

# Indiana Palladium.

EQUALITY OF RIGHTS IS NATURE'S PLAN—AND FOLLOWING NATURE IS THE MARCH OF MAN.—BARLOW.

Volume III.]

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[Number 1.

## SPEECH OF Mr. BASSETT,

On the Resolution offered by Mr. Craig respecting the Governor.

Mr. BASSETT said that the importance of the subject before the House would be a sufficient excuse for his asking their attention, while he assigned his reasons, for the vote he was about to give. It is a question of vital interest to the country, and ought to be viewed in that cool and dispassionate manner which its merits deserve. He regretted the wide range which had been indulged in this discussion, and still more the feelings and personal references which were manifested in the debates of yesterday, when this question was under consideration. He totally disclaimed every feeling of a personal nature, in the few observations he should make in reference to his vote on this subject.

There are [said Mr. Bassett] two distinct propositions, which present themselves for particular examination: First, does a mere appointment by the President of the United States constitute an office within the meaning of the constitution; and secondly, have this house the power on the subject, supposed by the resolution now before it? To these two propositions he asked the serious attention of the house.

In the construction to be given to any public instrument, it is of importance, if possible, to learn the intention of the framers of that instrument; the objects they had in view, the rights they meant to establish, and the privileges they intended to protect. In order, sir, fully to understand the constitution of this state, and be enabled to comprehend the views of the convention which framed it, reference must be had to the time when it was done, to the history of those days, the situation of the country, both as it respected its character as an independent state, and its relation to the Federal Government. It will be necessary to examine the Constitution of the United States, and the political views of the American statesmen at the period when it was formed. Without referring to the many particulars which mark the strong features of the history of that day, it cannot escape the notice of every one who is in the least degree conversant with it, that in the formation of the Federal Government, the whole country was divided into the two great political parties. The one for a consolidated government, the other for maintaining in the fullest extent, the entire independence of the several states, as far as consistent with maintaining union and harmony among the several parts. Fortunately for this country and the world, the latter principle prevailed, and to that will posterity attribute, more than to any other feature of the government, the purity and duration of its republican institutions. And should ever the liberties of this country be destroyed, it will by gradual undermining the independence of the states, by the increasing power, and indirect influence of the national government. But notwithstanding the extreme jealousy of the framers of the U. States' constitution and the great caution used to guard against all encroachments on state rights; yet it was unavoidable that extensive power should be given, and extensive patronage conferred upon the chief executive of the nation; a patronage which the greatest patriots dreaded, and which they foresaw would endanger the liberties of their country.

The same spirit of jealousy and dread of power, which was so manifest in the framers of the federal compact, appears to have had a powerful operation on the minds of those who composed our state convention and unquestionably gave rise to that clause in the constitution now under consideration. The members of that convention had witnessed for several years, the operation of the federal government, its steady march to power and frequent triumphs over state sovereignty and state rights. They had witnessed the baneful effect of executive influence and patronage, and beheld with astonishment its active operation in all the departments of both national and state governments, controlling as it were by mystery and enchantment the entire political destinies of some of the states. The more dangerous were its operations as they were silent and unseen by the public eye. It was like the pestilence which walketh in darkness that it may destroy at noonday. They saw that the numerous appointments within the gift of the President enabled him to keep a host of dependants, and to gratify a numerous swarm of ambitious and aspiring office hunters, whose sole object is to live in the sunshine of power, at the expense

of the public interest. They could not but reflect also, that the President was constituted the commander-in-chief of the army and navy of the United States, and they were about to confer the same power on their Governor, over the militia of this state. Let, then, the President have the power of conferring favors upon your executive, and it is easy to foresee the union that will soon take place. They will go hand in hand in their march to power. Giving and receiving as it may best suit their interest and motives of ambition, until the independence of the states and your liberties are trodden under foot by a gigantic and consolidated power, and in probability a military despotism. All this must have passed in review before the framers of your constitution—against it they were cautious to guard. They meant at least to preserve, if possible, one department of the government against this deadly poison.

For this purpose, and to effect this object, was the 5th section of the 4th article in our constitution adopted; which declares that no person, holding an office under the United States, shall exercise the office of Governor. But gentlemen have said, that the appointment of Mr. Ray as diplomatic agent to treat with the Indians is not an office within the meaning of the constitution. That to create an office, there must be a commission with the seal of state affixed, and the appointment sanctioned by the Senate. In support of this position several authorities have been cited.

