and Federal—into serious disagreement, and threatening to compromise their harmonious action. Grappled with by a strong hand, it seemed at one time to have been settled, and consistently with the rights of the States; but sometimes returns to vex the deliberations of Congress. To territories the question did not extend. They have no political rights under the constitution, and are governed by Congress according to its discretion, under that clause which authorizes it to "dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The improvement of rivers and harbors, was a branch of the internal improvement question, but resting on a different clause in the constitution—the commercial and revenue clause—and became complex and difficult from its extension to small and local objects. The party of strict construction contend for its restriction to national objects—rivers of national character, and harbors yielding revenue.

5. The boundaries between the treaty-making and the legislative departments of the government, became a subject of examination after the war, and gave rise to questions deeply affecting the working of these two departments. A treaty is the supreme law of the land, and as such it becomes obligatory on the House of Representatives to vote the money which it stipulates, and to co-operate in forming the laws necessary to carry it into effect. That is the broad proposition. The qualification is in the question whether the treaty is confined to the business of the treaty-making power? to the subjects which fall under its jurisdiction? and does not encroach upon the legislative power of Congress? This is the qualification, and a vital one: for if the President and Senate, by a treaty with a foreign power, or a tribe of Indians, could exercise ordinary legislation, and make it supreme, a double injury would have been done, and to the prejudice of that branch of the government which lies closest to the people, and emanates most directly from them. Confinement to their separate jurisdictions is the duty of each; but if encroachments take place, which is to judge? If the President and Senate invade the legislative field of Congress, which is to judge? or who is to judge between them? or is each to judge for itself? The House of Representatives, and the Senate in its legislative capacity, but especially the House, as the great constitutional depository of the legislative power, becomes its natural guardian and defender, and is entitled to deference, in the event of a difference of opinion between the two branches of the government. The discussions in Congress between 1815 and 1820 greatly elucidated this question; and while leaving unimpugned the obligation of the House to carry into effect a treaty duly made by the President and Senate within the limits of the treaty making power—upon matters subject to treaty regulation—yet it belongs to the House to judge when these limits have been transcended, and to preserve inviolate the field of legislation which the constitution has intrusted to the immediate representatives of the people.

6. The doctrine of secession—the right of a State, or a combination of States, to withdraw from the Union, was born of that war. It was repugnant to the New England States, and opposed by them, not with arms, but with argument and remonstrance, and refusal to vote supplies. They had a convention, famous under the name of Hartford, to which the design of secession was imputed. That design was never avowed by the convention, or authentically admitted by any leading member; nor is it the intent of this reference to decide upon the fact of that design. The only intent is to show that the existence of that convention raised the question of secession, and presented the first instance of the greatest danger in the working of the double form of our government—that of a collision between a part of the States and the federal government. This question, and this danger, first arose then—grew out of the war of 1812—and were hushed by its sudden termination; but they have reappeared in a different quarter, and will come in to swell the objects of the THIRTY YEARS' VIEW. At the time of its first appearance the right of secession was repulsed and repudiated by the democracy generally, and in a large degree by the federal party—the difference between a UNION and a LEAGUE being better understood at that time when so many of the fathers of the new government were still alive. The leading language in respect to it south of the Potomac was, that no State had a right to withdraw from the Union—that it required the same power to dissolve as to form the Union—and that any attempt to