NEW-ORLEANS BEE

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Truth is independent, and Public Justice certain.

FOR GOVERNOR
HENRY JOHNSON,

NEW-ORLEANS:

THURSDAY MORNING, MARCH 18, 1841.

THE INAUGURAL.

The crowded state of our columns precludes us to-day from offering any comments on this highly interesting state paper. We shall give it due attention in our next—recommending its perusal, in the interim, to men of all parties.

By the steamboat *Independence*, we have received Louisville and Cincinnati papers which contain a few items of intelligence from Washington and the Northern cities.

PETER V. DANIEL.—The locofoco majority in the United States Senate, confirmed the nomination of PETER V. DANIEL, as judge of the Supreme Court of the United States, at midnight on the 3d inst. This midnight proceeding was the last gasp of expiring locofocoism, which with its dying breath gave the lie to all its professions. We shall now hear no more from that party of the elder ADAMS' nominations at night. The following extract from the *National Intelligencer*, shows that this deed was consummated under circumstances which rendered it particularly audacious.

"It appears that, after the Senate by an unexampled majority had passed a bill abolishing the circuit which the late Justice Barbour was attached to, and whilst that bill was pending before the House of Representatives, a majority of the Senate took up the nomination of Mr. DANIEL as a judge of the Supreme Court of the United States, on Tuesday night. It was in vain that the Whigs protested against filling an office, which had been suspended so far as the Senate could act; it was in vain that they pleaded for time, by laying the nomination upon the table, or referring it, until it was known whether the House would reject or agree to the bill of the Senate. All postponements were resisted; and, about 12 o'clock at night, after all the Whigs but one had retired, the nomination of Mr. DANIEL was confirmed by a small majority, several of his own political friends voting against him.

LOUISIANA COURSE.

The great reputation of the nags that contended yesterday in the four mile heat sweepstakes, brought together an immense concourse of people. Of the six horses originally named, four appeared at the starting post, to-wit: Mr. Watson's br. c. *Espersyles*; Col. A. L. Bingaman's ch. m. *Sarah Bladen*; Thos. B. Scott's br. c. *Westwind*; and D. F. Kenner's b. f. *Luda*. At the tap of the drum they all got off cleverly together, Sarah Bladen in the lead, and Westwind close upon her haunches—Luda and Espersyles in the rear. The first two miles were run by Sarah and Westwind, locked almost the entire way; the brown colt went at her like a northwester; but on entering the third mile he had evidently blown out. The running was then taken up by Espersyles, who tried it on for a mile or so, found it wouldn't fit, and dropped behind—Sarah Bladen winning the heat in 7 m. 45 s.

In the second heat Sarah took the lead, Espersyles and Luda close upon her, and Westwind running to save his distance. Just before entering the quarter stretch of the first mile, Luda shot ahead of Espersyles, and for the three remaining miles stuck like a burr to the horse mare, although the Medoc filly was unable to pass Sarah. She won the admiration of all by the dogged perseverance with which she clung to the saddle girths of the victorious Leviathan, who won the heat in the incredibly shortaime of 7 m. 40 s.

RECAPITULATION.

A. L. Bingaman's ch. m. *Sarah Bladen*, 6 years old, by Levisthan,	1 1
Duncan F. Kenner's b. f. *Luda*, 4 years old, by Medoc,	2 2
Thos. B. Scott's br. c. *Westwind*, 4 years old, by Chateau Margaux,	3 dis.
Thos. Watson's br. c. *Espersyles*, 3 years old, by imported Balshazzar,	4 dis.

Time—1st heat, 7 m. 45 s; 2d heat, 7 m. 40 s.

We believe this is the best second four mile heat on record.

FANNY ELSSLER played on Tuesday evening to a crowded and very brilliant audience; among which we were pleased to perceive many residents of the Second Municipality. She appears to-night for the first time in the ballet of *La Tarantule*, and repeats the favorite *Cracovienne*.

☞ The slaves belonging to Mr. Marig ay sold yesterday at the Exchange, by Mr. Garidel, brought the following sums:—

3 negroes, from 18 to 30 years, brought	$4,310
20 negro women, from 18 to 40 years, with 16 children, from 6 years to 1 month, brought	21,980
16 young negroes, from 11 to 15 years, brought	12,975
	$39,615

The terms were one-tenth cash and the balance at one and two years.