This, sir, if it proves any thing, proves too much for the gentleman. The danger does not arise from the manner or form of the appointment. It is from the office itself; the influence it may give, and the power it may confer. Is the danger less, when the appointment is made, at the will of the President, and solely at his pleasure, than when it passes the ordeal of the Senate and receives their sanction? The principle for which the gentlemen contend, would prostrate all your republican institutions, and prove that power lodged in the hands of a single individual, is less to be dreaded, than in that body which has been created, as the representatives of state sovereignty, and as a check upon executive influence. It is preferring power to liberty, monarchy to republicanism. The framers of the constitution have not left this subject in the dark—they have explained their own language in a manner not to be mistaken. In the several sections which have been read and which it is unnecessary to repeat, the term office, is applied to every person who exercises any public employment, even of minor consequence, without any distinction of grade or mode of appointment, for trustees of towns, are called offices in the language of the constitution.

In the clause under consideration the term is used in its most unqualified sense. It was intended there should be no doubt on the subject, no room for quibbling about words, no subterfuge for the most fastidious critic. Its language is "touch not, handle not." It says in words as plain as language can express, to the person who holds the office of Governor, so long as you stand aloof from any patronage under the General Government, you are the Governor of the state of Indiana, but the moment you accept any appointment by the authority of the United States, your office is vacated, you are no longer Governor, you are the servant of another government, and not of the freemen of Indiana. There is another position, on which the gentlemen have attempted to support their opposition to the resolution on the table. They refer to former practice in this state, and in some other states, which have similar provisions incorporated in their constitutions, as precedents in justification of the conduct of Mr. Ray. Precedent often proves too much. It shows the extent of the evil and that it is continually gaining strength. It shows an additional necessity of putting a stop to the practice; and placing a barrier between the constitution and this torrent of intrigue and corruption.

The gentlemen have further said, that should it appear, that the acceptance of this appointment was unconstitutional, and that Mr. Ray could not subsequently thereto exercise the office of Governor; yet this was not the mode to be pursued in order to determine the question. That he must be impeached before this House could notice the subject. The gentleman are as much mistaken on this point, as on every other assumed. The constitution supposes some misdemeanor, some delinquency, or corruption in office as the foundation of an impeachment.

Here was no crime in Mr. Ray—no misdemeanor. The President had a right to appoint—Mr. Ray had a right to accept. For what then could this House prefer articles of impeachment? On what would they be founded? The high court of impeachment cannot notice any act of usurpation in office. It has not cognizance of the offence. The judgment of the court cannot extend further than removal from office and disqualification. Should the court then decide that the acceptance of the appointment by Mr. Ray, was within the meaning of the constitution and an absolute vacation of the office of Governor: this judgment itself, could show that they would have nothing to do with the subject, Mr. Ray being out of office, and not amenable to the court of impeachment. If he has been guilty of usurpation, he is only amenable to another and different tribunal.

What then is the duty of this House? Can they as the guardians of the constitution, recognize as Governor a man, whom the constitution has said shall not exercise the duties of the office? It is their duty as faithful representatives to preserve inviolate the sacred charter of the rights of their constituents.

Extract from Carter's Letters, Published in the New York Statesman.

The history of Marseilles is full of interest. Its origin borders on romance. Six hundred years before the christian era, a band of piratical adventurers from India, in Asia Minor, by dint of superior skill in navigation, pushed their discoveries to the north of the Rhone. Charmed with the white cliffs, green vales, blue waters, and bright skies, which they here found, they returned to their native country and pursued a colony to follow them to the barbarous shores of Gaul, bearing with them their religion, language, manners and customs. On the very day of their arrival, (so says tradition) the daughter of the native chief was to choose a husband, and her affections were placed on one of the leaders of the polished emigrants. The friendship of the aborigines was conciliated by marriage, and their rude manners were softened by the refinement of their new allies in war, and their new associates in peace. In arts and arms the emigrants soon acquired the ascendancy, and the most musical of all the Greek dialects (how unlike the barbarous *Patois* of the present day) it became the prevailing language of the colony.

From this little band of adventurers, in the wilds of a remote and uncivilized country sprung a powerful nation which rivalled Athens itself in the wisdom of its laws, the prudence of its councils, and the elegance of its letters. So celebrated were its schools of learning and philosophy, accompanied by sober habits and pure morals, that Rome herself in the age of Cicero did not disdain to call Massilia a sister city, and to send her Patrician youth to be educated in one of her provinces. But as in all other cases, wealth led to luxury, and luxury to a corruption of manners. So rapid was the decline of this proud city, that in the age of the Caesars, "*Viviges Massilianum*"—embark for Massilia—had become a proverb to express the extreme of debauchery and licentiousness.

