elect you to form a convention. You have attempted to do what we have forbidden. We never intended to give you the power which you have exercised.

Mr. Chairman, if I were to consult my own feeling, I should decide in favor of a new election. If I were to determine with respect to the present incumbent, I could select a man with whom I should be better satisfied.—But a representative of the people, & a friend to the constitution, I am compelled to decide differently.

(Debate to be continued.)

LIST OF ACTS

Passed at the second Session of the Fourteenth Congress, just closed.

An act to repeal the second section of the act concerning the pay of the officers, seamen and marines of the navy.

An act supplementary to an act to regulate the duties on imports and tonnage.

An act for the relief of Nathaniel Williams.

An act directing the discharge of Nathaniel Taft from his imprisonment.

An act for the relief of Wm. Haslett.

An act for the relief of John Ricard.

An act authorizing a new edition of the land laws.

An act making a partial appropriation for the navy for the year 1817.

An act for the relief of Oliver Spellman.

An act for the repeal after the present session of Congress of the act to change the mode of compensation to the members of the Senate and House of Representatives, and the delegates from the territories, passed March 19, 1816.

An act to extend the provisions of the act to authorize certain officers and other persons to administer oaths, passed in 1798.

An act to amend the act authorizing the payment of a sum of money to Joseph Stewart and others.

An act for the relief of Henry Malcolm.

An act for the relief of Jacint Laval.

An act in addition to the act for the relief of George T. Ross and Daniel Patterson.

An act providing for the division of certain quarter sections in future sales of public lands.

An act for the relief of Lewis Olmstead.

An act authorizing the sale of certain grounds belonging to the United States in the city of Washington.

An act for the relief of Alexander Holmes and Benj. Hough.

An act supplementary to the act for the relief of persons imprisoned for debts due to the United States.

An act for the relief of Peter Kendall.

An act for the relief of certain Creek Indians.

An act making an appropriation for opening and cutting a road therein described.

An act making further provision for repairing the public buildings and improving the public square.

An act authorizing a subscription for printing the tenth volume of public documents.

An act supplementary to the act further to amend the several acts for the establishment and regulation of the Treasury, War and Navy Departments.

An act for the relief of certain officers.

An act for the relief of John De Castanado.

An act to continue in force the 2d section of the act supplementary to the act to regulate the duties on imports & tonnage.

An act to authorize the extension of the Columbia turnpike road in the district of Columbia.

An act to provide for furnishing the House of the President of the United States.

An act making provision for the support of the military establishment during the year 1817.

An act allowing further time for entering donation rights to lands in the district of Detroit.

An act to set apart certain public lands for the cultivation of the vine and the olive.

An act making appropriation for carrying into effect certain Indian treaties.

An act to incorporate the subscribers to certain banks in the district of Columbia, and to prevent the circulation of unchartered bank notes within the same.

An act authorizing the payment of a sum of money to Teacle Savage and others.

An act to amend the act of last session making further provision for military services during the late war.

An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans.

An act to continue in force an act of 1815 further providing for the collection of duties on imports and tonnage.

An act for the relief of Mary Wells.

An act for erecting a light-house on the West chop of Holmes Hole Channel.

An act for the relief of James H. Boiservais.

An act supplementary to the act directing the disposition of money paid to the courts of the U. States.

An act for the relief of Francis Caizeau.

An act for the relief of Wm. Smith.

An act to alter and establish certain post-roads.

An act to provide for the punishment of crimes committed within the Indian boundary.

An act for compensating Peter Hagger.

An act authorizing the payment to the state of Georgia of 15 per cent. on her quota of the direct tax, for the year 1816, assumed and paid by said state.

An act for the relief of Henry Lee.

An act respecting the contracts for the printing for Congress.

An act more effectually to preserve the neutral relations of the United States.

An act for the relief of Joseph Summers and John Allen.

An act for the relief of Robert Burnside.

An act to provide for reports of decisions of the Supreme Court.

An act for the relief of Journonville de Villiers.

An act for the relief of Charles Williams.

An act to provide for the redemption of the public debt.

An act repealing the act for the safe keeping and accommodation of prisoners of war.

An act respecting the compensation of certain collectors.

An act for the relief of the widow & children of Abram Owen.

An act making additional appropriations for paying the expenses of the army and militia during the war.

An act for the relief of the widows and orphans of the officers, seamen and marines who were lost in the U. States' brig Epervier.

An act to repeal so much of any acts now in force as authorizes a loan of money or an issue of Treasury notes.

