

TERMS.

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From the New York Times.

LET US REASON TOGETHER.

"How stands the account betwixt Congress and the people? Congress has passed the Bankrupt Bill, a great measure of relief to millions; it has been approved by the President. It will relieve the unfortunate—it will give vigor to the enterprising, it will infuse new energies throughout the land, it will strike off the chains of the enslaved and oppressed. Is that nothing? Congress has passed the Distribution Bill, and it will be signed by the President. That bill secures to the States their portions of the Public Lands, and enables every State to pay off its debt and carry out its projects of internal improvement. Is that nothing? The Loan Bill has passed—by which all the creditors of Government, left in hopeless despondency by the last administration, will receive their honest dues. Is that nothing?—The Sub Treasury has been repealed, the union of the purse and sword has been broken down. Is that nothing?—The Revenue Bill has passed, or will be passed; in short, every Whig measure has been passed at this extra session, except such a Bank Bill as the President could sanction. Shall we, on that account, charge the President with apostasy—Shall we break up and disband the Whig party on that account? Shall we charge the President with basely and treacherously going over to his enemies? Certainly not. We wished and desired that he should sign the bill; but the right to veto is conferred by our Constitution, and he has exercised a prerogative specially confided to him. We may regret it; but it affords no apology for all this warmth, this violence, this attack on the President, he has signed the repeal of the Sub Treasury, and will, as a matter of necessity, propose a substitute at the next session. Let us keep cool; all is not lost that is in danger. Who ever heard of a conquering army in the heat of conflict going over to the enemy? Who ever heard of a nation giving up in despair, because a single battle had been lost. Suppose the Cabinet should throw up their commissions, we should be sorry for it; but other men are to be found capable of filling their places. Shall the Whigs of nineteen States, give up in despair, because the President pleases to veto a Bank Bill? All this temper and anger is ill-timed and uncalled for. As to President Tyler joining the *Loco Focos*, it is sheer nonsense; he desires no union with them, and he is not the man for their purposes. Again we say, keep cool; avoid violence, keep united, and all, we are confident, will yet be well.

THREE ABSTRACTS.—A member of Congress in the debate relative to the position to be occupied by the statue of Washington in the capitol, having suggested that it be placed in the corner of the rotunda, Mr. Stanley of North Carolina, moved that a committee, consisting of three abstractionists, be appointed to find out where the corner of a rotunda can be found. The idea is an excellent one and suggests a very fitting occupation. An abstractionist could not possibly be better employed than in looking for the corner of a circle. We should think he would find himself as much in his element, as a trout in a shallow stream, or a fat negro sitting in the sun fanning himself with a brick bat.—*Phil. North American.*

PRESIDENT TYLER AND APPOINTMENTS.

In some quarters President TYLER is censured for his tardiness in making removals. We are satisfied that more is laid to the door of the President than justice will warrant. The fault is with the Senate. We were a few days since assured by the very best authority, that there are now more than one hundred nominations before the Senate unacted upon. Under these circumstances what is the duty of the President? To go on making nominations to sleep on the table of the Senate? We think not. He does better to stand on his dignity. The Senate is the body now in error. It pays no regard to the President. If the President should pay no regard to the Senate, he too would be in the wrong; and two wrongs never make a right. The President is now right, and the Senate wrong—let the Senate, not the President, be censured.—*Pennsylvania Intelligencer, August 26.*

DIFFERENT COLORS OF MOURNING.—In Europe black is generally used. In China, white; in Egypt, yellow; in Turkey, blue, in some parts, and in others violet.

DEBATE ON THE VETO.
SPEECH OF MR. RIVES,
OF VIRGINIA.

On the Executive Message containing the President's objections to the Bank Bill.

IN SENATE UNITED STATES, AUG. 19, 1841.

