

of amending, as in that of forming and adopting the Constitution!

All this must appear anomalous, strange, and unaccountable, on the theory of the Senator, but harmonious and easily explained on the opposite; that ours is an union, not of individuals, united by what is called a social compact, for that would make it a nation; nor of Governments, for that would have formed a mere Confederacy, like the one superseded by the present Constitution; but an union of States, founded on a written, positive compact, forming a Federal Republic, with the same equality of rights among the States composing the Union, as among the citizens composing the States themselves. Instead of a nation, we are in reality an assemblage of nations, or peoples, (if the plural noun may be used where the language affords none) united in their sovereign character immediately and directly by their own act, without losing their separate and independent existence.

It results from all that has been stated, that either the theory of the Senator is wrong, or that our political system is throughout a profound and radical error. If the latter be the case, then that complex system of ours, consisting of so many parts, but blended, as was supposed, into one harmonious and sublime whole, raising its front on high and challenging the admiration of the world, is but a misshapen and disproportionate structure that ought to be demolished to the ground, with the single exception of the apartment allotted to the House of Representatives. Is the Senator prepared to commence the work of demolition? Does he believe that all other parts of this complex structure are irregular and deformed appendages; and that if they were taken down, and the Government erected exclusively on the will of the numerical majority, it would effect as well, or better, the great objects for which it was instituted; "to establish justice, ensure domestic tranquility; provide for the common defence; promote the general welfare; and secure the blessings of liberty to ourselves and our posterity."—All the Senator will any one—can any one—venture to assert that? And if not, why not? There is the question, on the proper solution of which hangs not only the explanation of the veto, but that of the real nature and character of our complex, but beautiful and harmonious system of Government. To give a full and systematic solution, it would be necessary to descend to the elements of political science, and discuss principles little suited to a discussion in a deliberative assembly. I waive the attempt, and shall content myself with giving a much more matter of fact solution.

It is sufficient for that purpose, to point to the actual operation of the Government, through all the stages of its existence, and the many and important measures which have agitated it from the beginning; the success of which, one portion of the people regarded as essential to their prosperity and happiness, while other portions have viewed them as destructive of both.—What does this imply, but a deep conflict of interests, real or supposed, between the different portions of the community, on subjects of the first magnitude—the currency, the finances, including taxation and disbursements; the Bank, the protective tariff, distribution, and many others; on all of which the most opposite and conflicting views have prevailed? And what would be the effect of placing the power of the Government under the exclusive control of the numerical majority—of 8,000,000 over 7,000,000; of six States over all the rest—but to give dominant interest, or combination of interests, an unlimited and despotic control over all others? What, but to vest it with the power to administer the Government for its exclusive benefit, regardless of all others, and indifferent to their oppression and wretchedness? And what, in a country of such vast extent and diversity of condition, institutions, industry, and productions, would that be, but to subject the rest to the most grinding despotism and oppression? But what is the remedy? It would be but to increase the evil, to transfer the power to a minority, to abolish the House of Representatives, and place the control exclusively in the hands of the Senate—in that of the four millions, instead of the eight. If one must be sacrificed to the other, it is better that the few should be to the many, than the many to the few.

What then is to be done, if neither the majority nor the minority, the greater nor less part, can be safely trusted with the exclusive control? What but to vest the powers of the Government in the whole—the entire people—to make it in truth and reality the Government of the people, instead of the Government of a dominant over a subject part, be it the greater or less of the whole people—self government; and if this should prove impossible in practice, then to make the nearest approach to it, by requiring the concurrence in the action of the Government, of the greatest possible number consistent with the great ends for which government was instituted—justice and security, within and without. But how is that to be effected? Not certainly by considering the whole community as one, and taking its sense as a whole by a single process, which, instead of giving the voice of all, can but give that of a part. There is but one way by which it can possibly be accomplished; and that is a judicious and wise division and organization of the government and community, with reference to its different and conflicting interests, and by taking the sense of each part separately, and the concurrence of all as the voice of the whole. Each may be imperfect of itself, but if the construction be good and all the keys skillfully touched, there will be given out in one blended and harmonious whole, the true and perfect voice of the people.

But on what principle is such a division and organization to be made to effect this great object, without which it is impossible to preserve free and popular institutions? To this no general answer can be given. It is the work of the wise and experienced, having full and perfect knowledge of the country and the people in every particular for whom the Government is intended. It must be made to fit, and when it does, it will fit no other and will be incapable of being imitated or borrowed. Without, then, attempting to do what cannot be done, I propose to point out how that which I have stated has been accomplished in our system of Government, and the agency the veto is intended to have in effecting it.