An act to continue in force the act establishing trading houses with the Indian tribes.

An act for the relief of Peyton Short.

An act providing for the more prompt settlement of public accounts.

An act making appropriations for the support of the navy, during the year 1817.

An act repealing the assessment and collection of the direct tax.

An act authorizing the payment of a sum of money to Nathaniel Seavy and others.

An act for the relief of the widow & children of Arnold H. Dobrman.

An act to fix the peace establishment of the marine corps.

An act for the relief of Wm. Chism.

An act for the relief of George Backmaster.

An act authorizing the payment of a sum of money to Georgia, under the articles of agreement & cession between the U. States and that state.

An act for the relief of Caleb Nicholls.

An act respecting the district court of the United States in the northern district of New-York.

An act for the relief of Madame Montrioul.

An act to amend the act, authorizing the payment of property lost, captured or destroyed by the enemy while in the military service during the late war.

An act authorizing the Secretary of the treasury to remit certain duties therein mentioned.

An act to provide for the due execution of the laws of the United States in the state of Indiana.

An act to continue in force the act relating to settlers on the public lands.

An act authorizing the deposit of papers of foreign vessels with the consuls of their respective nations.

An act to amend the act granting a

bounty in land and extra pay to certain Canadian volunteers.

An act for the relief of Joseph I. Green.

An act to authorise the repayments of certain alien duties.

An act to regulate the trade in Plaster of Paris.

An act for the relief of Isaac Lawrence and others.

An act for the relief of James Villere.

An act for the relief of Asa Wells.

An act for the relief of Peter Castlard.

An act to regulate the territories of the U. States and their electing delegates to Congress.

An act for the relief of Anthony Buck.

An act making provision for the location of lands reserved by the first article of the treaty of 1814, between the United States and the Creek Indians.

An act to amend and explain the act giving pension to the widows and orphans of persons slain in the public or private armed vessels of the United States.

An act concerning invalid pensioners.

An act authorizing the people of the western part of the Mississippi Territory to form a state government and for the admission of the same into the union.

An act for erecting a territorial government in the eastern part of the Mississippi Territory.

Resolution for admitting the state of Indiana into the union.

Resolution to employ John Trumbull to compose and execute certain paintings.

APPOINTMENTS.

By the President and Senate, previous to the fourth of March, and not heretofore announced.

William C. Bradley, of Vermont, to be agent under the 5th article of the treaty of peace with Great Britain.

Charles Pelham, of Kentucky, to be surveyor of the port of Limestone, in Kentucky.

Christopher Hughes, jr. to be secretary of the legation to Sweden.

Bathurst Dangerfield, of Alexandria, to be surveyor and inspector of the revenue for the port of Alexandria.

McQueen McIntosh, to be surveyor and inspector of the revenue for the port of Darien, in Georgia.

Lemuel Howell, to be collector and inspector of the revenue for the port of Burlington, N. J.

Beverly Chew, of Louisiana, to be collector and inspector of the revenue for the district of Mississippi.

Thomas Morris, to be marshal for the southern district of New York.

Henry Dodge, to be marshal of the district of Missouri.

Charles Lucas, to be attorney of the United States for said territory.

Henry Wilcox, to be surveyor and inspector of the port of Marietta.

SINCE THE 4TH MARCH.

James M'Kay, to be attorney of the United States for the District of North Carolina.

Benjamin Parke, of Indiana, to be Judge of the District Court of the U. States in the state of Indiana.

Thomas H. Blake, to be Attorney of the United States for the District of Indiana.

John Vawter, of Indiana, to be Marshal for the said district.

Daniel Sutton, of Louisiana, to be Register of the Land Office north of Red River.

Henry Bree, of Louisiana, to be Receiver of Public Monies north of Red River.

Adam Lynn and George A. Thornton, to be Justices of the Peace for Alexandria county, in the District of Columbia.

From the Eastern Argus.

HON. MR. CLAY.

The Speeches made by Mr. Clay, the present Speaker of the House of Representatives in Congress, should be read with attention by every person in the country, (particularly those in favor of the non-intercourse bill) they express the sentiments of an American politician—they are the opinions of a person, whose correct information, in relation to all the important interests of the country, no one can doubt. The merchants read his speeches and claim him as their best Representative, the agriculturists and manufacturers do the same. He is in fact an American politician, and is, no doubt, convinced that a want of attention to any one great interest of the country will in the event be equally fatal to the others. How important it is that such men should fill the first offices in the country.