CONGRESS.—The bill from the Senate to organize the judicial courts of the United States, was lost in the House of Representatives on the 3d inst. On the evening of the same day, a bill from the Senate providing for the payment of the claim of the State of Maine, was adopted by the House with an amendment providing for the liquidation of a similar claim of the State of Georgia; and the bill as amended was sent back to the Senate, for the concurrence of that body.

COL. JOHNSON.—The Louisville *Journal* of the 10th, says:—Col. R. M. JOHNSON left his seat as President of the Senate on the 3d inst. Mr. MANGUM, of N. C., moved a resolution of thanks for the dignity and impartiality with which he had presided over that body. The resolution was seconded by Mr. CLAY, who complimented Col. JOHNSON's personal qualities very highly. The resolution was unanimously adopted, and Mr. KING, of Alabama, was elected President of the Senate *pro. tem.*

FATAL DUEL.—We learn that a duel was fought at Alton, Ill., on the 4th instant, between Judge SMITH, of the Illinois Supreme Court, and Mr. M'CLERNAND, late Secretary of State of Illinois. They fought with rifles at the distance of 50 paces. Judge S. who was the challenger, was killed.

Mr. [illegible] nominated by the Whigs of the Virginia Legislature, a candidate for U. States Senator, vice Mr. ROANE, whose term expired on the 4th. The election was to take place on the [illegible]

Mr. [illegible] to be removed from Lockport for trial. The first trial will be on the civil suit brought by the owners of the *Caroline*.

It is thought that JAMES C. JONES, Esq., of Wilson, will be the nominee of the Whig Convention for Governor of Tennessee.

FIVE DAYS LATERS FROM EUROPE.

The steam ship *President* arrived at New York on the 3d instant, in 21 days from Liverpool.

The hasty glance which we have been enabled to give to the subjoined details, impresses us with the idea that the intelligence, in a commercial point of view, is decidedly unfavorable, the gloomy accounts from this side, carried out by the packet ship *Columbridge*, had reacted on the London money market, which was seriously agitated, and public securities of all descriptions had experienced a decline. American funds, as a matter of course, had been more severely affected, and the fall in State stocks was most disastrous. U. S. Bank shares were quoted at £10 10s.

We have no particulars in relation to the aspect of the Liverpool cotton market, but it appears to have been depressed at the time of the steamer's departure.

The case of McLEOD had been brought before Parliament, and was discussed with much coolness. The debates on the subject were characterized by a moderation of temper, which leaves no grounds of entertaining any serious apprehensions as to the ultimate issue of this delicate question.

The following letter from the correspondent of the *N. Y. Courir r and Enquirer*, contains an interesting summary of the news:

Correspondence of the Courier & Enquirer.

LONDON, Feb. 9, 1841.

It is to be supposed that the accounts by the Cambridge previously alluded to, have been received as most unfavorable, and though the London journals have discussed the intelligence respecting the position and prospects of the Bank of the United States with more impartiality than for a long time past, yet so wild are the opinions respecting the ultimate value of the State stocks and active mercantile bills, that a very large fall has taken place in the value of the shares; 300 having been sold yesterday at as low a quotation as £10 10s; and £11 being asked, but not given, in the present afternoon.

The London journals which you will receive by the President, will contain the debates in both houses of parliament last night, on the subject of the impressment of McLeod, and the correspondence between Mr. Forsyth and Mr. Fox. This subject has alienated the public mind considerably for some preceding days, but the opinion to-day is greatly in the ascendant, that the affair will not produce any serious difficulty with the Van Buren government; and that there will be nothing in the occurrence to really endanger the peace between England and the United States.

The overland mail from India arrived on Friday last, and has brought intelligence much less satisfactory from China—the devoted diplomacy of the Chinese government appearing thus to have prevailed in delaying the negotiations with Admiral ELLIOT—who is not indeed believed to be a very enlightened man—and sickness is described as prevailing very extensively amongst the troops on the Island of Chusan. The whole China question bears a much less promising appearance than it did subsequently, has advanced considerably since the arrival of the overland mail.

The manufacturing districts have relapsed into perfect dullness during the last few days; and the cotton markets of Liverpool and London are much less active than at the time of the departure of the last steam ship. The monthly official return of the assets and the liabilities of the Bank of England shews that, though the bullion has slightly increased, the liabilities of the institution have increased in a still greater degree.

Uncertainty—political, monetary, and mercantile—is the prevailing feeling throughout the country, nor is it possible to do more with safety than to observe the reasons for such a position of English affairs.