Mr. RIVES said he came prepared to give a silent vote on the bill, and he should have contented himself with doing so, but for the observations which had fallen from the Senator from Kentucky in respect to the conduct of the President of the United States. Mr. R. had hoped the Senator would have confined himself strictly to the merits of the question before the States. He told us, said Mr. R. that the question was this: whether, the President having returned the bill for a Fiscal Bank with his exceptions thereto, the bill was such an one as ought to pass by the constitutional majority, of two-thirds, and thus become a law of the land. Now, what was the real issue before the Senate? Was it not on the naked question between the bill and the objections to it, as compared with each other? I had really hoped that the honorable Senator, after announcing to us the issue in this very proper manner, would have confined his observations to it alone; and, if he had done so, I should not have troubled the Senate with a single word.

But what has been the course of the honorable Senator? I do not reproach him with it; he, no doubt, felt it necessary, in order to vindicate his own position before the country, to inculcate the course taken by the President; and, accordingly, about two-thirds of his speech, however qualified by expressions of personal kindness and respect, were taken up in a solemn arraignment of the President of the United States. Most of the allegations put forth by the Senator seem to arrange themselves under the general charge of perjury—of faithfulness to his party and to the People.

The Senator begins with the violation, by the President, of the pledge given in his inaugural address. Now, I must say, with all due deference, that the very language quoted by the honorable Senator to prove this, received, wherever I had an opportunity of hearing the expressions of public opinion, a very different construction. The President told the nation that he would give his sanction "to any constitutional measure" which might be devised by Congress for the relief of the country on the subject of the currency. He does not say any measure, but to any "constitutional" measure. Why insert the word "constitutional," if he did not intend to qualify, in an important sense, the pledge given? But the Senator finds, in the next clause of the inaugural address, an explanation of the sense in which the word "constitutional" is here to be understood, viz: that "he should be governed by the sage views of the fathers of the Republican school, and by the light of their ever glorious example." The Senator in his commentary on this clause, seems to have stricken out as significant and expressive a portion of it as any of its other words, viz: that the President should be guided by "the sage views," as well as the ever-glorious example of the Republican fathers to whom he alludes. What were these sage views, as expressed in the purest days of the Republic? The sage views of Mr. Madison in 1791—the unvarying opinions and testimony of Thomas Jefferson? He was to look to the "sage views" delivered by them, as well as to their example. And, on this point, I could not but remember what (if I have not been misinformed) was the fact, viz: that the honorable Senator himself stood in a relation of particular privacy to a memorable act of another of the "fathers of the Republican school," when he gave his casting vote against a renewal of the bank charter. Was there nothing in the sage views and examples to instruct the President, in addition to the convictions of his own judgment? Who is the individual that by universal consent, is recognized as the founder of what the President refers to as "the Republican school"? It is Thomas Jefferson. For, however I concur with the Senator from Kentucky in paying all homage to the unrivalled virtues and ever glorious public services of George Washington, I must be permitted to say that he has not generally been considered as belonging to that "Republican" party which the President alludes.

We are told, however, of the example of Mr. Madison, which, it is said, President Tyler must have had particularly in his mind when he penned this passage. I have already adverted to Mr. Madison's views in relation to a National Bank in 1791, views which never were retracted by him till 1815; but the Senator tells us the President referred to his conduct in sanctioning by his signature the charter of the second Bank of the United States, as that example by which he was himself to be governed. How does that example apply to the present case? Look at the letter written by Mr. Madison to Mr. Ingersoll in explanation of that act, and let any candid man say what is the deduction fairly to be drawn from it. It is this: that Mr. Madison had changed his opinion. Not that he still believed a bank unconstitutional, and, so believing signed the bill; but that his opinion as to its unconstitutionality had undergone a change; for, in the very first paragraph of that letter, he says that he considered "the constitutionality of the bank as sustained by the considerations" which he proceeds to detail. I refer the Senator to the letter it

self. But that is not all. Before we condemn President Tyler, under existing circumstances, for putting his negative on what he believes to be against the Constitution he has sworn to support, let those circumstances be compared with the circumstances under which Mr. Madison acted. In the letter to Mr. Ingersoll, Mr. Madison says, the obligatory force of precedents in interpreting the Constitution depends, among other things "on the prospect which there may be of a change of construction by the public or its agents." The constitutionality of a bank had, at the time of Mr. Madison's action upon it, been annually recognized, as he says, for twenty years successively—the whole nation had acquiesced in it; and there was no prospect of any change of opinion. I yield to no one in profound respect for the principles and character of Mr. Madison, and I have ever been disposed to make every allowance for the course he felt it his duty to pursue. Let me read a sentence or two from his letter to Mr. Ingersoll:

"The act establishing a Bank of the United States," says he, "had been carried into execution, throughout a period of twenty years, with annual legislative recognitions—in one instance indeed, with a positive ratification of it into a new state, with the entire acquiescence of all the local authorities, as well as the nation at large; to all of which may be added a decreasing prospect of any change in the public opinion adverse to the constitutionality of such an institution."

