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From the National Intelligencer.

TO THE EDITORS.

Onslow's respects to Messrs. Gales & Seaton, and again requests the indulgence of being heard through their paper. He encloses two numbers in reply to Patrick Henry's last number, and he would be gratified with an early insertion.

Onslow sensibly feels the prompt attention of Messrs. Gales & Seaton to his former communication. Fairness required that it should have appeared in the Journal, through which the attack was made. He did not anticipate that a calm and argumentative defence of the second officer of the Government, on a subject so deeply interesting to the People of the United States as every inquiry must be, which touches on so vital a point in our system, as the freedom of debate, would be excluded from a place in the Journal. Yet, so it was; and he now more deeply feels the injustice, since Patrick Henry, availing himself of that exclusion, has replied in the same paper—not to his arguments in their real character, but as unfairly represented by himself. Whether the course indicates a sincere desire to arrive at truth on a subject which has excited much interest, or feelings of a political or personal hostility, the American People must judge.

No. 1.

If rumor may be credited, I may be proud in having you as an antagonist; and if I were actuated by a sentiment of vanity, much of my reply would be devoted to tracing the strong, but, perhaps, accidental analogy, between the style of your numbers and some of our public documents. But truth, and not the gratification of vanity, is my object; and though the pride of victory would be swelled in proportion to the high standing of an opponent, I shall, without stopping to inquire into the question of authorship, proceed directly to the point at issue.

If you have failed in your argument, you have at least succeeded in giving the question a new and interesting aspect. You have abandoned the rules and usages of the Senate, as the source of the Vice President's authority, as the presiding officer of the Senate. You contend, that the disputed right is derived directly from the Constitution, and that the Vice President's authority is wholly independent of the will of the Senate, which can neither give, nor take it away. It is not my wish to mistake your arguments in the slightest degree, and, to avoid the possibility of misrepresentation, you shall speak for yourself. Spurning the authority of the Senate, you scornfully observe: "With the easy assurance of a man stating a conceded postulate, he (Onslow) says—'After all, the power of the Vice President must depend upon the rules and usages of the Senate'—a postulate not only false in its principle, but which, if true, would not sustain the cause to whose aid it is invoked. Unless the Constitution of the United States was subjected to some military construction, the power of the Vice President, in presiding over the Senate, rests on deeper, holier foundations, than any rules or usages which that body may adopt. What says the Constitution? 'The Vice President of the United States shall be President of the Senate, but shall have no voice unless they be equally divided.' 'The Senate shall choose their own officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.'—(Const. U. S. Art. 1. Sec. 3.) It is here made the duty of the Vice President to preside over the Senate, under the sole restriction of having no vote, except in a given case the right of the Senate to choose their President is confined to two contingencies: his powers, after being so chosen, are identical with those of the President set over them by the Constitution, and any abridgment of those powers by the Senate would be a palpable infraction of that Constitution. Now Sir, what is the import of the term 'to preside,' in relation to a deliberative assembly? Can any sophistry devise a plausible definition of it, which would exclude the power of preserving order? In appointing an officer to preside over the Senate, the People surely intended, not to erect an empty pageant, but to accomplish some useful object; and when, in another part of the Constitution, they authorize each House 'to determine the rules of its proceedings,' they do not authorize it to adopt rules deriving any office created by the Constitution of powers belonging, *ex vi termini*, to that office. If the plainest, or most profound man in the community were asked what powers he supposed to be inherent in the presiding officer of either House of Congress, he would instantly enumerate, first, the power of preserving order in its deliberations; next, that of collecting the sense of its members on any question submitted to their decision; and thirdly, that of authenticating, by his signature, their legislative acts. I have before said, and I regret that I am obliged to repeat a truism, that 'the right to call to order is a necessary consequence of the power of preserving order;' and that 'unless a deliberative body, acting within the sphere of its competence, expressly restrict this power and this right, no restriction on them can then be supposed.' In divesting the President set over them by the People, of any power

which he had received, either expressly or impliedly, from the People, the Senate, instead of acting within the sphere of their competence, would act usurpingly, and unconstitutionally—they would nullify the connection which the People had established between themselves and their President; they would reduce themselves to the monstrous spectacle of a body without a head, and their President to the equally monstrous spectacle of a head without a body, and their violent act, while it would be disobeyed as illegal, would be condemned as ridiculous. But, in truth, the Senate have never thus forgotten their allegiance to the Constitution."

