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PRESIDENT'S MESSAGE.

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Nothing can retard the onward progress of our country, and prevent us from assuming and maintaining the first rank among nations, but a disregard of the experience of the past, and a recurrence to an unwise public policy. We have just closed a foreign war by an honorable peace—a war rendered necessary and unavoidable in vindication of the national rights and honor. The present condition of the country is similar in some respects to that which existed immediately after the close of the war with Great Britain in 1815, and the occasion is deemed to be a proper one to take a retrospect of the measures of public policy which followed that war. There was at that period of our history a departure from our earlier policy.—The enlargement of the powers of the federal government by *construction* which obtained was not warranted by any just interpretation of the constitution. A few years after the close of that war, a series of measures was adopted which, united and combined, constituted what was termed by their authors and advocates the "American system."

The introduction of the new policy was for a time favored by the condition of the country; by the heavy debt which had been contracted during the war; by the depression of the public credit; by the deranged state of the finances and the currency; and by the commercial and pecuniary embarrassment which extensively prevailed. These were not the only causes which led to its establishment. The events of the war with Great Britain, and the embarrassments which had attended its prosecution, had left on the minds of many of our statesmen the impression that our government was not strong enough, and that to wield its resources successfully in great emergencies, and especially in war, more power should be concentrated in its hands. This increased power they did not seek to obtain by the legitimate and prescribed mode—an amendment of the constitution—but by *construction*. They saw governments in the old world based upon different orders of society, and so constituted as to throw the whole power of nations into the hands of a few, who taxed and controlled the many without responsibility or restraint. In that arrangement they conceived the strength of nations in war consisted. There was also something fascinating in the ease, luxury, and display of the higher orders, who drew their wealth from the toil of the laboring millions. The authors of the system drew their ideas of political economy from what they had witnessed in Europe, and particularly in Great Britain. They had viewed the enormous wealth concentrated in few hands, and had seen the splendor of the overgrown establishments of an aristocracy which was upheld by the restrictive policy. They forgot to look down upon the poorer classes of the English population, upon whose daily and yearly labor the great establishments they so much admired were sustained and supported. They failed to perceive that the scantily-fed and half-clad operatives were not only in abject poverty, but were bound in chains of oppressive servitude for the benefit of favored classes, who were the exclusive objects of the care of the government.

It was not possible to re-construct society in the United States upon the European plan.—Here there was a written constitution, by which orders and titles were not recognised or tolerated. A system of measures was therefore devised, calculated, if not intended, to withdraw power gradually and silently from the States and the mass of the people, and by *construction* to approximate our government to the European models, substituting an aristocracy of wealth for that of orders and titles.

Without reflecting upon the dissimilarity of our institutions, and of the condition of our people and those of Europe, they conceived the vain idea of building up in the United States a system similar to that which they admired abroad. Great Britain had a national bank of large capital, in whose hands was concentrated the controlling monetary and financial power of the nation; an institution wielding almost kingly power, and exerting vast influence upon all the operations of trade, and upon the policy of the government itself. Great Britain had an enormous public debt, and it had become a part of her public policy to regard this as a "public blessing." Great Britain had also a restrictive policy, which placed fetters and burdens on trade, and trammeled the productive industry of the mass of the nation. By her combined system of policy, the landlords and other property-holders were protected and enriched by the enormous taxes which were levied upon the labor of the country for their advantage.

Imitating this foreign policy, the first step in establishing the new system in the United States was the creation of a national bank. Not foreseeing the dangerous power and countless evils which such an institution might entail on the country, not perceiving the connexion which it was designed to form between the bank and the other branches of the miscalled "American system," but feeling the embarrassments of the treasury, and of the business of the country, consequent upon the war, some of our statesmen who had held different and sound views were induced to yield their scruples, and, indeed, settled convictions of its unconstitutionality, and to give it their sanction, as an expedient which they vainly hoped might produce relief. It was a most unfortunate error, as the subsequent history and final catastrophe of that dangerous and corrupt institution have abundantly proved. The bank, with its numerous branches ramified into the States, soon brought many of the active political and commercial men in different sections of the country into the relation of debtors to it, and dependants upon it for pecuniary favors; thus diffusing throughout the mass of society a great number of individuals of power and influence to give tone to public opinion, and to act in concert in case of emergency. The corrupt power of such a political engine is no longer a matter of speculation, having been displayed in numerous instances, but most signally in the political struggles of 1832–'3–'4. In opposition to the public will, represented by a fearless and patriotic President,