I begin with the House of Representatives.—There each State has a Representative according to its federal numbers, and when met, a majority of the whole number of members controls its proceedings; thus giving to the numerical majority the exclusive control throughout. The effect is to place its proceedings in the power of eight millions of people over all the rest, and six of the largest States, if united, over the other twenty; and the consequence, if the House was the exclusive organ of the voice of the people, would be the domination of the stronger over the weaker interests of the community, and the establishment of an intolerable and oppressive despotism. To find the remedy against what would be so great an evil, we must turn to this body. Here an entirely different process is adopted to take the sense of the community. Population is entirely disregarded, and

States, without reference to the number of people, are made the basis of representation; the effect of which is to place the control here in a majority of the States, which had the exclusive power, would exercise it as despotically and oppressively as would the House of Representatives.

Regarding, then, separately, neither truly represents the sense of the community, and each is imperfect of itself; but when united, and the concurring voice of each is made necessary to enact laws, the one corrects the defects of the other; and, instead of the less popular derogating from the more popular, as is supposed by the Senator, the two together give a more full and perfect utterance to the voice of the people than either could separately. Taken separately, six States might control the House, and a little upwards of four millions might control the Senate, by a combination of the fourteen smaller States; but by requiring the concurrent votes of the two, the six largest States must add eight others to have the control in both bodies. Suppose, for illustration, they should unite with the eight smallest, which would give the least number by which an act could pass both Houses, it will be found, by adding the population in federal numbers of the six largest to the eight smallest States, that the least number by which an act can pass both Houses, if the members should be true to those they represent, would be 9,688,870 against a minority of 5,119,797, instead of 8,000,000 against 7,000,000, if the assent of the most popular branch alone was required.

This more full and perfect expression of the voice of the people by the concurrence of the two, compared to either separately, is a great advance towards a full and perfect expression of their voice; but great as it is, it falls far short, and the framers of the Constitution were accordingly not satisfied with it. To render it still more perfect, their next step was to require the assent of the President, before an act of Congress could become a law, and if he disapproved, to require two-thirds of both Houses to override his veto. We are thus brought to the point immediately under discussion, and which, on that account, claims a full and careful examination.

One of the leading motives for vesting the President with this high power, was, undoubtedly, to give him the means of protecting the portion of the powers allotted to him by the Constitution, against the encroachment of Congress. To make a division of power effectual, a veto in one form or another is indispensable. The right of each to judge for itself of the extent of the power allotted to it, a share, and to protect itself in its exercise, is what in reality is meant by a division of power. Without it, the allotment to each department would be a mere partition, and no division at all. Acting under this impression, the framers of the Constitution have carefully provided that his approval should be necessary, not only to the acts of Congress, but to every resolution, vote, or order, requiring the consent of the two Houses, so as to render it impossible to elude it by any conceivable device. Thus of itself was an adequate motive for the provision, and were there no other, ought to be a sufficient reason for the rejection of this resolution. Without it, the division of power between the Legislative and Executive departments, would have been merely nominal.

But it is not the only motive. There is another and deeper, to which the division itself of the Government into departments is subordinate; to enlarge the popular basis, by increasing the number of voices necessary to its action. As numerous as the voices required to obtain the assent of the people through the Senate and the House to an act, it was not thought by the framers of the Constitution sufficient for the action of the Government in all cases. Nine thousand eight hundred, as large as is the number, were regarded as still too few, and six thousand one hundred too many to remove all motives for oppression; the latter being not too few to be plundered, and the former not too large to divide the spoils of plunder among. Till the increase of numbers on one side, and the decrease on the other reaches that point, there is no security for the weaker against the stronger, especially in so extensive a country as ours. Acting in the spirit of these remarks, the authors of the Constitution, although they deemed the concurrence of the Senate and the House as sufficient, with the approval of the President, to the enactment of laws in ordinary cases, yet, when he dissented, they deem it a sufficient presumption against the measure to require a still greater enlargement of the popular basis for its enactment. With this view, the assent of two-thirds of both Houses was required to override his veto, that is, eighteen States in the Senate, and a constituency of ten millions six hundred thousand in the other House.