There can be no mistake as to the source, or the nature of the power, according to your conception. You tell us plainly, that it rests "on a deeper, holier foundation" than the rules of the Senate—that it is "inherent in the Vice President, and that, as presiding officer, he possesses it, *ex vi termini*;" that an attempt to divest, and, of course to modify the power, 'by the Senate, would be to act' usurpingly, and unconstitutionally," and that "such violent act would be disobeyed as illegal, and condemned as ridiculous."

These are, at least, lofty grounds, and, if they can be maintained, there is an end of the controversy. It would be absurd to go further. An inquiry into the rules and usages of the Senate, after such grounds are occupied, becomes ridiculous, and much more so, an inquiry into those of the Houses of Parliament for surely if it is beyond the power of the Senate to give or withhold the right, it must stand on an elevation far above parliamentary rules or usages; and I was therefore not a little surprised to find, that after so bold an assertion, more than four fifths of your long and elaborate essay was devoted to a learned and critical inquiry into these very rules and usages. There can be but one explanation of so strange an inconsistency: but that a very satisfactory one. You lack confidence in your own position; and well might you: for, surely, power so despotic and dangerous, so inconsistent with the first principles of liberty, and every sound view of the Constitution, was never attempted to be established on arguments so imbecile and absurd; to which no intellect, however badly organized, could yield assent, unless associated with feelings leaning strongly to the side of power. That such are your feelings, no one who reads your essay can doubt. None of your sympathies are on the democratic side of our institutions. If a question can be made as to where power is lodged, it requires but little sagacity to perceive, that you will be found on the side which will place it in the fewest and least responsible hands. You perceive perfection only in the political arrangement, which, with simplicity and energy, gives power to a single will. It is not, then, at all surprising, that you should seize on that portion of the Constitution which appoints the Vice President to be President of the Senate; and that you should quote it at large, and dwell on it at length, as the source of high and uncontrollable power in that officer; while you have but slightly and casually adverted to another section in the same article, which clothes the Senate with the power "of determining the rules of their proceedings, punishing its members for disorderly conduct, and with the concurrence of two thirds, of expelling a member"—(See Art. 1. Sec. 5.) Had your predilections for the unity and irresponsibility of power been less strong, you could not have failed to see, that the point of view in which you have thought proper to place the question made it one of relative power between the Senate and its presiding officer. You place the Vice President on one side, and the Senate on the other, and the more you augment the constitutional power of the former, as the presiding officer, just in the same proportion, you diminish the power of the latter. What is gained to the one, is lost to the other; and, in this competition of power, you were bound to present fairly and fairly, both sides. This you have not done, and consequently, you have fallen, not only into gross but dangerous errors. You set out by asserting that the very object of the appointment of the Vice President as President of the Senate was, to preserve order, and that he had all the powers *ex vi termini*, necessary to the attainment of the end for which he was appointed. Having gained this point, you make your next step, that the right of enforcing order involves that of calling to order, and that again involves the very power in question, which the Vice President declined to exercise. You then draw two corollaries: that the power held by the Vice President being derived direct from the Constitution, is held independently of the Senate, and is, consequently, beyond their control or participation; and that, as the Vice President alone possesses it, he, and he alone, is responsible for order and decorum. Such is your summary logic, which you accompany with so much abuse of Mr. Calhoun, for not calling the power, which you have, as you suppose, clearly proven that he possesses by the Constitution, into active energy, by correcting and controlling, at his sole will and pleasure, the licentious and impertinent debates of the Senators.

Let us now turn the same mode of reasoning on the side of the Senate, and you will perceive that it applies, with infinite more force, though you have not thought it deserving of notice.