The state of political affairs remains very uncertain. From all appearances in the House of Commons, both parties consider themselves as trembling on the balance—the Whig leaders evidently very much alarmed for their position, and the tories and certain that the time is come for an attempt to turn them out of power. In this state of suspense, no real business has yet taken place since the assembling of parliament, and the probabilities are that dissolution is very near at hand.

The English funds have declined considerably under the recent foreign intelligence, and stagnation and distrust prevail very generally in the Stock Exchange.

AMERICAN FUNDS.

Alabama 5 per cent,	1863,	68 69
Ditto, sterling,	1858, &c.	74,76
Illinois 5 per cent,	1860, &c.	72,74
Indiana 5 per cent,	1861, &c.	66 68
Ditto sterling,	1863,	71 Nominal
Kentucky 6 per cent,	1868,	84,85
Louisiana 5 p. c. Baring's,	1844, &c.	
Massachusetts 5 per cent,	1857,	
Ditto sterling,	1868,	101
Maryland, 6 per cent,	1870,	
Ditto 5 per cent sterling,	1868,	81 82
New York 5 per cent,	1868,	85,86
Ohio 6 per cent,	1856, &c.	90 91
Pennsylvania 5 p. c. do,		73 74
S. Carolina 5 p. c. sterling,	1866,	88
Do.	1858—64	
Tennessee 6 per cent,	1868,	82
Virginia 6 per cent,	1867,	88,90
New York City,	1873,	83¼

CERTIFICATES OF ADMINISTRATION, viz Payable in Paris, or at Baring, Brothers & Co., London.

Oct. and April, New York State, 5 p. c.,	89
Oct. and April, Ohio State 6 p. c.,	92½
Jan. and July, New York City 5 p. c.	
Jan. and July, U. States Bank shares,	£10 10s.
April and Oct., do do Debentures,	98,98½

The following are the replies of Ministers to questions put to them in regard to the affair of McLeod, and the correspondence between Mr. Forsyth and Mr. Fox.

HOUSE OF LORDS—February 8.—Viscount Melbourne said, that he would proceed to answer the question with which the noble lord had pestered it—Her Majesty's Government had certainly received information that an individual named McLeod had been arrested by the authorities of the state of New York, and by them committed to prison to take his trial upon a charge of murder and arson, which it was stated he had committed upon the occasion and destruction of the Caroline steamer. Upon hearing this, Mr. FOX, our Minister at Washington, demanded his liberation, on the ground, apparently, that the act complained of was done by persons employed by the British government, and that consequently, he was entitled to the protection of the British government. To this demand Mr. FORSYTH, the American Secretary for the Foreign Department, had returned a reply that the matter entirely rested with the authorities of the state of New York, and that it was neither in the power nor the inclination of the Federal Government of America to interfere. That was the way in which the matter stood at present. What Her Majesty's Government meant to do in it their lordships surely would not expect him then to state.—(Hear, hear.) At the same time the noble lord might be perfectly sure of this, that they would take those measures which, in their estimation, would be best calculated to secure the safety of her Majesty's subjects, and to vindicate the honor of the British nation. (Hear, hear.)

HOUSE OF COMMONS, February, 8.—Lord Palmerston: I must confess the noble lord has advertised with much discretion to a subject of extreme interest, and which, from its great delicacy, involving questions of a very grave nature between the two countries, I am sure the house will feel should be touched upon with great reserve, either by the noble lord or by myself in my answer. The noble lord said he believed Mr. McLeod was not one of the party by whom the Caroline was attacked. My information goes precisely to the same conclusion; but with regard to the ground taken by Mr. Forsyth, in reply to Mr. Fox, I think it right to state that the American government undoubtedly might have considered this transaction, either as a transaction to be dealt with between the two governments, by demands of redress to be granted or refused by the one to the other, and dealt with accordingly, or it might have been considered, as the British authorities consider proceedings between American citizens on the British side of the border, as matter to be dealt with by the local authorities. But the American government chose the former course, by treating this matter as one to be decided between the two governments, and this is the ground on which they are entitled to demand redress from the British government for the acts of its subjects, and from that ground they cannot now be permitted to recede. I assure the house that on a matter of such extreme difficulty, it would be improper for me to enter into further remarks or observations, and I shall therefore content myself with answering the noble lord's questions, by stating the matters of fact that I have just mentioned.

Lord Stanley—I apprehend that the noble lord has not correctly understood my questions for one of them, and that the most important, he has not answered. That question was, whether the government had taken any, and if so, what steps for the liberation of Mr. McLeod?—(Hear, hear.)