But a still stronger consideration for vesting him with the power may be found in the difference of the manner of his election, compared with that of the members of either House. The senators are elected by the vote of the Legislatures of the respective States, and the members of the House by the people, who, in almost all the States, elect by districts. In neither is there the least responsibility of the members of any one State, to the Legislature or people of any other State. They are, as far as their responsibility may be concerned, solely and exclusively under the influence of the States and people, who respectively elect them. Not so the President. The votes of the whole are counted in his election, which makes him more or less responsible to every part—to those who voted against him, as well as those to whom he owes his election, which he must feel sensibly. If he should be an aspirant for a re-election, he will desire to gain the favorable opinion of States that opposed him, as well as to retain that of those which voted for him. Even if he should not be a candidate for re-election, the desire of having a favorite elected, or maintaining the ascendancy of his party, may have to a considerable extent, the same influence over him. The effect, in either case, would be to make him look more to the interest of the whole—to allay sectional feelings and asperity—to be more of a patriot, than the partisan of any particular interest; and through the influence of these causes to give a more general character to the parties of the country, and thereby render the collision between sectional interests less fierce than it would be if legislators depended solely on the members of the two Houses, who owe no responsibility but to those who elected them. The same influence acts even on the aspirants for the Presidency, and is followed to a very considerable extent by the same softening and generalizing effects. In the case of the President, it may lead to the interposition of his veto against oppressive and dangerous sectional measures, even when supported by those to whom he owes his election. But, by the cause of interposing his veto what it may, its effect will be to require a greater body of constituency, through the legislative organs, to put the Government in action against it—to require another key to be struck, and to bring out a more full and perfect response from the voice of the people.

There is still another impediment, if not the enactment of a law, to its execution, to be found in the Judiciary Department. I refer to the right of the courts, in all cases coming before them in law or

equity, where an act of Congress comes in question, to decide on its constitutionality, which, if decided against the law in the Supreme Court, is in effect a permanent veto. But here a difference must be made between a decision against the constitutionality of a law of Congress and that of States. The former acts as restriction on the powers of this Government, but the latter as an enlargement.

Such are the various processes of taking the sense of the people through the divisions and organization of the different departments of the Government, all of which, acting through their appropriate organs, are intended to widen its basis and render it more popular, instead of less, by increasing the number necessary to put it in action, and having for their object to prevent one portion of the community from aggrandizing or enriching itself at the expense of the other, and to restrict the whole of the sphere intended by the framers of the Constitution. Has it effected these objects? Has it prevented oppression and usurpation on the part of the Government? Has it accomplished the objects for which the Government was ordained as enumerated in the preamble of the Constitution? Much, very much, certainly has been done, but not all. Many instances might be enumerated, in the history of the Government, of the violation of the Constitution—of the assumption of powers not delegated to it—of the perversion of those delegated to uses never intended—and of their being wielded by the dominant interest, for the time, for its aggrandizement, at the expense of the rest of the community—instances that may be found in every period of its existence, from the earliest to the latest, beginning with the Bank and bank connection at its outset, and ending with the Distribution act, at its late extraordinary session. How is this to be accounted for? What is the cause?

The explanation and cause will be found in the fact, that, as fully as the sense of the people is taken in the action of the Government, it is not taken fully enough. For, after all that has been accomplished in that respect, there are but two organs through which the voice of the community acts directly on the Government, and which, taken separately, or in combination, constitute the elements of which it is composed, the one is the majority of the States regarded in their corporate character as bodies politic, which in its simple form constitutes the Senate; and the other is the majority of the people of the States, of which, in its simple form, the House of Representatives is composed. These combined, in the proportions already stated, constitute the Executive Department, and that department and the Senate appoint the Judges who constitute the Judiciary. But it is only in their simple form in the Senate and the other House, that they have a steady and habitual control over the legislative acts of the Government. The veto of the Executive is rarely interposed; not more than about twenty times during the period of more than fifty years that the Government has existed. Their effects have been beneficially felt, but only casually, at long intervals, and without steady and habitual influence over the action of the Government. The same remarks are substantially applicable to what, for the sake of brevity, may be called the veto of the Judiciary; the right of negating a law for the want of constitutionality, when it comes in question, in a case before the courts.