The Constitution has vested the Senate with the right of determining the rules of its proceedings, and of punishing members for disorderly conduct, which may extend even to expulsion. The great object of giving the power to establish rules, is to preserve order. The only effectual means of preserving order is to prescribe by rules, what shall be a violation of order, and to enforce the same by adequate punishment. The Senate alone has these powers by the Constitution; consequently, the Senate alone has the right of enforcing order; and, consequently, whatever right the Vice President possesses over order, must be derived from the Senate; and, therefore, he can exercise no power in adopting rules or enforcing them, but what has been delegated to him by the Senate, and only to the extent, both in manner and matter, to which the power has been delegated. The particular power in question not having been delegated, cannot be exercised by the Vice President, and, consequently, he is not responsible. Do you not perceive the irre-

conciliable force with which your own mode of reasoning applies to the substantial constitutional powers of the Senate, and how partial and absurd your arguments in favor of the inferred constitutional power of its presiding officer must appear in contrast with it? As absurd as it now appears, it shall be, if possible, infinitely more so, before I have closed this part of the investigation.

With the same predilection, your assumptions are all on the side of uncontrolled and unlimited power. Without proof, or even an attempt at it, you assume, that the power in controversy is inherent in the Vice President, and that he possesses it, *ex vi termini*, as presiding officer of the Senate. Now I, who have certainly as much right to assume as yourself, deny that he possesses any such power, and, what may perhaps startle a mind organized like yours, I affirm that, as a presiding officer, he has no inherent power whatever, unless that of doing what the Senate may prescribe by its rules, be such a power. There are, indeed, inherent powers, but they are in the body, and not in the officer. He is a mere agent to execute the will of the former. He can exercise no power which he does not hold by delegation, either express or implied. He stands in the same relation to the body, or assembly over which he presides, that a magistrate in a Republic does to the State, and it would be as absurd to attribute to the latter inherent powers as to the former. This, in fact, was once a fashionable doctrine. There was a time when minions of power thought it monstrous, that all of the powers of rulers should be derived from so low and filthy a source as the People whom they govern. "A deeper and holier foundation" of power was sought, and that was proclaimed to be in the "inherent" divine "right of rulers," and, as their powers were thus shown to be independent of the will of the People, it followed, that any attempt on their part to divest rulers of power, would be an act of "such violence as would be disobeyed as illegal, and condemned as ridiculous." I might trace the analogy between your language and principles and those of the advocate of despotic power in all ages and countries much farther, but I deem it not necessary either to weaken or refute your arguments. A more direct and decisive reply may be given.

An inherent power is one that belongs essentially to the office, and is in its nature inseparable from it. To divest the office of it would be to change its nature. It would be no longer the same office. It is, then, a power wholly independent of the circumstances how the office may be created or filled, or in what particular manner its functions may be exercised. If, then, the power belongs to the Vice President inherently, as presiding officer of the Senate, it is because it is essentially attached to the mere function of presiding in a deliberative assembly, and consequently belongs to all presiding officers over such assemblies: for it would be absurd to assert that it is inherent in him as President of the Senate, and then make it depend on the circumstance, that he holds his appointment to preside in the Senate by the Constitution. The high power, then which you attribute to the Vice President, must belong, if your argument be correct, to the Speaker of the House of Commons, to the Lord Chancellor, as presiding officer of the House of Lords, to the Speaker of the House of Representatives, and those of our State Legislatures. They must not only possess the power, but must hold it independently of the will of the bodies over which they preside; which can neither give nor take it away, nor modify the mode of exercising it, nor control its operation. These consequences, absurd as they appear to be, are legitimately drawn from your premises.

Now, "out of thine own mouth I will condemn thee;" by your own authorities you shall be refuted. To prove that the Vice President possesses this power, you have labored to establish the fact that the Speaker of the House of Commons holds and exercises it, and in proof of which you have cited many cases from Jefferson's Manual.