But the bank was but one branch of the new system. A public debt of more than $90,000,000 existed, and it is not to be disguised that many of the authors of the new system did not regard its speedy payment as essential to the public prosperity, but looked upon its continuance as no national evil. Whilst the debt existed, it furnished aliment to the national bank, and rendered increased taxation necessary as the amount of the interest, exceeding $[illegible],000,000 annually, must still exist and be paid into the treasury. It operated in harmony with the next branch of the new system, which was a high protective tariff. This was to afford bounties to favored classes and particular pursuits, at the expense of all others. A proposition to tax the entire people for the purpose of enriching a few was, of course, not to be openly made.—The scheme was, therefore, veiled under the plausible but delusive pretext of a measure to protect "home industry;" and many of our people who, for a time, led to believe that a tax which in the main fell upon labor, was for the benefit of the laborer who paid it. This branch of the system involved a partnership between the government and the favored classes—the former receiving the proceeds of the tax imposed on articles imported, and the latter the increased price of similar articles produced at home, caused by such tax. It is obvious that the portion to be received by the favored classes would, as a general rule, be increased in proportion to the increase of the rates of tax imposed, and diminished as those rates were reduced to the revenue standard required by the wants of the government. The rates required to produce a sufficient revenue for the ordinary expenditures of government, for necessary purposes, were not likely to give to the private partners in this scheme profits sufficient to satisfy their cupidity; and hence a variety of expedients and pretexts were resorted to for the purpose of enlarging the expenditures, and thereby creating a necessity for keeping up a high protective tariff. The effect of this policy was to interpose artificial restrictions upon the natural course of the business and trade of the country, and to advance the interests of large capitalists and monopolists, at the expense of the great mass of the people, who were taxed to increase their wealth.

Another branch of this system was a comprehensive scheme of internal improvements, capable of indefinite enlargement, and sufficient to swallow up as many millions annually as could be exacted from the foreign commerce of the country. This was a convenient and necessary adjunct of the protective tariff. It was to be the great absorbent of any surplus which might at any time accumulate in the treasury, and of the taxes levied on the people, not for necessary revenue purposes, but for the avowed object of affording protection to the favored classes.

Auxiliary to the same end, if it was not an essential part of the system itself, was the scheme which, at a later period, obtained, for distributing the proceeds of the sales of the public lands among the States. Other expedients were devised to take money out of the treasury, and prevent its coming in from any other source than the protective tariff. The authors and supporters of the system were the advocates of the largest expenditures, whether for necessary or useful purposes or not, because the larger the expenditures the greater was the pretext for high taxes in the form of protective duties.

These several measure were sustained by popular names and plausible arguments, by which thousands were deluded. The bank was represented to be an indespensible fiscal agent for the government; was to equalize exchanges, and to regulate and furnish a sound currency, always and everywhere of uniform value. The protective tariff was to give employment to "American labor" at advanced prices; was to protect "home industry," and furnish a steady market for the farmer. Internal improvements were to bring trade into every neighborhood and enhance the value of every man's property. The distribution of the land money was to enrich the States, finish their public works, plant schools throughout their borders, and relieve them from taxation. But the fact, that for every dollar taken out of the treasury for these objects a much larger sum was transferred from the pockets of the people to the favored classes, was carefully concealed, as was also the tendency if not the ultimate design of the system to build up an aristocracy of wealth, to control the masses of society, and monopolize the political power of the country.

The several branches of this system were so intimately blended together, that in their operation each sustained and strengthened the others. Their joint operation was, to add new burdens of taxation and to encourage a largely increased and wasteful expenditure of public money. It was the interest of the bank that the revenue collected and the disbursements made by the government should be large, because, being the depository of the public money, the larger the amount, the greater would be the bank profits by its use. It was the interest of the favored classes, who were enriched by the protective tariff, to have the rates of that protection as high as possible; for the higher those rates, the greater would be their advantage. It was the interest of the people of all those sections and localities who expected to be benefited by expenditures for internal improvements, that the amount collected should be as large as possible, to the end that the sum disbursed might also be the larger. The States being the beneficiaries in the distribution of the land money, had an interest in having the rates of tax imposed by the protective tariff large enough to yield a sufficient revenue from that source to meet the wants of the government, without disturbing or taking from them the land fund; so that each of the branches constituting the system had a common interest in swelling the public expenditures. They had a direct interest in maintaining the public debt unpaid, and increasing its amount, because this would produce an annual increased drain upon the treasury, to the amount of the interest, and render augmented taxes necessary. The operation and necessary effect of the whole system were, to encourage large and extravagant expenditures, and thereby to increase the public patronage, and maintain a rich and splendid government at the expense of a taxed and impoverished people.