The Legislature, then, of the Union, being under no other habitual and steady control but these two majorities, acting through this and the other House, is, in fact, placed substantially under the control of the portion of the community, which the united majorities of the two Houses represent for the time, and which may consist of but fourteen States, with a federal population of less than ten millions, against a little more than six, as has already been explained. But as large as is the former, and as small as is the latter, the one is not large enough, in proportion, to prevent it from plundering, under the forms of law, and the other small enough from being plundered; and hence the many instances of usurpation of the Constitution, of usurpation of powers reserved, and wielded for selfish purposes, which the history of the Government attests. They furnish proof conclusive that the principle of plunder, so deeply implanted in all Government, has not been eradicated in ours by all the precautions taken by its framers against it.

But in estimating the number of the constituency necessary to control the majority in the two Houses of Congress at something less than ten millions, I have estimated it altogether too high, regarding the practical operation of the Government. To form a correct conception of its practical operation in this respect, another element, which has in practice an important influence, which must be taken into the estimate, and which I shall next proceed to explain.

Of the two majorities, which, acting either separately or in combination, control the Government, the numerical majority is by far the most essential. It has the exclusive control in the House of Representatives, and preponderates more than five to one in the choice of the President, assuming that the ratio of representation will be fixed at sixty eight thousand, under the late census. It also greatly preponderates in the appointment of the judges, the right of nominating having much greater influence in making appointments than that of advising and consenting. From these facts, it must be apparent that the leaning of the President will be to that element of power to which he mainly owes his elevation, and on which he must principally rely, to secure his re-election, or maintain the ascendancy of the party and system of its policy, the head of which he usually is. This leaning of his, must have a powerful effect on the inclination and tendency of the whole Government. In his hands are placed, substantially, all the honors and emoluments of the Government, and these, when greatly increased, as they are and ever must be when the powers of the Government are greatly stretched and increased, must give the President a corresponding influence over, not only the members of both Houses, but also public opinion, and through that a still more powerful indirect influence over them; and thus they may be brought to sustain or oppose, through his influence, measures which otherwise they would have opposed or sustained, and the whole Government be made to lean in the same direction with the Executive.

From these causes the Government, in all of its departments, gravitates steadily towards the numerical majority, and has been moving slowly towards it from the beginning, sometimes, indeed, retarded, or even stopped or thrown back, but taking any considerable period of time, always advancing towards it. That it begins to make near approach to this fatal point, ample proof may be found in the oft-repeated declaration of the mover of this resolution, and of many of his supporters at the extraordinary session, that the late Presidential election decided all the great measures which he so recently pressed through the Senate. Yes, even here, in this chamber, in the Senate, which is composed of the opposing element, and on which the only effectual resistance to this fatal tendency exists, that is to be found in the Government, we are told that the popular will as expressed in the Presidential

election is to decide not only the election, but every measure which may be agitated in the canvass in order to influence the result. When what was thus boldly insisted on comes to be an established principle of action, the end will be near.

As the Government approaches near and nearer to the one absolute and single power, the will of the greater number, its action will become more and more disturbed and irregular; faction, corruption, and anarchy, will more and more abound; patriotism will daily decay, and affection and reverence for the Government grow weaker and weaker, until the final shock occurs, when the system will rush to ruin; and the sword take the place of law and Constitution.

Let me not be misunderstood. I object not to that structure of the Government which makes the numerical majority the predominant element; it is, perhaps, necessary it should be so in all popular constitutional Governments like ours, which excludes classes. It is necessarily the exponent of the strongest interest, or combination of interests in the community; and it would seem to be necessary to give it the preponderance, in order to infuse into the Government the necessary energy to accomplish the ends for which it was instituted. The great question is, How is due preponderance to be given to it, without subjecting the whole, in time, to its unlimited sway? I which brings up the question, Is there anywhere, in our complex system of Government, a guard, check, or contrivance, sufficiently strong to arrest so fearful a tendency of the Government? Or, to express it in more full and perfect expression of the voice of the people of the States calculated to counteract this tendency to the concentration of all the powers of the Government in the will of the numerical majority, resulting from the partial and imperfect expression of their voice through its organs?

Yes, fortunately, doubly fortunately, there is; not only a more full and perfect, but a full and perfect expression to be found in the Constitution, acknowledged by all to be the fundamental and supreme law of the land. It is full and perfect, because it is the expression of the voice of each State, adopted by the separate assent of each, by itself, and for itself, and the voice of all by being that of each component part, united and blended into one harmonious whole. But it is not only full and perfect, but as just as it is full and perfect; for combining the sense of each, and therefore all, there is nothing left on which injustice, or oppression, or usurpation can operate. And, finally, it is as supreme as it is just, because, comprehending the will of all, by uniting that of each of the parts, there is nothing within or above to control it. It is indeed, the vox populi vox Dei; the creating voice that called the system into existence, and of which the Government itself is but a creature clothed with delegated powers to execute its high behests.