It is true that he has, at least to a certain extent; but how has he acquired it? This is the important inquiry in the point of view in which we are now considering the question. Is it inherent, or is it delegated? If the former, I acknowledge that your argument, from analogy, in favor of the inherent power of the Vice President, would have much force; but, if the latter, it must utterly fail; for, if delegated, it clearly establishes the fact, that the power is in the body, and not in the presiding officer; and, consequently, not inherent in the Vice President, as you affirm. The instances that you have cited shall decide the point. What say the cases? "On the 14th of April, 1604, rule conceived, 'That, if any man speak impertinently, or beside the question in hand, it stands with the orders of the House for the Speaker to interrupt him; and to show the pleasure of the House, whether they will further hear him.'" "On the 17th of April, 1604, agreed for a general rule, if any superfluous motion or tedious speech be offered in the House, the party is to be directed and ordered by Mr. Speaker." "On the 19th of May, 1604, Sir William Paddy entering into a long speech, a rule agreed, that if any man speak not to the matter in question, the Speaker is to moderate. So it is said on the 2d of May, 1610, when a member made what seemed an impertinent speech, and there was conceived hissing and spitting," "that it was conceived for a rule, that Mr. Speaker may stay impertinent speeches."—"On the 10th of November, 1640, it was declared, that when a business is begun and in debate, if any man rise to speak to a new business, any member may, but Mr. Speaker ought to, interrupt him." See Hutsell's Precedents, vol. 2d, 3d edition.

Do you not notice that in every case, the power was delegated by the House; that the language is, "rule conceived," "it was agreed to as general rule," "rule agreed," &c. &c. and this too in relation to the very power in question, according to your own showing? Thus it is established, beyond controversy, that, in the House of Commons, the power is really in the body, and not in the presiding officer.

If to this decided proof that the power has been delegated to the Speaker of the House of Commons, and is, consequently, not inherent, we add that it is conferred on the Speaker of the House of Representatives, (see 19th

rule,) by an express rule of the House, and that the Lord Chancellor, as presiding officer in the House of Lords, possesses it not either *ex-officio* or by delegation, as shall be shown hereafter, your monstrous and slavish doctrine that it is an inherent power, will be completely overthrown, and you are left without the possibility of escape.

Should you attempt to extricate yourself, by endeavoring to show, that, under our Constitution, the relative powers of the Vice President and the Senate are different from those of the Speaker and the House of Commons; and that, though the latter may hold the power by delegation from the body, that the Vice President may possess it by a different and higher tenure; it would, at least, prove that you cede the point that it is not inherent, and also that it cannot be deduced from analogy between the powers of the two presiding officers, which you have so much relied on in another part of your essay. But this shall not avail you. The door is already closed in that direction. It has been, I trust, conclusively proved, that the Constitution, so far from countenancing the idea of the power being inherent in the Vice President, gives it to the Senate, by the strongest implication, in conferring the express right of establishing its own rules, and punishing for disorderly conduct. If you are not yet convinced, additional arguments are not wanting, which, though they may not extort an acknowledgment of your error, will thoroughly convince you of it.

You have overlooked the most obvious and best established rules of construction. What are the facts? The Constitution has designated the Vice President as President of the Senate, and has also clothed that body with the right of determining the rules of its proceedings. It is obvious that the simple intention of the framers of that instrument was to annex to the office of Vice President that of President of the Senate, without intending to define the extent or the limit of his power in that character, and in like manner it was the intention to confer on the Senate simply the power of enacting its own rules of proceeding, without reference to the powers, such as they may be, that had been conferred on their presiding officer. The extent of power, as between the two, becomes a question of construction. Now, the first rule of construction, in such cases, is the known usage and practice of Parliamentary bodies; and, as those of the British Parliament were the best known to the framers of the Constitution, it cannot be doubted that, in determining what are the relative powers of the Vice President and the Senate, they ought to prevail. Under this view, as between the Vice President and the Senate, the latter possesses the same power in determining its rules that is possessed by the House of Parliament, without being restricted in the slightest degree by the fact, that the Vice President, under the Constitution, is President of the body, saving only the right of adopting such rules as apply to the appointment or election of a presiding officer, which the Senate would have possessed, if the Constitution had not provided, a President of the body; and, as I have proved from your own cases, that the particular power in question, incontrovertibly belongs to the House, it follows, necessarily, according to established rules of construction, that the Senate also possesses it.