It is manifest that this scheme of enlarged taxation and expenditures, had it continued to prevail, must soon have converted the government of the Union, intended by its framers to be a plain, cheap, and simple confederation of States, united together for common protection, and charged with a few specific duties, relating chiefly to our foreign affairs, into a consolidated empire, depriving the States of their reserved rights, and the people of their just power and control in the administration of their government. In this manner the whole form and character of the government would be changed, not by an amendment of the constitution, but by resorting to an unwarrantable and unauthorized construction of that instrument.

The indirect mode of levying the taxes by a duty on imports, prevents the mass of the people from readily perceiving the amount they pay, and has enabled the few who are thus enriched, and who seek to wield the political power of the country, to deceive and delude them. Were the taxes collected by a direct levy upon the people, as is the case in the States, this would not occur.

The whole system was resisted from its inception by many of our ablest statesmen, some of whom doubted its constitutionality and its expediency, while others believed it was, in all its branches, a flagrant and dangerous infraction of the constitution.

That a national bank, a protective tariff, levied not to raise the revenue needed, but for protection merely, internal improvements, and the distribution of the proceeds of the sales of the public lands, are measures without the warrant of the constitution, would, upon the mildest consideration, seem to be clear. It is remarkable that no one of these measures, involving such momentous consequences, is authorized by any express grant of power in the constitution. No one of them is "incident to, or being necessary and proper for the execution of, the specific powers" granted by the constitution. The authority under which it has been attempted to justify each of them is derived from inferences and constructions of the constitution which its letter and its whole object and design do not warrant. Is it to be conceived that such immense powers would have been left by the framers of the constitution to mere inferences and doubtful constructions? Had it been intended to confer them on the federal government, it is but reasonable to conclude that it would have been done by plain and unequivocal grants. This was not done; but the whole structure of which the "American system" consisted, was reared on no other or better foundation than forced implications and inferences of power which its authors assumed might be deduced by construction from the constitution.

But it has been urged that the national bank, which constituted so essential a branch of this combined system of measures, was not a new measure, and that its constitutionality had been sanctioned, because a bank had been chartered in 1791, and had received the official signature of President Washington. A few facts will show the just weight to which this precedent should be entitled as bearing upon the question of constitutionality.

Great division of opinion upon the subject existed in Congress. It is well known that President Washington entertained serious doubts both as to the constitutionality and expediency of the measure; and while the bill was before him for his official approval or disapproval, so great were these doubts, that he required "the opinion in writing" of the members of his cabinet to aid him in arriving at a decision. His cabinet gave their opinion, and were divided upon the subject—General Hamilton being in favor of, and Mr. Jefferson and Mr. Randolph being opposed to the constitutionality and expediency of the bank. It is well known, also, that President Washington retained the bill from Monday the 14th, when it was presented to him, until Friday, the 25th of February—being the last moment permitted him by the constitution to deliberate, when he finally yielded to it his reluctant assent, and gave it his signature. It is certain that as late as the 23d of February—being the ninth day after the bill was presented to him—he had arrived at no satisfactory conclusion; for on that day he addressed a note to General Hamilton, in which he informs him that "this bill was presented to me by the joint committee of Congress at 12 o'clock on Monday, the 14th instant;" and he requested his opinion "to what precise period, by legal interpretation of the constitution, can the President retain it in his possession, before it becomes a law by the lapse of ten days." If the proper construction was, that the day on which the bill was presented to the President, and the day on which his action was had upon it, were both to be counted inclusive, then the time allowed him, within which it would be competent for him to return it to the House in which it originated with his objections, would expire on Thursday, the 24th of February. Gen. Hamilton on the same day returned an answer, in which he states: "I give it as my opinion that you have ten days, exclusive of that on which the bill was delivered to you, and Sundays; hence, in the present case, if it is returned on Friday, it will be in time." By this construction, which the President adopted, he gained another day for deliberation, and it was not until the 25th of February that he signed the bill; thus affording conclusive proof that he had at last obtained his own consent to sign it not without great and almost insuperable difficulty. Additional light has been recently shed upon the serious doubts which he had on the subject, amounting at one time to a conviction that it was his duty to withhold his approval of the bill. This is found among the manuscript papers of Mr. Madison, authorized to be purchased for the use of the government by an act of the last session of Congress, and now for the first time accessible to the public. From these papers, it appears that President Washington, while he yet held the bank bill in his hands, actually requested Mr. Madison, at that time a member of the House of Representatives, to prepare the draught of a veto message for him. Mr. Madison, at his request, did prepare the draught of such a message, and sent it to him on the 21st of February, 1791. A copy of this original draught, in Mr. Madison's own handwriting, was carefully preserved by him, and is among the papers lately purchased by Congress. It is preceded by a note, written on the same sheet, which is also in Mr. Madison's hand-writing, and is as follows:

"February 21st, 1791. Copy of a paper made out and sent to the President at his request, to be ready in case his judgment should finally decide against the bill for incorporating the national bank, the bill being then before him."