Lord Palmerston—It was my intention to have answered that question of the noble lord before I sat down, but it escaped my memory at the moment. I may state that a case somewhat similar in principle to the present, was expected to take place a year and a half or two years ago, and at that time instructions were sent out to Mr. FOX, on which were founded some of the communications lately made by him to the American authorities. Of course, the House will, I trust, suppose that her Majesty's Government will send—they have indeed sent—certain instructions; but til we get the conclusion of the correspondence it is impossible to send final instructions. I trust the House will believe the Government will send such further instructions as they may think it to be their duty to do, but I am not now prepared to state formally, what those instructions may be. (Hear.)

In regard to the letter of Mr. Forsyth, I beg leave to say, that the principle stands thus: In the case of the American citizens engaged in invading Canada, the American Government disavowed the acts of those citizens, and stated that the British authorities might deal with them as they pleased, (hear,) and that they were persons who were not in any degree entitled to the protection of the United States. But in the other case they treated the affair of the Caroline as one to be considered as that of the Government, and not to be left upon the responsibility of individuals. Until, therefore, that British Government disowned those persons, as the American Government disavowed their citizens in the other case, they would have no right to change their ground upon the question. (Hear, hear.)

Sir R. Peel wished to ask the noble lord, the Secretary for the Colonies, one question as to a matter of fact: it was, whether there were not officers of her Majesty's army and navy engaged in the affair of the Caroline, and wounded in that service; and further, whether they had received the same pensions as they would have received if they had suffered such wounds in the service to which they really belonged?

Lord Stanley said, he had understood that officers of her Majesty's army and navy were employed on that occasion, under the orders of the British authorities, and that some of them had received their services.

INAUGURAL ADDRESS
OF
PRESIDENT WILLIAM H. HARRISON,
DELIVERED MARCH 4, 1841.

Called from a retirement which I had supposed was to continue for the residue of my life, to fill the Chief Executive office of this great and free nation, I appear before you, fellow citizens, to take the oaths which the Constitution prescribes as a necessary qualification for the performance of its duties. And in obedience to a custom coeval with our Government, and what I believe to be your expectations, I proceed to present to you a summary of the principles which will govern me in the discharge of the duties which I shall be called upon to perform.

It was the remark of a Roman consul, in an early period of that celebrated republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out, in the latter case, the pledges and promises made in the former. How much the world may have improved, in many respects, in the lapse of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the conduct of some of the modern elective governments, would develope similar instances of violated confidence.

Although the fiat of the people has gone forth, proclaiming me the Chief Magistrate of this glorious Union, nothing upon their part remaining to be done, it may be thought that a motive may exist to keep up the delusion under which they have been supposed to have acted in relation to my principles and opinions; and perhaps there may be some in this assembly who have come here either prepared to condemn those I shall now deliver, or, approving them, to doubt the sincerity with which they are uttered. But the lapse of a few months will dispel or confirm their fears.—The outline of principles to govern, and measures to be adopted, by an administration not yet begun, will soon be exchanged for in mutable history, and I shall stand, either exonerated by my countrymen, or classed with the mass of those who promised that they might deceive, and flattered with the intention to betray.—However strong may be my present purpose to realize the expectations of a magnanimous and confiding people, I too well understand the dangerous temptations to which I shall be exposed, from the magnitude of the power which it has been the pleasure of the people to commit to my hands, not to place my chief confidence upon the aid of that Almighty Power which has hitherto protected me, and enabled me to bring to favorable issues other important but still greatly inferior trusts, heretofore committed to me by my country.

The broad foundation upon which our Constitution rests being the people, a breath of their having made, or a breath can unmake, change, or modify it. It can be assigned to none of the great divisions of Government, but to that of Democracy. If such is its theory, those who are called upon to administer it must recognise, as its leading principle, the duty of shaping their measures so as to produce the greatest good to the greatest number. But with these broad principles, if we would compare the sovereignty acknowledged to exist in the mass of our people, with the power claimed by other sovereignties, even by those which have been considered most purely democratic, we shall find a most essential difference. All others lay claim to power limited only by their own will. The majority of our citizens, on the contrary, possess a sovereignty with an amount of power precisely equal to that which has been granted to them by the parties to the national compact, and nothing beyond. We admit of no Government by divine right; believing that, so far as power is concerned, the Benefactor Creator has made no distinction amongst men, that all are upon an equality, and that the only legitimate right to govern is an express grant of power from the governed. The Constitution of the United States is the instrument containing the grant of power to the several departments composing the Government. On an examination of that instrument it will be found to contain declarations of power granted and of power withheld. The latter is also susceptible of division—into powers which the majority had the right to grant, but which they did not think proper to entrust to their agents, and that which they could not have granted, not being possessed by themselves.