You have overlooked these obvious truths by affixing too high an idea to the powers of the presiding officer in preserving order. According to your conception, the House is nothing and the officer every thing, on points of order. Nothing can be more erroneous. The power you attribute to him has never been possessed by the President, or Speaker, in any deliberative assembly; no, not even by delegation from the body itself.

The right of preserving order must depend on the power of enforcing it, or of punishing for a breach of order—a right inherent in the House alone, and never, in any instance, delegated to the Chair. Our Constitution confers this right to each House of Congress, by providing "that they may punish for disorderly conduct;" a power which they neither have delegated nor can delegate to the presiding officer. What, then, is the right of preserving order, belonging to the Vice President, which you have so pompously announced, and for not enforcing which, according to your conception, you and your associates have denounced Mr. Calhoun almost as a traitor to his country?

It is simply the right of calling to order, in the strict, literal meaning, and so far from being derived from the right of preserving order, as you absurdly suppose, it is not even connected with it. The right of preserving order depends on the right of enforcing it, or the right of punishment for breaches of order, always possessed by the body, but never, either by delegation or otherwise, by the Chair. It is notorious that the Chair cannot enforce its calls to order. The body alone can, but that only on its decisions, and not on that of the presiding officer. It is thus manifest, the high right of preserving order, to which you make the right of calling to order incidental, belongs especially to the Senate, and not to the Vice President; and, if your argument be correct, the incident must follow the right, and, consequently, it is the right and duty of a Senator to call to order for disorderly conduct. So clear is the proposition, that, if the member called to order by the Chair, for disorderly conduct, chooses to persist, the presiding officer has no other remedy but to repeat his call, or throw himself, for the enforcement of it, on the Senate. This feebleness of the Chair, in questions of order, explains why there has always been such indisposition to call to order, even when it is made the express duty, by rule, as in the House of Representatives, and the House of Commons in England. Thousands of instances might be cited to establish the truth of this remark, both there and here—instances in which all that has been said and uttered by Mr. Randolph is no more than a mere form, but in which the Speaker waited for the interference of some of the members, in order to preserve order. Such was the case in the recent occurrence in the House of Commons, when Mr. Hume made an attack on the Bishop of London and the Lord Chancellor, both of which, as members of the House of Lords, were under the protection of positive rules; yet, no one, even there, had the assurance to throw the responsibility on the presiding officer. The partisans of pow-

er in our country have the honor of leading in these new and dangerous attacks on the freedom of debate.

Some men of honest intention have fallen into the error about the right of the Vice President to preserve order, independently of the Senate, because the Judges, or, as they express it, the presiding officer in the courts of justice, possess the right. A moment's reflection will show the fallacy. There is not the least analogy between the rights and duties of a Judge and those of a presiding officer in a deliberative assembly. The analogy is altogether the other way. It is between the Court and the House. In fact, the latter is often called a court, and there is a very strict resemblance in the point under consideration, between what may be called a parliamentary court and a court of justice. They both have the right of causing their decision to be respected, and order and decorum to be observed in their presence, or by punishing those who offend. But who ever heard of the Speaker or Vice President punishing for disorderly conduct? The utmost power they can exercise over disorderly conduct, even in the lobby or gallery, is to cause it to be suppressed, for the time, by the Sergeant at Arms.