We are thus brought to a question of the deepest import, and on which the fate of the system depends: How can this full, perfect, just, and supreme voice of the people, embodied in the Constitution, be brought to bear habitually and steadily in counteracting the fatal tendency of the Government to the absolute and despotic control of the numerical majority? Or, if I may be permitted to use so bold an expression, how is this, the duty of our political system, to be successfully invoked, to interpose its all powerful creating voice to save from perdition the creature of its will and the work of its hands? If it cannot be done, ours, like all free Governments preceding it, must go the way of all flesh; but if it can be, its duration may be from generation to generation, to the latest posterity. To this all important question, I will not attempt to reply at this time. It would lead me far beyond the limits properly belonging to this discussion. I descend from the digression nearer to the subject immediately at issue, in order to reply to an objection to the veto power, taken by the Senator from Virginia, on this side the chamber, [Mr. Archer.]

He rests his support of this resolution on the ground that the object intended to be effected by the veto has failed; that the framers of the Constitution regarded the legislative department of the Government as the most to be dreaded, and that their motive for vesting the Executive with the veto, was to check its encroachments on the other departments; but that the Executive, and not the Legislature, had proved to be the most dangerous, and that the veto had become either useless or mischievous by being converted into a sword to attack, instead of a shield to defend as was originally intended.

I make no issue from the Senator, as to the correctness of his statement. I assume the facts to be as he supposes; not because I agree with him, but simply with the view of making my reply more brief. Assuming, then, that the Executive Department has proved to be the more formidable, and that it requires to be checked, rather than to have the power of checking others, the first inquiry on that assumption, should be into the cause of its increase of power, in order to ascertain the seat and the nature of the danger; and the next, whether the measure proposed—that of divesting it of the veto, or modifying it as proposed—would guard against the danger apprehended.

I begin with the first, and in entering on it, assert with confidence, that if the Executive has become formidable to the liberty or safety of the country or other departments of the Government, the cause is not in the Constitution, but in the acts and omissions of Congress itself.

According to my conception, the powers vested in the President by the Constitution, are few and effectually guarded, and are not of themselves at all formidable. In order to have a just conception of the extent of his powers, it must be borne in mind that there are but two classes of power known to the Constitution; and they are powers that are expressly granted, and those that are necessary to carry the granted powers into execution. Now, by a positive provision of the Constitution, all powers necessary to the execution of the granted powers, are expressly delegated to Congress, be they powers granted to the Legislative, Executive, or Judicial department, and can only be exercised by the authority of Congress, and in the manner prescribed by law. This provision may be found in what is called the residuary clause, which declares that Congress shall have power "to make all laws which shall be necessary and proper to carry into execution the foregoing powers" (those granted to Congress); "and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." A more comprehensive provision cannot be imagined. It carries with it all powers necessary and proper to the execution of the granted powers, be they lodged where they may, and vests the whole, in terms less explicit, in Congress; and here let me add, in passing, that the provision is as wise as it is comprehensive. It deposits the right of deciding what powers are necessary for the execution of the granted powers, where, and where only it can be lodged with safety in the hands of the law making power, and forbids any department or officer of the

Government from exercising any power not expressly authorized by the Constitution or the laws, thus making our emphatically a Government of law and Constitution.

Having now shown that the President is restricted by the Constitution to powers expressly granted to him, and that if any of his granted powers be such that they require other powers to execute them, he cannot exercise them without the authority of Congress, I shall now show that there is not one power vested in him that is any way dangerous, unless made so by the acts or permission of Congress. I shall take them in the order they stand in the Constitution.

He is, in the first place, made Commander-in-chief of the army and navy of the United States, and the militia, when called into actual service.—Large and expensive military and naval establishments and numerous corps of militia, called into service, would, no doubt, increase very dangerously the power and patronage of the President; but neither can take place but by the action of Congress. Not a soldier can be enlisted, a ship of war built, nor a militiaman called into service, without its authority; and very fortunately our situation is such that there is no necessity, and probably, will be none, why his power and patronage should be dangerously increased by either of those means.