In other words, there are certain rights possessed by each individual American citizen, which, in his compact with some other, he has never surrendered. Some of these indeed he is unable to surrender, being in the language of our system unalienable. The boasted privilege of a Roman citizen was to him a shield only against a petty provincial ruler, while the proud democrat of Athens could console himself under a sentence of death, for a supposed violation of the national faith, which no one understood, and which at this time the subject of the mockery of all, or the punishment from his home, his friends, and his country, with or without an alleged cause; that it was the act, not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sovereignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well ascertained guilt, the result of investigation under rules prescribed by the Constitution itself. These privileges and those scarcely less important, of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injuries to others, and that of a full participation in all the advantages which flow from the government, the acknowledged property of all, the American citizen derives from no charter granted by his fellow man. He claims them because he is himself a man, fashioned by the same Almighty Hand as the rest of his species, and entitled to the full share of the blessings with which he has endowed them. Notwithstanding the limitations to the sovereignty possessed by the people of the United States, and the restricted grant of power to the government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and, hitherto, justice has been administered, domestic tranquility preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sentimental manner in which the Constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant.

This is more particularly the case in relation to that part of the instrument which treats of the legislative branch. And not only as regards the exercise of powers clearly granted, but where it has been supposed the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter also. It is, however, consolatory to reflect, that most of the instances of alleged departure from the letter or spirit of the Constitution have been committed by the authorities of a majority of the people. And the fact that many of our statesmen, most distinguished for talent and patriotism, have been, at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors, if errors there were, are attributable to the intrinsic difficulty in many instances, of ascertaining the intentions of the framers of the constitution, rather than the influence of any sinister or unpatriotic motive. But the practice of our institutions does not appear to me to be in a usurpation by the government of power not granted by the people, but by the accumulation in one of the departments, of that which was assigned to others. Limited as are the powers which have been granted, still enough have been granted to divide amongst three, if concentrated in one of the departments. This danger is greatly heightened, as it has been always observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights. When the constitution of the United States is departure from the hands of the convention which formed it, many of the sternest republicans of the day were alarmed at the extent of the power which had been granted to the federal government, and more particularly of that portion which had been assigned to the executive branch.

In the legislative department powers appeared not to be in harmony with the ideas of a simple representative democracy, or republic. And knowing the tendency of power to increase itself, particularly when exercised by a single individual, *predictions were made that*, at no very remote period, the government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe, that the tendency of measures, and of men's opinions, for some years past, has been in a fearful direction, it is, I conceive, strictly proper, that I should in this connexion present to the consideration of those who may be honored with my confidence, the principles which will govern my determination to arrest the progress of that tendency, if it really exists, and restore the government to its pristine health and vigor, as far as this can be effected by any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I can, my opinion of the sources of the evils which have been so extensively complained of, & the corrections which may be applied. Some of the former are unquestionably to be found in the defects of the constitution, others in violations of its provisions. Of the former, is the eligibility of the same individual to a second term of the presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to get rid of the constitutional provision. An imperfect one, I conceive, it certainly is. But, however, one mode of correction is in the power of every president, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils, of which, in the opinion of many of our most valuable citizens, this error has been productive. The Constitution, may have been the source, and the bitter fruits which we are still to gather from it, if it continues to disfigure our system. It may be observed, however, as a general remark, that republics can commit no greater error than to adopt or continue any feature in their system of government which may have a tendency to create or increase the love of power, in the bosom of those to whom necessity obliges them to commit the management of their affairs. And, surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting. Nothing more destructive of those noble feelings which belong to the character of a devoted republican patriot.