Enough has been said, though the subject is far from being exhausted, to demonstrate, that your views of the relative powers and duties of the Vice President and the Senate, in relation to the point in question, are wholly erroneous. It remains to be shown that your opinions (for arguments they cannot be called) are dangerous to our liberty, and that they are in conflict with the first principles of our Government. I do not attribute to you, or those with whom you are associated, any deep laid design against public liberty. Such an attempt, as flagitious as it may be, requires a sagacity and boldness quite beyond what we have now to apprehend from those in power. But that there exists, at the present time, a selfish and greedy appetite to get and to hold office, and that, to effect their grovelling objects, doctrines slavish and dangerous are daily propagated, cannot be doubted by even careless observers. The freedom of debate is instinctively dreaded by the whole corps, high and low, of those who make a speculation of politics, and well they may: for it is the great and only effectual means of detecting and holding up to public scorn every machination against the liberty of the country. It ranks first, even before the liberty of the Press, the trial by jury, the rights of conscience, and the writ of habeas corpus, in the estimation of those who are capable of forming a correct estimate of the value of freedom, and the best means of preserving it. Against this palladium of liberty your blows are aimed; and, to do you justice, it must be acknowledged, if the energy be not great, the direction is not destitute of skill. If you could succeed in establishing the points which you labor, that the Vice President holds a power over the freedom of debate, under the right of preserving order, beyond the will or control of the Senate; and that consequently, he alone is responsible for what might be considered an undue exercise of the freedom of speech in debate, a solid foundation would be laid, from which, in time, this great barrier against despotic power would be battered down. It is easy to see that the scheme takes the power of protecting this, the first of its rights, wholly out of the hands of the Senate, and places its custody in the hands of a single individual, and he in no degree responsible to the body over which this high power is to be exercised, thus effectually destroying the key stone of freedom, responsibility, and introducing into a vital part of our system, uncontrolled, or, what is the same thing, despotic power, which, being derived, by your theory, from the Constitution, and being applicable to all points of order, necessarily would vest in the Vice President alone, an independent and absolute power, that would draw into the vortex of his authority an unlimited control over the freedom of debate.

Mark the consequences! If the Vice President should belong to the same party or interest which brought the President into power, or if he be dependent on him for his political standing or advancement, you will virtually place the control over the freedom of debate in the hands of the Executive.

You thus introduce the President, as it were, into the Chamber of the Senate, and place him virtually over the deliberation of the body, with powers to restrain discussion, and shield his conduct from investigation. Let us, for instance, suppose, that the present Chief Magistrate should be re-elected, and that the party which supports him should succeed, as in all probability they would in that event, in electing also their Vice President, can it be doubted that the rules for the restraint of the freedom of debate in the Senate, which have been insisted on openly by the party, during the last winter, would be reduced to practice, through a subservient Vice President? And what are those rules? One of the leading ones, to advert to no other, is, that the conduct of the Executive, as a co-ordinate branch of that Government, cannot be called in question, by a Senator in debate, at least, so far as it relates to impeachable offences; and, of course, an attempt to discuss the conduct of the President in such cases, would be disorderly, and render the Senator liable to be punished, even to expulsion. What would be the consequence? The Senate would speedily sink into a body to register the decrees of the President, and sing Hosannas in his praise, and be as degraded as the Roman Senate, under Nero.

But let us suppose the opposite state of things, in which the Vice President chooses to pursue a course independent of the will of the Executive, and, instead of assuming so dangerous an exercise of power, he should indulge (for indulgence it must be called, if allowed by his country) that freedom of debate, which exists in other deliberative assemblies. What will then follow? Precisely that which has occurred the last winter. Most exaggerated and false accounts would every where be propagated by hirelings of power, of the slightest occurrence in the Senate. The public indignation would be roused at the supposed disorder and indecorum, and the whole would be artfully directed against the Vice President, in order to prostrate his reputation; and thus an officer, without patronage or power, or even the right