Among the objections assigned in this paper to the bill, and which were submitted for the consideration of the President, are the following:

"I object to the bill, because it is an essential principle of the government, that powers not delegated by the Constitution cannot be rightfully exercised; because the power proposed by the bill to be exercised is not expressly delegated, and because I cannot satisfy myself that it results from an express power by fair and safe rules of interpretation."

The weight of the precedent of the bank of 1791, and the sanction of the great name of Washington which has been so often invoked in its support, are greatly weakened by the development of these facts. The experiment of that bank satisfied the country that it ought not to be continued, and at the end of twenty years Congress refused to recharter it. It would have been fortunate for the country, and saved thousands from bankruptcy and ruin, had our public men of 1816 resisted the temporary pressure of the times upon our financial and pecuniary interests, and refused to charter the second bank. Of this the country became abundantly satisfied, and at the close of its twenty years' duration, as in the case of the first bank, it also ceased to exist. Under the repeated blows of President Jackson, it reeled and fell, and a subsequent attempt to charter a similar institution was arrested by the veto of President Tyler.

Mr. Madison, in yielding his signature to the charter of 1815, did so upon the ground of the respect due to precedents; and, as he subsequently declared, "the Bank of the United States, though, on the original question, held to be unconstitutional, received the Executive signature."

It is probable that neither the bank of 1791, nor that of 1819, would have been chartered but for the embarrassments of the government in its finances, the derangement of the currency and the pecuniary pressure which existed—the first the consequence of the war of the revolution, and the second the consequence of the war of 1812. Both were resorted to in the delusive hope that they would restore public credit, and afford relief to the government, and to the business of the country.

Those of our public men who opposed the whole American system at its commencement, and throughout its progress, foresaw and predicted that it was fraught with incalculable mischiefs, and must result in serious injury to the best interests of the country. For a series of years their wise counsels were unheeded, and the system was established. It was soon apparent that its practical operation was unequal and unjust upon different portions of the country, and upon the people engaged in different pursuits. All were equally entitled to the favor and protection of the government. It fostered and elevated the money power, and enriched the favored few by taxing labor, and at the expense of the many. Its effects were to make the rich richer and the poor poorer! Its tendency was to create distinctions in society based on wealth, and to give to the favored classes undue control and sway in our government. It was an organized money power, which resisted the popular will, and sought to shape and control the public policy.

Under the pernicious workings of this compined system or measures, the country witnessed alternate seasons of temporary apparent prosperity; of sudden and disastrous commercial revulsions; of unprecedented fluctuation of prices, and depression of the great interests of agriculture, navigation and commerce, of general pecuniary suffering, and of final bankruptcy of thousands. After a severe struggle of more than a quarter of a century, the system was overthrown.

The band has been succeeded by a practical system of finance, conducted and controlled solely by the government. The constitutional currency has been restored; the public credit maintained unimpaired, even in a period of foreign war; and the whole country has become satisfied that banks, national or State, are not necessary as fiscal agents of the government. Revenue duties have taken the place of the protective tariff. The distribution of the money derived from the sale of the public lands has been abandoned, and the corrupting system of internal improvements, it is hoped, has been effectually checked.

It is not doubted, that if this whole train of measures designed to take wealth from the many, and bestow it upon the few, were to prevail, the effect would be to change the entire character of the government. One only danger remains. It is the seductions of that branch of the system, which consists in internal improvements, holding out, as it does, inducements to the people of particular sections and localities to embark the government in them without stopping to calculate the inevitable consequences. This branch of the system is so intimately combined and linked with the others, that as surely as an effect is produced by an adequate cause, if it is to be resuscitated and revived, and firmly established, it requires no sagacity to foresee that it will necessarily and speedily draw after it the re-establishment of a national bank, the revival of a protective tariff, the distribution of the land money, and not only the postponement to the distant future of the payment of the present national debt, but its annual increase.

I entertain the solemn conviction, that if the internal improvement branch of the "American system" be not firmly resisted at this time, the whole series of measures composing it will be speedily re-established, and the country be thrown back from its present high state of prosperity, which the existing policy has produced, and be destined again to witness all the evils, commercial revulsions, depression of prices, and pecuniary embarrassments, through which we have passed during the last 25 years.

To guard against consequences so ruinous, is an object of high national importance, involving in my judgment the continued prosperity of the country.

I have felt it to be an imperative obligation to withhold my constitutional sanction from two bills which had passed the two Houses of Congress, involving the principle of the internal improvement branch of the "American system," and conflicting in their provisions with the views here expressed.