When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in the bosom, grows with his growth, and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer, at least, to whom she has entrusted the management of her foreign relation, the execution of her laws, and the command of her armies and navy, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal—the servant, not the master. Until an amendment of the Constitution can be effected, public opinion may secure the desired object. I give my aid to it, by renouncing the power conferred upon me, that, under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the Constitution, in the want of limit to the continuance of the Executive power in the cases hinted, there is, I apprehend, not much less from a misconstruction of that instrument as it regards the powers actually granted, and their control by the people. The Government has seized upon none of the unwarrantable powers assumed by some of the State governments formed upon the State model. Its organization has been attended with no embarrassments, calculated to thwart the will of the people. Its policy, both foreign and domestic, has been characterized by a spirit of forbearance and conciliation, well calculated to disarm hostility itself. The collisions which have occurred between the co-ordinate branches of the government, have been few in number, and comparatively unimportant. And, in truth, the whole action of the system, for the first forty years of its existence, may be pointed to as presenting a stronger claim to the character of a model government, than can be traced in the conduct of any one of the nations of the earth during a period equally long. The basis of our system is the right of the people to make and alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is obligatory upon all. The very act which calls a convention to make alterations in the existing constitution, is derived from that instrument. The highly responsible duties of this office, arising from these considerations, have been the subject of my deep reflection, as they must be of every one who is similarly situated. Nothing but the most imperious necessity can justify a departure, even in the slightest degree, from the safe precedents which have been established by my predecessors. Should I depart from this rule, it will be attributable to the embarrassments which have thrown themselves around me. Knowing the high responsibility of the office I have accepted, I have determined to make no sacrifice of opinion, unless it be one dictated by a conscientious belief that the sacrifice is demanded by the circumstances of the country. The principles of the Administration will be found in the future, as they have been in the past, those of the Constitution, as it has been received and practised by most of those who have preceded me. The example of all, then, is a guarantee that the power which has been granted will not be perverted to the detriment of the people from whom it was derived.

The chief executive officer of the United States is invested with power sufficient for the preservation of his own rights, and the performance of his own duties. He is the representative of the whole people, and has a right to expect that his will shall be obeyed in the execution of those laws passed in accordance with the powers granted by the Constitution. While he is responsible for the conduct of those officers appointed by himself, he is not expected to descend to the details of their duties. Neither is he charged with the care of guarding the morals of society, nor of supervising the conduct of individuals. These duties belong exclusively to the States, and to that portion of them which is charged with the administration of the laws which protect the rights of persons and property, and with the prevention and punishment of crimes. Midway between the citizen and the chief executive officer are the agents employed by the former in the administration of the local concerns of the State and county in which he resides. These are the persons who are to be brought in contact with the people, and who are to be either the instruments of their prosperity and happiness, or of misery and discontent. While the former shall be left to the performance of their appropriate functions, unawed by the power of the general government, the latter will be kept to the faithful performance of their duties by the frowns of their fellow citizens, and by the proper authorities provided by law for bringing to punishment those who violate it. Thus supported, I trust that no unfaithful officer will escape with impunity, and that the incentive to faithfulness will be found in the certainty of punishment and in the universal indignation which follows in the train of official delinquency. It can not be forgotten, that the intelligence of the people is the great safeguard of our institutions. The experience of other countries, and of our own, proves that no forms of government can secure liberty and happiness to a people destitute of intelligence or of virtue. To the formation of character, in these respects, the influence of the Executive, from the nature of his office, cannot be considerable. His personal example will do much, very much, indeed, in the way of bringing into disrepute and disuse those immoralities which are the most destructive of the peace and happiness of society. And the power of appointment to office, when discreetly exercised, will enable him to assist in the selection of those who will carry into their respective circles the influence of his own character. But beyond this he can do but little. Heaven has wisely ordained that the great mass of the happiness enjoyed by man, in his passage through life, shall depend upon himself, upon the faithful performance of his duties to his family, his neighborhood, and his God. Rarely indeed will it be in the power of any human being to confer happiness upon his fellow man, unless he himself possess the means. Place, power, and office, are sought after because they are supposed to be the sources of happiness. But how deceptive the pursuit! Many of the most wretched men I have ever known occupied stations of the highest honor or profit. Many of the happiest are in the enjoyment of the quiet and comfort of their own fireside, and the discharge of the duties which spring up around them. Without intending to say that the office holder may not occasionally meet with pure and lasting happiness in the path of duty, I may safely say that the instances are few in which it is found in the pursuit of office.