The modern history of Marseilles also abounds in incident. A people naturally of a warm temperament, subject to sallies of passion, and fond of freedom, have frequently manifested a restless spirit and spurned the yoke of their oppressors. It is well known, that for a considerable time a kind of confederated republic was established in Provence, when Marseilles was foremost of the league. In the latter part of the 16th century a popular leader named Bayou, a native of Corsica like his still more celebrated successor, relieved the city from the odious domination of Casaux and Louis d'Aix, by an act of gallantry and patriotism which acquired for him the title of "Liberator" of his country. The gratitude of his fellow-citizens directed his bust to be placed in the great hall of the town house, and the king contented with the people in loading his name with honors. His fame is still cherished, and his memory revered by his enthusiastic countrymen.

The part which Marseilles took in the French revolution is too well known to my readers to require a recapitulation. Unfortunate in some respects as was the issue of that great contest for liberty, an intelligent citizen of this town informed me, that the value of property has increased fifty per cent. since the beginning of the present century; that the prostration of overgrown landed estates produced an entirely new era in agriculture, that manufactures and the useful

arts have advanced with unexampled rapidity within the last twenty-five years; and that the revolution, with all its bloodshed and its licentiousness, gave an activity, an impulse to national industry, which the calm of despotism could never have awakened. I find the more satisfaction in recording this opinion, because it favors the great principles of liberty, and because I have been inclined to the belief, that considering the excesses and the ineffectual struggles of the French revolution, it ought to be viewed rather as a misfortune than a blessing to Europe, since the result might discourage any future efforts to be free. What prosperity, greatness, and glory would have awaited France, had Napoleon, instead of aspiring to the imperial purple and thereby reducing his character to the level of other despots, imitated the example of Washington and Bolivar, by directing his ambition to the establishment of the liberties of his country.

In the history of Marseilles, the frequent visitations of the plague form an interesting item. It has been scourged not less than twenty times by this awful calamity, sometimes losing half of its population. From July 1720 to May 1721, about forty thousand persons died of this disease at Marseilles, and as many more in the neighboring villages—producing a degree of depopulation, from which the district had scarcely recovered at the commencement of the French revolution.—The sufferings and horrors with which the town was afflicted during the prevalence of the pestilence find no parallel in the epidemics of our country, not even in the ravages of the yellow-fever at the close of the last century.—A thousand persons sometimes died in a day.—The living were not sufficient to bury the dead, and the streets were strewn with corpses mingled with dogs. Physicians were wholly ignorant of the proper mode of treatment, and themselves fell victims to the disease. In a word, the vivid picture which Thucydides has drawn of the same scourge at Athens, was here realized.

The visitation and mortality of the Plague cannot fairly be ascribed to the climate of Marseilles. In every instance, its origin was clearly traced to vessels, which brought it from the east. The alarming calamity of 1720 led to the establishment of lazarettoes and quarantine regulations, by which a repetition of the evil has since been averted, although infected ships have been allowed to enter the bay. In general, the climate of this city may be considered healthy, though in my opinion, very unfavorable to persons afflicted with pulmonary affections. The air is extremely dry, and during the prevalence of the *mistral*, harsh chilling and piercing. Even the natives are subject to pectoral complaints, inflamed rheumatism, pleurisy, and spitting of blood. Add to the unfavorableness of the climate, the difficulty of reaching it by water without a long quarantine, or by land, without a fatiguing journey; as also the want of comfort in the domestic arrangement of houses, fire places and carpets—and I believe a physician in our country cannot adopt a greater error, than by recommending to his patient a trip to "*the South of France*." The sick man, on his arrival, finds the tract of country designated by the foreign phrase a kind of "*terra incognita*," lying somewhere between the Pyrenees and the Maritime Alps, but in other respects as vague as the poet's "*North*."

"At Iceland, Greenland, or the Lord knows where."