This power conferred upon the President by the constitution, I have on three occasions during my administration of the executive department of the government, deemed it my duty to exercise; and on the last occasion of making to Congress an annual communication "of the state of the Union," it is not deemed inappropriate to review the principles and considerations which governed my action. I deem this the more necessary, because, after the lapse of nearly sixty years since the adoption of the constitution, the propriety of the exercise of this undoubted constitutional power by the President has for the first time been drawn seriously in question by a portion of my fellow-citizens.

The constitution provides that "every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States: if he approve, he *shall* sign it, but if not, he *shall* return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it."

The preservation of the constitution from infraction is the President's highest duty. He is bound to discharge that duty, at whatever hazard of incurring the displeasure of those who may differ with him in opinion. He is bound to discharge it, as well by his obligations to the people who have clothed him with his exalted trust, as by his oath of office, which he may not disregard. Nor are the obligations of the President in any degree lessened by the prevalence of views different from his own in one or both houses of Congress. It is not alone hasty and inconsiderate legislation that he is required to check; but if at any time Congress shall, after apparently full deliberation, resolve on measures which he deems subversive of the constitution, or of the vital interests of the country, it is his solemn duty to stand in the breach and resist them. The President is bound to approve, or disapprove, every bill which passes Congress and is presented to him for his signatures. The constitution makes this his duty, and he cannot escape it if he would. He has no election. In deciding upon any bill presented to him, he must exercise his own best judgment. If he cannot approve, the constitution commands him to return the bill to the House in which it originated, with his objections; and if he fail to do this within ten days (Sundays excepted,) it shall become a law without his signature. Right or wrong he may be overruled by a vote of two-thirds of each House; and, in that event, the bill becomes a law without his sanction. If his objections be not thus overruled, the subject is only postponed, and is referred to the States and the people for their consideration and decision. The President's power is negative merely, and not affirmative. He can enact no law. The only effect therefore, of his withholding his approval of a bill passed by Congress, is to suffer the existing laws to remain unchanged, and the delay occasioned is only that required to enable the States and the people to consider and act upon the subject in the election of public agents who will carry out their wishes and instructions. Any attempt to coerce the President to yield his sanction to measures which he cannot approve, would be a violation of the spirit of the constitution, palpable and flagrant; and if successful, would break down the independence of the executive department, and make the President, elected by the people, and clothed by the constitution with power to defend their rights, the mere instrument of a majority of Congress. A surrender, on his part, of the powers with which the constitution has invested his office, would effect a practical alteration of that instrument, without resorting to the prescribed sources of amendment.

With the motives of considerations which may induce Congress to pass any bill the President can have nothing to do. He must presume them to be as pure as his own, and look only to the practical effect of their measures when compared with the constitution or the public good.

But it has been urged by those who object to the exercise of this undoubted constitutional power, that it assails the representative principle and the capacity of the people to govern themselves; that there is greater safety in a numerous representative body than in the single Executive created by the constitution, and that the executive veto is a "one man power," despotic in its character. To expose the fallacy of this objection, it is only necessary to consider the frame and true character of our system. Ours is not a consolidated empire, but a confederated Union. The States before the adoption of the constitution, were co-ordinate, co-equal, and separate independent sovereignties, and by its adoption they did not lose that character. They clothed the federal government with certain powers, and reserved all others, including their own sovereignty, to themselves.—They guarded their own rights as States and the rights of the people, by the very limitations which they incorporated into the federal constitution, whereby the different departments of the general government were checks upon each other. That the majority should govern, is a general principle, controverted by none; but they must govern according to the constitution, and not according to an undefined and unrestrained discretion, whereby they may oppress the minority.

The people of the United States are not blind to the fact that they may be temporarily misled, and that their representatives, legislative and executive, may be mistaken or influenced in their action by improper motives. They have therefore interposed between themselves and the laws which may be passed by their public agents, various representations, such as assemblies, senates, and governors in their several States; a House of Representatives, a Senate, and a President of the United States. The people can by their own direct agency make no law; nor can the House of Representatives immediately elected by them; nor can the Senate; nor can both together, without the concurrence of the President, or a vote of two-thirds of both Houses.

Happily for themselves, the people, in framing our admirable system of government were conscious of the infirmities of their representatives; and, in delegating to them the power of legislation, they have fenced them around with checks, to guard against the effects of hasty action, or error, or combination, and of possible corruption. Error, selfishness and faction have often sought to rend asunder this web of checks, and subject the government to the control of fanatic and sinister influences; but, these efforts have only satisfied the people of the wisdom of the checks which they have imposed, and of the necessity of preserving them unimpaired.