Our Confederacy, fellow citizens, can only be preserved by the same forbearance. Our citizens must be content with the exercise of the same powers by the States as they themselves may delegate. The attempt of one of the States to counteract the domestic institutions of another can only result in fatal examples, to be subsequently used for the worst purposes of ambition. Our Confederacy is perfect in theory, and its framers have shown that they understood well the principles of human action when they so distributed power among the several States and the departments of each, as to render it impossible, or at least extremely difficult, to pervert the whole system into an engine for the establishment of despotism. To avoid the dangers which lurk in the exercise of implied powers, they have wisely limited the powers granted to the Executive, leaving to the States all those which, in the ordinary course of affairs, concern the lives, liberties, and property of the people, and the internal order, improvement, and prosperity of the States. To the Judiciary they have confided the power of preventing the encroachments of the Executive and Legislative branches of the Government upon the rights reserved to the States and to the people, and of punishing violations of the criminal laws of the United States. To the Legislative branch they have granted the power of providing for the common defence and general welfare of the United States, but with the express injunction that all duties, imposts, and excises shall be uniform throughout the United States. It could not but have occurred to the convention that, in a country so extensive, and rising so great a variety of soil and climate, and consequently of products, and which from the same causes ever exhibits a great difference in the habits and employments of its various citizens, calling for a great diversity in the laws, regulations of the people, that the legislation of any country might not always justly regard the rights and interests of the minority. And that acts of this character might be passed, under an express grant in the words of the Constitution, and, therefore, not within the competency of the judiciary to declare void. The people, enlightened as they must be supposed, might suppose from past experience, that members of Congress might, in the exercise of a sound discretion, think it proper to entrust to their agents, and that which they could not have granted, not being possessed by themselves.

In other words, there are certain rights possessed by each individual American citizen, which, in his compact with some other, he has never surrendered. Some of these indeed he is unable to surrender, being in the language of our system unalienable. The boasted privilege of a Roman citizen was to him a shield only against a petty provincial ruler, while the proud democrat of Athens could console himself under a sentence of death, for a supposed violation of the national faith, which no one understood, and which at this time the subject of the mockery of all, or the punishment from his home, his friends, and his country, with or without an alleged cause; that it was the act, not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sovereignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well ascertained guilt, the result of investigation under rules prescribed by the Constitution itself. These privileges and those scarcely less important, of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injuries to others, and that of a full participation in all the advantages which flow from the government, the acknowledged property of all, the American citizen derives from no charter granted by his fellow man. He claims them because he is himself a man, fashioned by the same Almighty Hand as the rest of his species, and entitled to the full share of the blessings with which he has endowed them. Notwithstanding the limitations to the sovereignty possessed by the people of the United States, and the restricted grant of power to the government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and, hitherto, justice has been administered, domestic tranquility preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sentimental manner in which the Constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant.

This is more particularly the case in relation to that part of the instrument which treats of the legislative branch. And not only as regards the exercise of powers clearly granted, but where it has been supposed the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter also. It is, however, consolatory to reflect, that most of the instances of alleged departure from the letter or spirit of the constitution have been committed by the authorities of a majority of the people. And the fact that many of our statesmen, most distinguished for talent and patriotism, have been, at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors, if errors there were, are attributable to the intrinsic difficulty in many instances, of ascertaining the intentions of the framers of the constitution, rather than the influence of any sinister or unpatriotic motive. But the practice of our institutions does not appear to me to be in a usurpation by the government of power not granted by the people, but by the accumulation in one of the departments, of that which was assigned to others. Limited as are the powers which have been granted, still enough have been granted to divide amongst three, if concentrated in one of the departments. This danger is greatly heightened, as it has been always observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights. When the constitution of the United States departure from the hands of the convention which formed it, many of the sternest republicans of the day were alarmed at the extent of the power which had been granted to the federal government, and more particularly of that portion which had been assigned to the executive branch.

In the legislative department powers appeared not to be in harmony with the ideas of a simple representative democracy, or republic. And knowing the tendency of power to increase itself, particularly when exercised by a single individual, *predictions were made that*, at no very remote period, the government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe, that the tendency of measures, and of men's opinions, for some years past, has been in a fearful direction, it is, I conceive, strictly proper, that I should in this connexion present to the consideration of those who may be honored with my confidence, the principles which will govern my determination to arrest the progress of that tendency, if it really exists, and restore the government to its pristine health and vigor, as far as this can be effected by any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I can, my opinion of the sources of the evils which have been so extensively complained of, & the corrections which may be applied. Some of the former are unquestionably to be found in the defects of the constitution, others in violations of its provisions. Of the former, is the eligibility of the same individual to a second term of the presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to get rid of the constitutional provision. An imperfect one, I conceive it certainly is. But, however, one mode of correction is in the power of every president, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils, of which, in the opinion of many of our most valuable citizens, this error has been productive. The Constitution, may have been the source, and the bitter fruits which we are still to gather from it, if it continues to disfigure our system. It may be observed, however, as a general remark, that republics can commit no greater error than to adopt or continue any feature in their system of government which may have a tendency to create or increase the love of power, in the bosom of those to whom necessity obliges them to commit the management of their affairs. And, surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting. Nothing more destructive of those noble feelings which belong to the character of a devoted republican patriot.

