

The 31st article of the constitution prescribes "that the governor shall not continue in that office longer than three years successively, nor be eligible as governor, until the expiration of four years after he shall have been out of that office."

The senate presume there can be no doubt of the meaning of the words "out of office," and therefore abstain from making an argument from the letter of the constitution.

Is its spirit then opposed to the eligibility of Mr. Martin?

The senate, in order to understand the spirit of the constitution, have referred to the bill of rights, where the principles of our state government are laid down.

The 31st article of that instrument, in accordance with the spirit of the times in which it was formed, declares, "that a long continuance in the first executive departments of power, and trust, is dangerous to liberty.

The wise framers of our constitution then, have declared in the sacred instrument referred to, that it would be dangerous to liberty, that the chief executive magistrate of this state should serve as such for more than three years in seven. Mr. Martin, it is true, has served but one; but the senate have looked in vain for any inhibition in those instruments to his serving three successive years, if now eligible.

If then he would be eligible for three successive years, it is manifest that he can serve four years out of five, and that in this manner two individuals may be alternated upon the state as governors for their lives.

To say the least of this subject, it appears to be doubtful whether Mr. Martin is eligible to the office of governor; and as the senate feel bound to proceed to the election to-day, and there is not sufficient time to examine thoroughly this important question, involving, as they conceive, the vital interest of the people of this state, they respectfully ask of the house of delegates to reconsider this nomination, and present to the senate an individual to whom no constitutional objection can be made.

Which having been read, the question was put, Will the senate receive the substitute?

The yeas and nays being called for, were taken, and appeared as follows:

AFFIRMATIVE.

Messrs. Harrison
Kennedy

Sewell
Whiteley—4

NEGATIVE.

Messrs. Marriott, Prest.
Forrest

Rees
Spence