

ray of distinguished names which your honourable body has brought in review before it. The authority upon which the former is based, sanctioned as it is by such men, and especially by the sound and discriminating mind of the man who has been so properly elevated by the suffrages of a free people to the highest post in the government; and who long before his attainment of that elevated station, had filled the measure of his country's glory, will undoubtedly command the respect of all future legislators in the consideration of cases analagous in their circumstances to the one then decided. This analogy does not, however, exist between the case of Mr. Lanman, the case then decided, and the one to which you have reference. The constitution provides, that if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may fill such vacancies by temporary appointment. The power thus given is to be exercised on the happening of a certain event—it is conditional, and dependent on the taking place of that event—the happening of a vacancy by resignation, or otherwise, during the recess of the legislature. To justify the exercise of such a power, the event must have happened, the power could not otherwise be rightfully exercised. It is perfectly manifest, that the executive, under this provision of the constitution, could not make an appointment to fill a vacancy in prospect only—one which might or might not occur. Yet such was emphatically the case of Mr. Lanman; he had been elected a senator in the congress of the United States from Connecticut; his term of service would expire on the third day of March 1825; by the call of the president it was made the duty of the senate to convene after that period. The vacancy would not occur until after that period. Yet the executive of Connecticut, on the 5th day of February 1825, appointed Mr. Lanman, although no vacancy happened. The event upon the happening of which a power was to be exercised, had not happened; how then could the executive of Connecticut make an appointment? How could the executive rightfully exercise a power, to be exercised only on the happening of an event, which event had not yet happened? The senate yields, without hesitation or reluctance, to the decision of the senate of the United States on the occasion referred to. It is plainly based on a fair and natural construction of the constitution. As to the case of one of the senators in congress from this state, his term of service will expire on the 3d day of March next. Should a special meeting of the senate be called by the president, a call not believed likely to be made, the event contemplated by the constitution will