When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in the bosom, grows with his growth, and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer, at least, to whom she has entrusted the management of her foreign relation, the execution of her laws, and the command of her armies and navy, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal—the servant, not the master. Until an amendment of the Constitution can be effected, public opinion may secure the desired object. I give my aid to it, by renouncing the power conferred upon me, that, under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the Constitution, in the want of limit to the continuance of the Executive power in the cases hinted, there is, I apprehend, not much less from a misconstruction of that instrument as it regards the powers actually given. I cannot conceive that, by a fair construction, any or either of the provisions would be found to constitute a part of the Legislative power, since, although enjoined from the position him, it is a principle which he holds subordinate with every other citizen. And although there may be something more of confidence in the propriety of the measures recommended in the one case than in the other, in the obligation of the ultimate decision there can be no difference. In the language of the Constitution, "all the legislative powers" which it grants "are vested in the Congress of the United States." It would be a solecism in language to say that any portion of these is not included in the whole.

It may be said, indeed, that the Constitution has given to the Executive the power of qualified acts of the legislative body, by refusing to them his assent. So a similar power has necessarily resulted from that instrument to the judiciary, and yet the judiciary forms no part of the legislature. There is, it is true, this difference between those granted power; the Executive can give his reasons for withholding his assent to the acts of the legislature for other cause than want of constitutionality to the latter, whilst the judiciary can only declare void those which violate that instrument. But the decision of the judiciary is final in such a case, whereas in every instance where the veto of the Executive is applied, it may be overcome by a vote of two thirds of both houses of Congress. The negative upon the acts of the legislative by the Executive authority, and that in the hands of one individual, would seem to be an unreasonable power, however it may be highly expedient, and if used only with it's forbearance, and in the spirit which was intended by its authors, it may be productive of great good, and be one of the best safeguards to the Union. At the period of the formation of the Constitution, the principle does not appear to have enjoyed much favor in the State governments. It existed but in two, and in one of these there was a plural Executive. If we would search for the motives which operated upon the purely patriotic and enlightened assembly which framed the Constitution, for the adoption of a provision so apparently repugnant to the leading democratic principle, that the majority should govern, we must reject the idea that they anticipated from it any benefit to the ordinary course of legislation.

They knew too well the high degree of intelligence which existed among the people, and the enlightened character of the State Legislatures, not to have the fullest confidence that the two bodies elected by them would be worthy representatives of such constituents, and, of course, that they would require no aid in conceiving and maturing the measures which the circumstances of the country might require. And it is preposterous to suppose that a thought could for a moment have been entertained, that the President, placed at the capital, in the centre of the country, could better understand the wants and wishes of the people than their own immediate Representatives, who spend a part of every year among them, living with them, often laboring with them, and bound to them by the triple tie of interests, duty, and affection. To assign a larger share in consummating the labors of that august body than any other person. But if bills were never returned to Congress, by either of the Presidents above referred to upon the ground of their being improvident, unwise, or unjust, it appears to me highly probable that, in the short space of a single term, many of the people, the basis of our system, would be found unconformably to the Constitution, or because errors had been committed from a too hasty enactment.

There is another ground for the adoption of the veto principle which had probably more influence in recommending it to the convention than any other—I refer to the security which it gives to the just and equitable action of the Legislature upon all parts of the Union. It could not but have occurred to the convention that, in a country so extensive, and rising so great a variety of soil and climate, and consequently of products, and which from the same causes ever exhibits a great difference in the habits and employments of its various citizens, calling for a great diversity in the laws, regulations of the people, that the legislation of any country might not always justly regard the rights and interests of the minority. And that acts of this character might be passed, under an express grant in the words of the Constitution, and, therefore, not within the competency of the judiciary to declare void. The people, enlightened as they must be supposed, might suppose from past experience, that members of Congress might, in the exercise of a sound discretion, think it proper to entrust to their agents, and that which they could not have granted, not being possessed by themselves.

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