

THE COLUMBIA DEMOCRAT.

I have sworn upon the Altar of God, eternal hostility to every form of Tyranny over the Mind of Man.—Thomas Jefferson.

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INAUGURATION OF WILLIAM H. HARRISON.

IN SENATE.

THURSDAY, March 4, 1841.

At 11 o'clock the Senate was called to order by Mr. DICKENS, its Secretary.

After the credentials of several new members had been presented, the Diplomatic corps, and the Judges of the Supreme Court of the United States, entered the Senate chamber, and took the seats assigned for them in front of the Secretary's table.

The Hon. JOHN TYLER, Vice President elect, and the Hon. RICHARD M. JOHNSON, ex-Vice President, then entered the chamber with the Committee of Arrangements.

The oath of office having been administered by Mr. KING, the President *pro tem*.

The VICE PRESIDENT addressed the Senate. General WILLIAM HENRY HARRISON, President of the United States elect, then entered the Senate chamber with the Committee of Arrangements, and was conducted to the seat assigned for him, immediately in front of the Secretary's table.

At twelve o'clock, those assembled on the floor of the Senate proceeded to the eastern portico of the Capitol, in the following order:

The Marshal of the District of Columbia; The Supreme Court of the United States; The Sergeant-at-Arms of the Senate; The Committee of Arrangements; The President elect, the Vice President, and Secretary of the Senate; The Members of the Senate; The Diplomatic corps; The Mayors of Washington, Georgetown and Alexandria.

On reaching the portico, the President elect and Chief Justice Taney were conducted to seats in front of a large platform erected for the purpose, and those who followed in the procession having taken their seats, the President elect rose and delivered the following

INAUGURAL ADDRESS.

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 candidate 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. However 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 annals of some of the modern elective Governments, would develop similar instances of violated confidence.

Although the fiat of the people has gone forth, proclaiming me 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 may be 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 confirm or dispel their fears. The outline of principles to govern, and measures to be adopted, by an Administration not yet begun, will soon be exchanged for immutable 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 infirmities of human nature, and 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 confided to me by my country.

The broad foundation upon which our Constitution rests, being the people—a breath of theirs having made, as 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 recognize, 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 admissions, 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 the 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 beneficent 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 this 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 power which the majority had the right to grant, but which they did not think proper to intrust to their agents, and that which they could not be granted, not being one of the rights possessed by each individual American citizen, which, in his compact with the others, he has never surrendered. Some of them, 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, whilst 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 times was the subject of the mockery of all, or of banishment from his home, his family, 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 precious privileges, and those scarce less important, of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injury 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 a full share of the blessings with which he has endowed them.

Notwithstanding the limited 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, an intimate union effected, domestic tranquility preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sententious 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 claimed under a general cause, giving that body 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 ultimately received the sanction 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 great danger to 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 constitute a despotism, 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 first came from the hand 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.—There were in it features which appeared not to be in harmony with their 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 that direction, it is, I conceive, strictly proper that I should take this occasion to repeat the assurances I have heretofore given of my determination to arrest the progress of any tendency, if it really exist, 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, and the correctives which may be applied. Some of the former are unquestionably to be found in the defects of the Constitution; others, in my judgment, are attributable to a misconstruction of some of its provisions. Of the former, 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 apply the amendatory power of the States to its correction.

As, 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 opinions of many of our fellow-citizens, this error of the sages who framed 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 systems of government which may be calculated to create or increase the love of power in the bosoms 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 officer of high trust. Nothing can be more corrupting, nothing more destructive of all 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 his bosom, grows with his growth, and strengthens with the declining years of its victim. If this be 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 relations, the execution of her laws, and the command of her armies and navies, 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 to the constitution can be effected, public opinion may secure the desired object. I give my aid to it, by renewing the pledge heretofore given, 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 same hands, 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 its provisions would be found to constitute the President a part of the legislative power. It cannot be claimed from the power to recommend, since, although enjoined as a duty upon him, it is a privilege which he holds in common 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 obligations of 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 to annul the 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 these grants of power. The Executive can put his negative upon the acts of the Legislature for other cause than that of want of conformity to the Constitution, 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 Legislature by the Executive authority, and that in the hands of one individual, would seem to be an incongruity in our system. Like some others of a similar character, however, it appears to be highly expedient, and if used only with the forbearance, and in the spirit which was intended by its authors, it may be productive of great good, and be found 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 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 interest, duty, and affection. To assist or control Congress, then, in its ordinary legislation, could not, I conceive, have been the motive for conferring the veto power on the President.