The true theory of our system is not to be given by the acts or decisions of one set of representatives. The constitution interposes checks upon all branches of the government, in order to give time for error to be corrected, and delusion to pass away; but if the people settle down into a firm conviction different from that of their representatives, they give effect to their opinions by changing their public servants. The checks which the people imposed on their public servants in the adoption of the constitution, are the best evidence of their capacity for self-government. They know that the men whom they elect to public stations are of like infirmities and passions with themselves, and not to be trusted without being restricted by co-ordinate authorities and constitutional limitations. Who that has witnessed the legislation of Congress for the last thirty years will say that he knows of no instance in which measures not demanded by the public good, have been carried?—Who will deny that in the State governments by combinations of individuals and sections in derogation of the general interest, banks have been chartered, systems of internal improvement adopted, and debts entailed upon the people, repressing their growth, and inspiring their energies for years to come!

After so much experience, it cannot be said that absolute unchecked power is safe in the hands of any one set of representatives, or that the capacity of the people for self government, which is admitted in its broadest extent, is a conclusive argument to prove the prudence, wisdom, and integrity of their representatives.

The people, by the constitution, have commanded the President, as much as they have commanded the legislative branch of the government, to execute their will. They have said to him in the constitution, which they require he shall take a solemn oath to support, "he shall return it to the House in which it originated, with his objections." In withholding from it his approval and signature, he is executing the will of the people constitutionally expressed, as much as the Congress that passed it. No bill is presumed to be in accordance with the popular will until it shall have passed through all the branches of government required by the constitution to make it a law. A bill which passes the House of representatives may be rejected by the Senate; and so a bill passed by the Senate may be rejected by the House. In each case the respective house exercises the veto power on the other.

Congress, and each House of Congress, hold under the constitution a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress, he avows, in the most solemn form, his opinions, gives his votes in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced by improper or corrupt motives—or if from any other cause Congress, or either house of Congress, shall differ with him in opinion, they exercise their veto upon his recommendations, and reject them; and there is no appeal from their decision, but to the people at the ballot-box. These are proper checks upon the Executive, wisely interposed by the constitution. None will be found to object to them, or to wish them removed. It is equally important that the constitutional checks of the Executive upon the legislative branch should be preserved.

If it be said that the representatives in the popular branch of Congress are chosen directly by the people, it is answered, the people elect the President. If both houses represent the States and the people, so does the President. The President represents in the executive department, the whole people of the United States, as each member of the Legislative department represents portions of them.

The doctrine of restriction upon legislative and executive power, while a well settled public opinion is enabled within a reasonable time to accomplish its ends, has made our country what it is, and has opened to us a career of glory and happiness to which all other nations have been strangers.

In the exercise of the power of the veto, the President is responsible not only to an enlightened public opinion, but to the people of the whole Union, who elected him, as the representatives in the legislative branches, who differ with him in opinion, are responsible to the people of particular States, or districts, who composed their respective constituencies. To deny the President the exercise of this power, would be to repeal that provision of the constitution which confers it upon him. To charge that its exercise unduly controls the legislative will, is to complain of the constitution itself.

If the presidential veto be objected to upon the ground that it checks and thwarts the public will, upon the same principle the equality of representation of the States in the Senate should be stricken out of the constitution. The vote of a senator from Delaware has equal weight in deciding upon the most important measures with the vote of a senator from New York; and yet the one represents a State containing, according to the existing apportionment of representatives in the House of Representatives, but one thirty-fourth part of the population of the other. By the constitutional compromises of the Senate, a majority of that body from the smaller States represent less than one-fourth of the people of the Union. There are thirty States; and, under the existing apportionment of Representatives, there are two hundred and thirty members in the House of Representatives.

Sixteen of the smaller States are represented in that House by but fifty members; and yet the senators from these States constitute a majority of the Senate. So that the President may recommend a measure to Congress, and may receive the sanction and approval of more than three-fourths of the House of Representatives, and of all the senators from the large States, containing more than three-fourths of the whole population of the United States; and yet the measure may be defeated by the votes of the Senators from the smaller States. None, it is presumed, can be found ready to change the organization of the Senate on this account, or to strike that body practically out of existence, by requiring that its action shall be conformed to the will of the more numerous branch.

Upon the same principle that the veto of the President should be practically abolished, the power of the Vice President to give the casting vote upon an equal division of the Senate should be abolished also. The Vice President exercises the veto power as effectually by rejecting a bill by his casting vote, as the President does by refusing to approve and sign it. This power has been exercised by the Vice President in a few instances, the most important of which was the rejection of the bill to recharter the bank of the United States in 1841. It may happen that a bill may be passed by a large majority of the House of Representatives, and may be supported by the senators from the larger States, and the Vice President may reject it by giving his vote with the Senators from the smaller States; and yet none, it is presumed, are prepared to deny to him the exercise of this power under the constitution.