Now, will any man pretend to assert that the same circumstances exist now? Has there been an annual recognition of the constitutionality of the bank for the last twenty years? Do the local authorities everywhere acquiesce in it? And is the opinion in favor of the constitutionality of a National Bank so universal and so confirmed that there is no prospect of any respectable body of public opinion being arrayed against it? No. The reverse of all this is true. Half the nation are arrayed against both its constitutionality and its expediency; the local authorities in several quarters are in open arms of remonstrance and threatened resistance against it. So far from there being no prospect of any change by the public or its agents in the construction which affirmed the constitutionality of a National Bank, that construction has already, to a great extent, been reversed. These are the circumstances under which President Tyler had to decide on his course of action—circumstances, in every feature, strikingly contrasted with the circumstances of Mr. Madison's time. Therefore I say that if, in his inaugural, he had in view the example of Mr. Madison, referred to by the Senator from Kentucky, it formed no rule by which he was bound to surrender his solemn convictions as to the unconstitutionality of the bank.

But the Senator from Kentucky has told us that Mr. Jefferson, in various ways, recognized the constitutionality of a National Bank; and in illustration of this position, he tells us an anecdote, a passage of secret history, I know not on what authority, which I must say is but little in consonance with Mr. Jefferson's life and opinions. It represents him who never shrunk from any responsibility, as willing to sink back under the fraudulent and ignominious shelter held out by perversion of the ten days' provision, to screen himself from the duty of asserting those glorious principles which had been the ornament of a long life. Until the positive testimony of a responsible and unimpeachable witness to the fact itself shall be produced, I never can yield my belief to his being willing to stand by as a passive accessory to the violation of the Constitution. Where was the occasion for his doing so? He was to go out of office in the month of March, 1809, and the bank charter would not expire till 1811; and the record will show that, after that time, he renewed repeatedly, and in the most solemn form, the expression of his hostility to such an institution. I do not mean to cast the slightest imputation on the statement of the honorable Senator himself, so far as any knowledge of his own is concerned; but an anecdote of such a character, coming to him at second or third hand and contradicted by the whole public life of Mr. Jefferson, he will pardon me for saying that it does appear to my mind to be eminently apocryphal. But the Senator permitted himself to refer to two public official acts of Mr. Jefferson, after his own refusal, many years ago, of the argument deduced from them; I mean his signing a bill to establish a branch of the bank at New Orleans, and a bill to punish the counterfeiting of the bills of the bank. Can I do better, in reply to this argument, than quote to the Senator his own language? I know, indeed, his reluctance to have his speech referred to. [Mr. Clay. Not at all; not at all.] I remember the signal vengeance with which one of the Senators was visited who ventured to quote it, and I therefore felt some delicacy in referring to it myself.

In the able and eloquent speech made by the honorable Senator against the constitutionality of a National Bank, in 1811, he used the following language:—"Gentlemen contend that the construction which they give to the Constitution has been acquiesced in by all parties and under all Administrations; and they rely particularly on an act which passed in 1804 for extending a branch to New Orleans, and another act of 1807 for punishing those who should forge or utter forged paper of the bank. With regard to the law, passed no doubt upon the recommendation of the Treasury Department, I

would remark that it was the extension of a branch to a Territory, over which Congress possesses power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of incorporation may be granted."