This argument acquires additional force from the fact of its never having been thus used by the first six Presidents; and two of them were members of the convention, one presiding over its deliberations, and the other having 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 inexpedient, or not as well adapted as they might be to the wants of the people, the veto was applied upon that of want of conformity 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, embracing so great a variety of soil and climate, and consequently, of products, and which, from the same causes, must ever exhibit a great difference in the amount of the population of its various sections, calling for a great diversity in the employments of the people, that the legislation of the majority 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 by the words of the Constitution; and, therefore, not within the competency of the judiciary to declare void; that, however enlightened and patriotic they might suppose, from past experience, the members of Congress might be, and however largely partaking in the general of the liberal feelings of the people, it was impossible to expect that bodies so constituted should not sometimes be controlled by local interests and sectional feel-

ings. It was proper, therefore, to provide some umpire, from whose situation and mode of appointment more independence and freedom from such influences might be expressed. Such a one was afforded by the Executive Department, constituted by the Constitution. A person elected to that high office, having his constituents in every section, State, and subdivision of the Union, must consider himself bound by the most solemn sanctions to guard, protect, and defend the rights of all, and of every portion, great or small, from the injustice and oppression of the rest. I consider the veto power, therefore, given by the Constitution to the Executive of the United States solely as a conservative power, to be used only, 1st, to protect the Constitution from violation; 2dly, the people from the effects of hasty legislation, where their will has been probably disregarded or not well understood; and, 3dly, to prevent the effects of combinations violative of the right of minorities. In reference to the second of these objects, I may observe, that I consider it the right and privilege of the people to decide disputed points of the Constitution arising from the general grant of power to Congress to carry into effect the powers expressly given. And I believe, with Mr. Madison, "that repeated recognitions, under varied circumstances, in acts of the legislative, Executive, and Judicial branches of the Government, accompanied by indications in different modes of the concurrence of the general will of the nation, as affording to the President sufficient authority for his considering such disputed points as settled."

Upwards of half a century has elapsed since the adoption of our present form of Government. It would be an object more highly desirable than the gratification of the curiosity of speculative statesmen, if its precise situation could be ascertained, a fair exhibit made of the operations of each of its Departments, of the powers which they respectively claim and exercise, of the collisions which have occurred between them, or between the whole Government and those of the States, or either of them. We could then compare our actual condition, after fifty years' trial of our system, with what it was in the commencement of its operations, and ascertain whether the predictions of the patriots who opposed its adoption, or the confident hopes of its advocates, have been best realized. The great dread of the former seems to have been that the reserved powers of the States would be absorbed by those of the Federal Government, and a consolidated power established, leaving to the States the shadow, only, of that independent action for which they had so zealously contended, and on the preservation of which they relied as the last hope of liberty. Without denying that the result to which they looked with so much apprehension is in the way of being realized, it is obvious that they did not clearly see the mode of its accomplishment. The General Government has seized upon none of the reserved rights of the States.—As far as any open warfare may have gone, the State authorities have amply maintained their rights. To a casual observer, our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head, and with each other. But there is still an under current at work, by which, if not seasonably checked, the worst apprehensions of our anti-federal patriots will be realized. And not only will the State authorities be overshadowed by the great increase of power in the Executive Department of the General Government, but the character of that Government, if not its designation, be essentially and radically changed. This state of things has been in part effected by causes inherent in the Constitution, and in part by the never failing tendency of political power to increase itself. By making the President the sole distributor of all the patronage of the Government, the framers of the Constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the State Governments. Of trifling importance at first, it had, early in Mr. Jefferson's administration, become so powerful as to create great alarm in the mind of that patriot, from the potent influence it might exert in controlling the freedom of the elective franchise. If such could have then been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount, as it certainly is, and more completely under the control of the Executive will, than their construction of their powers allowed, and the forbearing characters of all the early Presidents permitted them to make? But it is not by the extent of its patronage alone that the Executive Department has become dangerous, but by the use which it appears may be made of the appointing power, to bring under its