The men who obtrude themselves into Congress, and who can never be made to see more than one of these interests, had better remain within their own districts. Let Mr. Flour Barrel pack up his flour, Mr. Ship Builder load his ships, and Mr. Spinning Jenny take care and dispose of his manufactures—and let the business of the country be conducted by men, who, understanding all these various interests, have independence to represent them, regardless of local, private, or party considerations—then may we be justly proud of the name of

AMERICANS.

THE STRUGGLE IN SOUTH AMERICA.

The gloomy and disgusting picture which follows we copy from the Democratic Press.—Possibly it is darker than the life—but it only shows that mankind under the rules of civil and ecclesiastical despotism degenerates from the human condition, sinks beneath the brutes, and need a revolution to regenerate and restore them to human shape. Of Buenos Ayres and Chili we hope better.—Col.

Extract of a letter to the Editor dated

St. Thomas, 6th February, 1817.

"A Caracas Gazette of the 25th ult. just received, gives an account of a battle in which the Insurgents were beaten, with the loss of five hundred men, in the neighborhood of Caracas. That Bolivar is at Margaritta (Island) with a considerable force, is no doubt certain, and it is possible that a body of his troops had been defeated, but that they lost five hundred men is doubtful. About eight days ago, the independent admiral Brion sent a letter to the commandant of this island, including a proclamation of general Bolivar, in which he declares the whole coast of the Spanish Maine from Augustura on to Porto Cavallo and Rio de la Hatha in a state of blockade, and that after the 15th of February, 1817, all vessels found within three leagues of the shore should be declared good prize; his letter states that this blockade is not like that laid sometime ago by the Spanish general Morillo, who had no force to carry it into execution, but that he had ample forces to make this blockade not a mockery but an actual one. Bolivar has established a court of admiralty at Margaritta.

"Bolivar has called all the independent privateers in, to rendezvous at the Island of Margaritta, on the 10th inst. and 'receive further orders.' He has about fifteen cruisers in all, mostly Baltimore schooners, of from one to fifteen guns; who make dreadful depredations not alone on Spanish vessels but have lately plundered several Danish vessels. A few days ago a schooner coming from Cuba and belonging to this place, was fallen in with by an armed brig, just come out from Baltimore under Buenos Ayres colors, and all Americans on board but their interpreter. Suspecting that there was money on board, they hung the captain and crew up on the yard arm for a little while, until they began to put out their tongues, then let them down, and told them that this fun should be renewed if they did not tell where the money was. I have seen the vessel and the captain: the captain is a St. Thomas' citizen, and the vessel owned here—he had the marks of the rope very plain about his neck; they robbed him of about three thousand dollars. Porto Rico and this neighborhood down to the Maine is covered with these pirates, for I can call them nothing else.

Gregor M'Gregor was here not long ago; he had left these fellows. I understand there is nothing to do with them; the leaders never consider country, but are intent on filling their pockets; ignorance and priestcraft destroy them—and whenever an intelligent foreigner comes among them, he will be soon forced to leave them. This is now the case with a number of those illustrious exiled officers from degraded France. I have conversed with many, but they speak in the most deplorable manner of the Independents. The fact is, I am sorry for it they are the most brutish, barbarous and ignorant beings on earth; a certain Barache formerly commandant at Lagaira, was shewn to me the other day, who some time ago had orders to put about four or five hundred Royals to death; the first detachment he had shot, but finding this mode too costly, he had them tied two and two and piked among them were many children and women.—On the other hand, the Royalists are as bad for they (both parties) are not satisfied to make a massacre of all they find in arms, but they kill men, women and children wherever they are opposed.

"The streets of St. Thomas are filled with women and children, fugitives from the Maine. If you ask them where their father or husband is, to one, you get for answer he has been massacred at such a place; these poor beings are in the most distressed situation imaginable, and the generosity and charity of the people being completely exhausted here, the misery very great among them.

General Morillo issued a proclamation the latter part of January, which he offers a pardon to all Colons, but excludes all foreigners. You know my sentiments on the subject of freedom, and that I am disposed to hate those who are fighting against tyranny, but all I have seen and heard from the best sources even the independents themselves makes me despise them. I wish all the kidnappers in America were hung, for rest assured, all those who men who engage with this perfidious race are lost. For the love of humanity forewarn all Americans not to meddle with this so-called independence, they are going to the most terrible destruction; no honor, not but the most disgraceful vexation