of leading in these new and dangerous attacks on the freedom of debate. Some men of honest intention have fallen into the error about the right of the Vice President to preserve order, independently of the Senate, because the Judges, or, as they express it, the presiding officer in the courts of justice, possess the right. A moment's reflection will show the fallacy. There is not the least analogy between the rights and duties of a Judge and those of a presiding officer in a deliberative assembly. The analogy is altogether the other way. It is between the Court and the House. In fact, the latter is often called a court, and there is a very strict resemblance in the point under consideration, between what may be called a parliamentary court and a court of justice. They both have the right of causing their decision to be respected, and order and decorum to be observed in their presence, or by punishing those who offend. But who ever heard of the Speaker or Vice President punishing for disorderly conduct? The utmost power they can exercise over disorderly conduct, even in the lobby or gallery, is to cause it to be suppressed, for the time, by the Sergeant at Arms. Enough has been said, though the subject is far from being exhausted, to demonstrate, that your views of the relative powers and duties of the Vice President and the Senate, in relation to the point in question, are wholly erroneous. It remains to be shown that your opinions (for arguments they cannot be called) are dangerous to our liberty, and that they are in conflict with the first principles of our Government. I do not attribute to you, or those with whom you are associated, any deep laid design against public liberty. Such an attempt, as flagitious as it may be, requires a sagacity and boldness quite beyond what we have now to apprehend from those in power. But that there exists, at the present time, a selfish and greedy appetite to get and to hold office, and that, to effect their grovelling objects, doctrines slavish and dangerous are daily propagated, cannot be doubted by even careless observers. The freedom of debate is instinctively dreaded by the whole corps, high and low, of those who make a speculation of politics, and well they may: for it is the great and only effectual means of detecting and holding up to public scorn every machination against the liberty of the country. It ranks first, even before the liberty of the Press, the trial by jury, the rights of conscience, and the writ of habeas corpus, in the estimation of those who are capable of forming a correct estimate of the value of freedom, and the best means of preserving it. Against this palladium of liberty your blows are aimed; and, to do you justice, it must be acknowledged, if the energy be not great, the direction is not destitute of skill. If you could succeed in establishing the points which you labor, that the Vice President holds a power over the freedom of debate, under the right of preserving order, beyond the will or control of the Senate; and that consequently, he alone is responsible for what might be considered an undue exercise of the freedom of speech in debate, a solid foundation would be laid, from which, in time, this great barrier against despotic power would be battered down. It is easy to see that the scheme takes the power of protecting this, the first of its rights, wholly out of the hands of the Senate, and places its custody in the hands of a single individual, and he in no degree responsible to the body over which this high power is to be exercised, thus effectually destroying the key stone of freedom, responsibility, and introducing into a vital part of our system, uncontrolled, or, what is the same thing, despotic power, which, being derived, by your theory, from the Constitution, and being applicable to all points of order, necessarily would vest in the Vice President alone, an independent and absolute power, that would draw into the vortex of his authority an unlimited control over the freedom of debate. Mark the consequences! If the Vice President should belong to the same party or interest which brought the President into power, or if he be dependent on him for his political standing or advancement, you will virtually place the control over the freedom of debate in the hands of the Executive. You thus introduce the President, as it were, into the Chamber of the Senate, and place him virtually over the deliberation of the body, with powers to restrain discussion, and shield his conduct from investigation. Let us, for instance, suppose, that the present Chief Magistrate should be re-elected, and that the party which supports him should succeed, as in all probability they would in that event, in electing also their Vice President, can it be doubted that the rules for the restraint of the freedom of debate in the Senate, which have been insisted on openly by the party, during the last winter, would be reduced to practice, through a subservient Vice President? And what are those rules? One of the leading ones, to advert to no other, is, that the conduct of the Executive, as a co-ordinate branch of that Government, cannot be called in question, by a Senator in debate, at least, so far as it relates to impeachable offences; and, of course, an attempt to discuss the conduct of the President in such cases, would be disorderly, and render the Senator liable to be punished, even to expulsion. What would be the consequence? The Senate would speedily sink into a body to register the decrees of the President, and sing Hosannas in his praise, and be as degraded as the Roman Senate, under Nero. But let us suppose the opposite state of things, in which the Vice President chooses to pursue a course independent of the will of the Executive, and, instead of assuming so dangerous an exercise of power, he should indulge (for indulgence it must be called, if allowed by his country) that freedom of debate, which exists in other deliberative assemblies. What will then follow? Precisely that which has occurred the last winter. Most exaggerated and false accounts would every where be propagated by hirelings of power, of the slightest occurrence in the Senate. The public indignation would be roused at the supposed disorder and indecorum, and the whole would be artfully directed against the Vice President, in order to prostrate his reputation; and thus an officer, without patronage or power, or even the right