But it is in point of fact, untrue that an act passed by Congress is conclusive evidence that it is an expression of the popular will. A majority of the whole number elected to each house of Congress constitutes a quorum, and a majority of that quorum is competent to pass laws. It might happen that a quorum of the House of Representatives, consisting of a single member more than half of the whole number elected to the House, might pass a bill by a majority of a single vote, and in that case a fraction more than one-fourth of the people of the United States would be represented by those who voted for it. It might happen that the same bill might be passed by a majority of one, of a quorum of the Senate, composed of the senators from the fifteen smaller States, and a single senator from a sixteenth State, and the senators voting for it happened to be from eight of the smallest of these States. It would be passed by the votes of senators from States having but fourteen representatives in the House of Representatives, and containing less than one-sixteenth of the whole population of the United States.

This extreme case is stated to illustrate the fact, that the mere passage of a bill by Congress is no conclusive evidence that those who passed it represent the majority of the people of the United States, or truly reflect their will. If such an extreme case is not likely to happen, cases approximating it are of constant occurrence. It is believed that not a single law has been passed since the adoption of the constitution, upon which all the members elected to both houses have been present and voted. Many of the most important acts which have passed Congress have been carried by a close vote in both houses. Many instances of this might be given. Indeed, our experience proves that many of the most important acts of Congress are postponed to the last days, and often the last hours of a session, when they are disposed of in haste, and by houses not little exceeding the number necessary to form a quorum.

I infer, in fact, of the States the members of the House of Representatives are chosen by pluralities, and not by majorities of all the voters in their respective districts, and it may happen that a majority of that House may be returned by a less aggregate vote of the people than that received by the minority.

If the principle insisted on be sound, then the constitution should be so changed that no bill shall become a law unless it is voted for by members representing in each house a majority of the whole people of the United States. We must remodel our whole system, and not only abolish the veto power in the Executive branch, but must strike out and abolish these judges in the Senate also, and thus practically invest the whole power of the government in a majority of a single assembly—a majority uncontrolled and absolute, and which may become despotic. To maintain the doctrine of the right of majorities to override at pleasure the checks and limitations of the constitution, would not be to obliterate but whole system. We must destroy the constitutional compact by which the several States agreed to form a federal Union, and rush into consolidation, which must end in monarchy or despotism. No one advocates such a proposition; and yet the doctrine in question, if carried out, would lead to this result.

One great object of the constitution in conferring upon the President a qualified negative upon the legislation of Congress, was to protect minorities from injustice and oppression by majorities. The equality of their representation in the Senate, and the veto power of the President, are constitutional guarantees which the smaller States have that their rights will be respected. Without these guarantees, all their interests would be at the mercy of majorities in Congress representing the larger States, to the smaller and weaker States, therefore, the preservation of this power, and its exercise upon proper occasions demanding it, is of vital importance. They ratified the constitution, and entered into the Union, securing to themselves an equal representation with the larger States in the Senate; and they agreed to be bound by all the laws passed by Congress upon the express condition, and none other, that they should be approved by the President, or passed, his objections to the contrary notwithstanding, by a vote of two-thirds of both houses. Upon this condition they have a right to insist, as a part of the compact to which they gave their assent.

A bill might be passed by Congress against the will of the whole people of a particular State, and against the votes of its senators and all its representatives. However prejudicial it might be to the interest of such State, it would be bound by it if the President shall approve it, or it should be passed by a vote of two-thirds of both houses; but it has a right to demand that the President shall exercise this constitutional power, and arrest it, if his judgment is against it. If he surrender his power, or fail to exercise it in a case where he cannot approve, it would make his formal approval a mere mockery, and would be itself a violation of the constitution, and the dissenting State would become bound by a law which had not been passed according to the exactions of the constitution.

The objection to the exercise of this veto power is founded upon an idea respecting the popular will, which, if carried out, would annihilate State sovereignty, and substitute for the present federal government a consolidation, directed by an opposed numerical majority. A revolution of the government would be silently effected, and the States would be subjected to laws to which they had never given their constitutional consent.

The Supreme Court of the United States is invested with the power to declare, and has declared, acts of Congress passed with the concurrence of the Senate, the House of Representatives, and the approval of the President to be unconstitutional and void; and yet none, it is presumed, can be found, who will be disposed to strip this highest judicial tribunal under the constitution of this acknowledged power—a power necessary alike to its independence and the rights of individuals.

For the same reason that the executive veto should, according the doctrine maintained, be rendered nugatory and be expunged from the constitution, this power of the court should be rendered nugatory and be expunged, because it restrains the legislative and executive will, and because the exercise of such a power by the court may be regarded as being in conflict with the capacity of the people to govern themselves. Indeed, there is more reason for striking this power of the Court from the constitution than there is that of the qualified veto of the President, because the decision of the Court is final, and can never be reversed, even though both houses of Congress and the President should be unanimous in opposition to it; whereas the veto of the President may be overruled by a vote of two-thirds of both houses of Congress, or by the people at the polls.