There is the answer—the triumphant, the conclusive answer. That branch was to be established in a Territory, where the Constitution expressly gives to Congress a general discretionary legislative authority. This bill, on the contrary, contemplates the establishment within the limits of sovereign States, in regard to which Congress has none but specific powers, formally enumerated and defined. As to the other bill, to punish counterfeiters of the bank paper, what did the honorable Senator also tell us in 1811? These are his words:

"As to the other act, it was passed no less for the benefit of the community than the bank—to protect the ignorant and unwary from counterfeit paper purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be deducible from acquiescence, let me inquire what they would have had those to have done who believed the establishment of the bank an encroachment upon State rights? Were they to have resisted, and how? by force?"

The honorable Senator then proceeds to bear the following testimony, as an actor in the scene, to the principles upon which both of those laws were passed:

"The acts of 1804 and 1807, relied on as pledges for rechartering this company, passed not only without any discussion whatever of the constitutional power of Congress to establish a bank, but, I venture to say, without a single member having had his attention drawn to this question. I had the honor of a seat in the Senate when the latter law passed, and probably voted for it; and I declare with the utmost sincerity, that I never once thought of that point, and I appeal confidently to every honorable member who was then present to say if that was not his situation."

The Senator himself thus furnishes the true explanation of the considerations on which those acts were passed—an explanation the benefit of which he must in justice extend to Mr. Jefferson, while he claims it for himself, and has so disposed of his own argument.

I hold, therefore, that, if President Tyler had respect either for the "sage views" or the "ever glorious example" of the "fathers of the great Republican school," he never could have brought his mind to the conclusion that he was in duty bound to give his official signature and approval to such a bill as we sent him.

I beg leave to refer the honorable Senator from Kentucky to another passage in the Inaugural address of President Tyler, which he seems to have wholly overlooked, and which plainly intimates, as it appears to me, the determination of the President to make the Constitution, in his own conscientious interpretation of it, the sole rule of his conduct. In the opening of that address he makes the following impressive reference to the solemn obligation he had taken upon himself in assuming the office of Chief Magistrate:—"My earnest prayer," says he "shall be to carry out understandingly the principles of that Constitution which I have sworn to 'protect, preserve and defend.'" Why this emphatic reference to the Constitution of his country in connexion with the solemn sanction of his oath of office, if he did not intend to make it, under all circumstances, the primary and unbending rule of his official conduct? In the closing part of the same address he repeats, in the following language, a just admonition against the exercise of any power not clearly granted by the Constitution.

"Those (said he) who are charged with the Administration of the Government, should carefully abstain from all attempts to enlarge the range of powers, thus granted to the several Departments, other than by an appeal to the people for additional grants, lest by so doing they disturb that balance which the patriots and statesmen, who framed the Constitution, designed to establish between the Federal Government and the States composing the Union."

Surely, with language like this upon his lips and sentiments such as these in his heart, the President could not be justly expected to sign a bill which in his conscience he believed, and had so repeatedly and solemnly declared, to be contrary to the Constitution of his country.

There being then, nothing in the opinions of the fathers and founders of the republican school, to induce President Tyler, as a consistent disciple of that school for twenty five years past, and one who had over and over expressed his conviction of the unconstitutionality of a Bank of the United States, to change that opinion, what course but that which he has pursued was left to him when the bill for such a bank was presented for his approval.

The Senator from Kentucky tells us that the opinions of the individual nominated, by the patriotic and enlightened Convention which assembled at Harrisburg, as a candidate for the Vice Presidency, on this great and important subject, were but little thought of.

[Mr. Clay. The Senator has stated this very differently from the manner in which I stated the fact. What I said was, that the President thought his opinions more extensively known than they actually were, and that the less consequence was attached to them where they were known because he was the candidate for the second office only.]

But was not this a most extraordinary state of things? And did it not, if it were so, bespeak on the part of that Convention a signal instance of recklessness and want of consideration? The party, he says, were intent on the one great object of an old fashioned Bank of the United States, and they knew that a bill chartering such a bank might be dependent for its fate on the casting vote of the Vice President in this body, (as it was when it was negated by the potential voice of George Clinton.) Surely it would have evinced a most extraordinary want of foresight, when such issues were depending, to select a candidate for that chair without the most careful inquiry into his constitutional opinions. Was John Tyler so insignificant a character that they knew nothing of his past history? Where is the man whether member or spectator, within these walls, to whom his political principles and character were not more or less familiar? If there is any one thing which has distinguished him above all other traits in his character, it is his unflinching adherence to the school of strict construction and State rights. Who has forgotten when he stood proudly on this floor in a minority of one (on the occasion of the revenue collection bill in 1833) in vindication of what he deemed a vital doctrine of that school?