If in this state of distraction and embarrassment the unhappy invalid shall take up a guide-book, or set about making oral inquiries he will perceive that no two authorities agree—that one complains of the scorching dryness of the *mistral* at Marseilles, and another of the dampness of the *marin* or sea-wind at Montpellier. But what is still worse, the patient after an actual trial of all the climates of "*the South of France*," if indeed he live to go the rounds and make the experiment, will learn that none of them are free from obvious objections, and that it requires the strength of a man in full health, to endure the fatigues of a ride from place to place, to resist the changes of weather, and to sleep in chambers with plastered walls, naked brick or stone floors, and an apology for a fire. The truth is, that the climate of the south of France is only relatively good—good in comparison with the winter fogs of England; and hence the error. Our physicians have in too many cases adopted the advice of those of Great Britain, without taking the foregoing circumstances into view. After much inquiry and actual observation, my opinion deci-

dedly is, that the climate of many parts of our own country, and particularly of the West Indies, is far more favourable to invalids than any I have yet found in Europe.

As this is a subject of some little importance to our countrymen, I shall be excused for citing one or two cases out of many, in justification of my opinion. The circumstances which attended the recent death of one of the most eminent citizens of New Jersey are probably fresh in the minds of many of my readers. After a long and fatiguing passage, he arrived at the port of Marseilles, where he was compelled to undergo a quarantine of something like forty days, cut off from the society of friends and the comforts of life. At last permitted to land he sought in vain for the fountains of Hygiea amidst the arid hills of Provence and the dusty valley of the Rhone. He pursued the goddess to her cool retreats in the north; but the fatigues of a long journey prostrated his strength, and at Paris he expired among strangers, instead of quietly closing his existence in the bosom of his own family.

Another case, which I hope may prove less fatal, has fallen under my own observation. On arriving at Marseilles, we found within two doors of our hotel, a friend from New York, who is travelling for his health. His physician advised him to take refuge for the winter in the South of France, whither he hastened from Paris by the way of Lyons. The journey was performed in the coldest weather in the month of January, in a coach which travelled day and night. Such a jaunt is enough to kill a well man and it is next to a miracle that an invalid, laboring under a severe affection of the lungs, should survive the icy winds from the Alps. He was in truth but just alive on his arrival; and nothing but the skill of an eminent physician, and the unremitting attentions of one of the kindest families in the world, apparently rescued him from the grave. We broke in upon the solitude of his chamber, finding him seated before a French fire, making the most of the rug of his hearth, and lamenting the folly of those who adopt such measures for the restoration of health.

I have almost become so far a sceptic and a fatalist to believe it impossible to escape death by flight to a foreign shore. If an invalid can find no remedy for his maladies amidst the comforts and consolations of home, in the air he has been accustomed to breathe from childhood, in the elements with which his system is familiarized, in the prescriptions of physicians who are acquainted with his constitution and temperament, in the pleasures of society, and the cheerful faces of his friends what is he to expect from the innovations of new climates, new modes of living, new physicians, and the external solitude of strange faces? Every medical man well knows how indispensable quietude of mind is to the convalescence of the body; and it need scarcely be added, that nerves enfeebled and rendered more sensitive by disease, are ill at ease in a strange land, where a hundred little circumstances will daily occur to discompose and irritate the feelings. This, however, is mere matter of speculation; and it is far from my intention to contend that in certain cases a change of climate may not be highly conducive to health.

Four-footed Printers.—Wonderful improvements seem to be making in the art of printing. Mr. Fanshaw, at the Tract Society Office, has two Jackasses employed as pressmen; and they are now labouring in that capacity with great assiduity and success. This we at first thought a great novelty, but we have been since informed that it is by no means uncommon for animals of this kind to be connected with the press.

[N. N. Refect.

The Geneva Palladium of the 20th ult. says: The persons implicated in the carrying off of William Morgan from Canadagua jail, were indicted by the Ontario county Grand Jury last week. There were three indictments. One for "a conspiracy to commit William Morgan." One for "assault and false imprisonment and riot." And one for kidnapping or carrying William Morgan off and secreting him in parts and places unknown." The trial will be at theoyer and terminer, in January.

Cotton goods, imported into Mexico, are to be valued, for duty, at four and five reals per vara. The real is 12 1-2 cents & 108 varas are equal to 100 yards. Thus cottons are valued at 50 and 62 1-2 cents per vara; the duty on importation is 25 per cent. on the valuation, and 25 per cent. more is charged when they are sent into the interior duty then on cotton goods which cost 12 or 15 cents per yard in the United States is from 25 to 31-14 cents per yard or 250 per cent. on the prime cost.—Niles.