It is obvious that to preserve the system established by the constitution, each of the co-ordinate branches of the government—the executive, legislative and judicial—must be left in the exercise of its appropriate powers. If the executive or the judicial branch be deprived of powers conferred upon either as checks on the legislative, the preponderance of the latter will become disproportionate and absorbing, and the others impotent for the accomplishment of the great objects for which they were established. Organized as they are, by the constitution, they work together harmoniously for the public good. If the executive and the judiciary shall be deprived of the constitutional powers invested in them, and of their due proportions, the equilibrium of the system must be destroyed, and consolidation, with the most pernicious results, must ensue—a consolidation of unchecked, despotic power, exercised by majorities of the legislative branch.

The executive, legislative, and judicial, each constitutes a separate co-ordinate department of the government; and each is independent of the others. In the performance of their respective duties under the constitution, neither can, in its legitimate action, control the others. They each act upon their several responsibilities in their respective spheres; but if the doctrines now maintained be correct, the legislative and the judiciary must become subordinate to both the legislative and the executive; and thus the whole power of the government would be merged in a single department. Whenever, if ever, this shall occur, our glorious system of well-regulated self-government will crumble into ruins—to be succeeded, first by anarchy, and finally by monarchy or despotism. I am far from believing that this doctrine is the sentiment of the American people; and during the short period which remains in which it will be my duty to administer the executive department, it will be my aim to maintain its independence, and discharge its duties, without infringing upon the powers or duties of either of the other departments of the government.

The power of the executive veto was exercised by the first and most illustrious of my predecessors, and by four of his successors who preceded me in the administration of the government, and, it is believed, in no instance prejudicially to the public interest. It has never been, and there is but little danger that it ever can be abused. No President will ever desire unnecessarily, to place his opinion in opposition to that of Congress. He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty, which he cannot escape. Indeed, there is more danger that the President, from the repugnance he must always feel to come in collision with Congress, may fail to exercise it in cases where the preservation of the constitution from infraction, or the public good, may demand it, than that he will ever exercise it unnecessarily or wantonly.

During the period I have administered the executive department of the government, great and important questions of public policy, foreign and domestic, have arisen, upon which it was my duty to act. It may indeed be truly said, that my administration has fallen upon eventful times. I have felt most sensibly the weight of the high responsibilities devolved upon me. With no other object than the public good, the enduring fame, and permanent prosperity of my country, I have pursued the convictions of my own best judgment. The impartial arbitrament of enlightened public opinion, present and future, will determine how far the public policy I have maintained, and the measures I have from time to time recommended, may have tended to advance or retard the public prosperity at home, and to elevate or depress the estimate of our national character abroad.

Invoking the blessings of the Almighty upon your deliberations at your present important session, my ardent hope is, that in a spirit of harmony and concord, you may be guided to wise results, and such as may redound to the happiness, the honor, and the glory of our beloved country.

JAMES K. POLK.

Washington, Dec. 5, 1848.

"WHAT DID HE SAY, LIDY?"—Good old Mrs. Call was quite hard of hearing, being somewhat advanced in years. Her daughter Lydia was a bonnie lass, who loved a good time and knew how to get it up.—Lydia had arranged a junket, and the young men and maidens were all on hand; among the rest was the General, then one of em. In the midst of the fun in popped old deacon B., to see how the widow fared. This was a wet blanket upon merriment, and the deacon he hung on till Lydia was all out of patience. She kept wishing he would go, but still he sat chatting on things above and things below, but by-and-by he gets up to depart. "O deacon, deacon," said Mother Call, "don't think of going before tea! Oh do stop to tea, won't you?" The deacon, so strongly urged, replied, "Well, Father think that I will, as the folks will not expect me home before dark." "What did he say, Lidy?" said the widow. Lidy had a ready answer—"he says he will not to-day, as the folks expect him home before dark!" "Why, how deaf you do grow, mother!" "Oh, well, come some other day, deacon, now do, won't you?" said old mother Call, as she bowed the deacon out. "Smart gal, that," said the deacon, as he trudged along home, "she'll find her way through life warrant."

HEALTH OF MR. CLAY.—We are gratified to learn from the *Lexington Observer* of Wednesday last, that Mr. Clay's health continued to improve. He was still, however, confined to his room, and very feeble.

FATAL BLUNDER.—Mrs. Nelson of Medina, N. Y., while [illegible] at a apothecary's shop for Morphine to relieve toothache; the boy [illegible] gave her strychnine, which caused her death immediately.