Who was ignorant of the part which had been assigned him by the Senate, as a well known but honorable and high minded opponent of the late Bank of the U. States on constitutional grounds, to conduct an investigation of the proceedings and affairs of that institution? One would think that if gentlemen acted under a due sense of their responsibility to a great and patriotic party, and if they attached a grave importance to the establishment of a National Bank, they would of course take care to select as their candidate for the Vice Presidency one on whose decision they could rely. How was it in regard to General Harrison himself, the candidate selected for the Presidency? Was he a Bank man? Was he identified with a National Bank? Not at all. He, on the contrary expressly disclaimed it. He repelled the imputation as a political slander, and defied those who made it to the proof. If that had been the true issue at Harrisburg, all will concur with me when I say (and it gives me pleasure to pay a merited tribute to the high character of the gentleman from Kentucky) that he himself, and he only, would have been thought of as the candidate for the Presidency. On the contrary, it was because his party were unwilling to make that the issue before the People in the Presidential election, that the honorable and distinguished Senator from Kentucky did not obtain that civic crown, which he so well deserved, as the reward of a life devoted to what he considers the true interest and glory of his country. But the issue was avoided as hazardous.

Let me go a little more into detail as to the opinions of General Harrison. What was his course in the other House of Congress, in 1819, when he and President Tyler were gallant competitors in the first war with the Bank of the United States. He went even further than the President did in his opposition to the Bank. Tyler, in conformity with those conservative principles (I use the term in its broad and general sense) which form a part of the political education of every Virginian, was unwilling to revoke a solemn charter, once granted; but General Harrison brought up as he had been in the bolder and freer school of the West, was for a summary act, annulling the charter of the Bank. To this vote he himself referred, showing that he was no "bank" or "federal" candidate (to use his own words) for the Presidential office. In 1822, in a published address to the people of his district, he openly and distinctly avowed his opposition to a bank. He then proclaimed himself to be a disciple of the Republican school of 1798, and explicitly declared his opinion that the Bank of the United States had been established in violation of the Constitution of the United States. In his letter of 1836, to Mr. Sherrod Williams, a distinguished member of Congress from the Senator's own State, he said he would not give his sanction to a Bank of the United States, unless, by the failure of all other expedients, it should be demonstrated to be necessary to carry on the operations of the Government, and unless there should be a general and unequivocal manifestation of the will of the nation in favor of such an institution; and then only as a *fiscal*, and not as a *commercial* bank.

I am reluctant, Mr. President to refer to any thing that I may have said or done in the common cause during the late contest, but I may be permitted to say that I for one, with an honest conviction of the truth of the statement, and founding myself upon authentic declarations of General Harrison himself, did, in a published address to my fellow citizens, represent his personal leaning and opinions to be decidedly against a Bank of the United States. Certain it is that hundreds and thousands of our countrymen voted for him without the least reference to a bank. The issue of bank or no bank was not made in the Presidential election. In the mind of the honorable Senator, no doubt, it was a prominent issue; but it was an issue his friends never ventured to propose to the country. General Harrison, in the latest expression of his opinions in the presidential canvass, (in his Dayton speech) said that there was no grant in the Constitution of power to create a National Bank, and "it could never be constitutional save in the event that powers granted to Congress could not be carried into effect without such an institution."—That *dura necessitas* must be clearly shown, or the power to charter a bank did not ex-

ist. Yet we are now told that John Tyler, by accepting the nomination of the Convention as their candidate for the Vice Presidency, although his opinions against a National Bank had been fully and repeatedly proclaimed, and were borne on the most familiar records of the national history, incurred an unqualified obligation to sign a bill for a Bank of the United States in the contingency which has made him, in the place of the lamented Harrison, President of the United States.