He is next vested with the power to make treaties and to appoint officers, with the advice and consent of the Senate; and here again his power can only be made dangerous by the action of one or both Houses of Congress. In the formation of treaties two thirds of the Senate must concur; and it is difficult to conceive of a treaty that could materially enlarge his powers, that would not require an act of Congress to carry it into effect. The appointing power may, indeed, dangerously increase his patronage, if officers be uselessly multiplied and too highly paid; but if such should be the case, the fault would be in Congress, by whose authority exclusively they can be created or their compensation regulated.

But much is said in this connection, of the power of removal; justly accompanied by severe condemnation of the many and abusive instances of the use of the power, and the dangerous influence it gives the President, in all of which I fully concur. It is, indeed, a corrupting and dangerous power, when officers are greatly multiplied, and highly paid, and when it is perverted from his legitimate object, to the advancement of personal or party purposes. But I find no such power in the list of powers granted to the Executive, which is proof conclusive that it belongs to the class necessary and proper to execute some other power, if it exists at all, which none can doubt, and, for reasons already assigned, cannot be exercised without authority of law. If, then, it has been abused, it must be because Congress has not done its duty in permitting it to be exercised by the President without the sanction of law authorizing its exercise, and guarding against the abuses to which it is so liable.

The residue of the list are rather duties than rights; that of recommending to Congress such measures as he may deem expedient; of convening both Houses on extraordinary occasions; of adjourning them when they cannot agree on the time; of receiving ambassadors and other ministers; of taking care that the laws be faithfully executed, and commissioning the officers of the United States. Of all these there is but one which claims particular notice, in connection with the point immediately under consideration; and that is his power as the administrator of the laws. But whatever power he may have in that capacity depends on the action of Congress. If Congress should limit its legislation to the few great subjects confided to it; so frame its laws as to leave as little as possible to discretion, and take care to see that they are duly and faithfully executed, the administrative powers of the President would be proportionally limited, and divided of all danger. But if, on the contrary, it should extend its legislation in every direction, draw within its domain subjects never contemplated by the Constitution, multiply its acts, create numerous offices, and increase the revenue and expenditures proportionally, and at the same time, frame its laws vaguely and loosely, and withdraw, in a great measure, its supervising care over their execution, his power would indeed become truly formidable and alarming.

Now I appeal to the Senator and his friend, the author of this resolution, whether the growth of Executive power has not been the result of such a course on the part of Congress. I ask them whether his power has not in fact increased, or decreased, just in proportion to the increase and decrease of the system of legislation, such as has been described? What was the period of its maximum increase, but the very period which they have so frequently and loudly denounced as the one most distinguished for the prevalence of Executive power and usurpation? Much of that power certainly depended on the remarkable man, then at the head of the Department, but much—far more, on the system of legislation, which the author of this resolution had built up with so much zeal and labor, and which carried the powers of the Government to a point beyond that to which it had ever before attained, drawing many and important powers into its vortex, of which the framers of the Constitution never dreamed. And here let me say to both of the Senators, and the party of which they are prominent members, that they labor in vain to bring down Executive power, while they support the system they so zealously advocate. The power they complain of, is but its necessary fruit. Be assured that as certain as Congress transcends its assigned limits, and usurps powers never conferred, or stretches those conferred beyond the proper limits, so surely will the fruits of its usurpations pass into the hands of the Executive. In seeking to become master, it but makes a master in the person of the President. It is only by confining itself to its allotted sphere, and a discreet use of its acknowledged powers, that it can retain that ascendancy in the Government which the Constitution intended to confer on it.

Having now pointed out the cause of the great increase of the Executive power in which the Senator rested his objection to the veto power, and having satisfactorily shown, as I trust I have, that it has proved dangerous in fact, the fault is not in the Constitution, but in Congress. I would next ask him, in what possible way could the divesting the President of his veto, or modifying it as he proposes, limit his power? Is it not clear, that so far from the veto being the cause of the increase of his power, it would have acted as a limitation on it if it had been more freely and frequently used? If the President had vetoed the original Bank—the connection with the banking system—the tariffs of '24 and '25, and the numerous acts appropriating money for roads, canals, harbors, and a long list of other measures not less unconstitutional, would his power have been half as great as it is now? He has grown great and powerful, not because he used his veto, but because he abstained from using it. In fact, it is difficult to imagine a case in which its application can lead to enlarge his power, except it be in the case of an act intend-