I am firmly impressed with the belief, Mr. President, that if General Harrison were now living, and in the same circumstances that surround President Tyler, he would, like him, never yield his sanction to the establishment of branches of such a corporation as this bill proposes within the limits of the several States, without their free and unshaken assent. In his letter to Sherrod Williams he says (adopting the language of General Jackson on a similar occasion) that he believed a "Bank of the United States, competent to fill all the duties which may be required by the Government, might be so organized as not to infringe on our delegated powers or the reserved rights of the States;" and if after the example of the honorable Senator from Kentucky, I may be permitted to allude to a passage of the secret political history of the times, I will state that I have been informed that the assent of the States to branches within their limits was a favorite and fundamental idea with him in the organization of such an Institution. This information, at least, has been communicated to me by gentlemen who stood in relations of the most intimate confidence with General Harrison, one of whom was a member of the Committee who came to this city to perform the melancholy duty of attending the remains of the deceased President to their final resting place at North Bend.

I think it abundantly demonstrated that there was no such issue as bank or no bank presented to the nation in the late Presidential election. And even if it was otherwise, the well known opinions of Mr. Tyler as candidate for the Vice Presidency being not only unrecanted, but, on the contrary, reaffirmed, he at least was not pledged express or implied, to give his sanction to an institution which he believed to be unconstitutional. The question has been raised here whether he will sanction any organization in the name of a bank to conduct the fiscal affairs of the Government?

I have no means of information on this subject which are not common to other gentlemen. From the terms of the Executive message I recollect that, if some fiscal agency can be organized which, while its primary object is to conduct the financial operations of the Government, would incidentally aid in regulating the exchanges and currency of the country, without infringing on the sovereignty and reserved rights of the States, he would deem such an institution legitimate and constitutional. Such an institution, I infer from the message, would, in his view, be a different thing from the former money lending, trading, speculating, stock-jobbing Bank of the United States, ruling and riding over institutions and sovereignty of States.

[Mr. Clay said he must here again interpose. He felt very sure the honorable Senator did not intend to misstate anything he had said. He did not say what the President would or would not do with regard to a bank limited to the mere power of dealing in exchange. He had thought that, in respect to such a bank, he would not have required the previous assent of the States, as the Senator now said he would. But what he had said was, that it must be manifest from the message that the President would have vetoed such a bank as was reported by the Secretary of the Treasury.]

Mr. R. resumed. I am not authorized to say what the President would or would not have done in a hypothetical case, which has not occurred, and is not likely to occur. I conclude with the language of the message, that, whether in reference to an exchange bank or a bank of discount, if it were intended to be pushed beyond a mere fiscal agency, and was to deal in exchanges generally by an extended operation, through branches in the States, he would hope the assent of the States to be necessary. I wish it, however, to be distinctly understood that I do not say this by authority of the President. It is not necessary at this time to discuss the question what would or would not satisfy him. But the Senator from Kentucky, by way of picturing to us, in bolder relief, the rebellious contumacy of the President, says that his veto of this bank bill is against the general sense of the country, against the will of Congress, and against the unanimous consent of the Cabinet.

[Mr. Clay. I am the last person to suppose the President purposes to misrepresent me; but he will recollect that in speaking on that subject, I used the most guarded language. Three or four times I repeated that I spoke only according to the voice of rumor, when I stated that the veto was against the unanimous opinion of the Cabinet.]

Mr. R. The Senator most certainly did refer to the unanimous opinion of the President's Cabinet.

[Mr. Clay. To rumor, as stating it was unanimous.]

Mr. R. To rumor, then. It is immaterial in what form he stated it. Observant as that Senator usually is of that delicacy due to the official relations of the Chief Magistrate, did he think, when he represented, even on the authority of rumor, that the Cabinet were unanimously opposed in sentiment to a high official act of the President, that the Chief Magistrate, whom the Constitution makes responsible for all the acts of the Executive Department, should be overruled and controlled in his high and responsible functions by officers of his own appointment, virtually irresponsible to the people but through him? Did he suppose that officers, intended by the Constitution as aids to the President, and subordinate to him, were to reverse that relation, and erect themselves into dictators to