senting the people of the whole State, according to popula­tion, and the other giving an equal representation to the towns. They proposed that the new Congress should be made up of two houses, one representing the States in pro­portion to their population, the other giving an equal vote to each State. At a dead-lock, the convention referred the proposition to a committee, and it reported in favour of the Connecticut compromise. Connecticut had been voting in the large-State list, and the votes of her delegates could not be spared from their slender majority ; now another of the large States, North Carolina, came over to Con­necticut’s proposal, and it was adopted. Thus the first great struggle of the convention resulted in a compromise, which took shape in the peculiar feature of the constitu­tion, the senate.

1. The little States were still anxious, in every new question, to throw as much power as possible into the hands of their special representative, the senate ; and that body thus obtained its power to act as an executive council as a restraint on the president in appointments and treaties. This was the only survival of the first alignment of parties ; but new divisions arose on almost every proposal introduced. The election of the president was given at various times to Congress and to electors chosen by the State legislatures ; and the final mode of choice, by electors chosen by the States, was settled only two weeks before the end of the convention, the office of vice-president coming in with it. The opponents and supporters of the slave trade compromised by agreeing not to prohibit it for twenty years. Another compromise included three-fifths of the slaves in enumerating popula­tion for representation. This was the provision which gave the slave-holders abnormal power as the number of slaves increased *; for a* district in the “ black belt ” of the South, while three-fifths of its slaves were enumerated, really gave representation to its few whites only.
2. Any explanation of the system introduced by the constitu­tion must start with the historical fact that, while the national government was practically suspended, from 1776 until 1789, the only power to which political privileges had been given by the people was the States, and that the State legislatures were, when the convention met, politically omnipotent, with the exception of the few limitations imposed on them by the early State constitu­tions, which were not at all so searching or severe as those of more recent years. The general rule, then, is that the Federal Govern­ment has only the powers granted to it by the Federal constitution, while the State has all governmental powers not forbidden to it by the State or the Federal constitution. But the phrase defining the Federal Government’s powers is no longer “ expressly granted,” as in the Articles of Confederation, but merely “granted,” so that powers necessary to the execution of granted powers belong to the Federal Government, even though not directly named in the con­stitution. This question of the interpretation, or “construction,” of the constitution is at the bottom of real national politics in the United States: the minimizing parties have sought to hold the Federal Government to a strict construction of granted powers, while their opponents have sought to widen those powers by a broad construction of them. The strict-construction parties, when they have come into power, have regularly adopted the practice of their opponents, so that construction has pretty steadily broadened ; the power to “regulate commerce between the States” is now interpreted so as to include the power of Congress to regulate the fares and contracts of railways engaged in inter-State commerce (§ 327), which would have been deemed preposterous in 1787.
3. Popular sovereignty, then, is the basis of the American system. But it does not, as does the English system, choose its legislative body and leave unlimited powers to it. It makes its “constitution ” the permanent medium of its orders or prohibitions to all branches of the Federal Government and to many branches of the State Governments : they must do what the constitution directs and leave undone what it forbids. The people, therefore, are continually laying their commands on their Governments; and they have instituted a system of Federal courts to ensure obedience to their commands. An English court must obey the Act of Parliament ; the American court is bound and sworn to obey the constitution first, and the Act of Congress or of the State legisla­ture only so far as it is warranted by the constitution. But the American court does not deal directly with the Act in question ; it deals with individuals who have a suit before it. One of these individuals relies on an Act of Congress or of a State legislature ; the Act thus comes before the court for examination ; and it sup­ports the Act or disregards it as “unconstitutional,” or in violation of the constitution. If the court is one of high rank or reputation, or one to which a decision may be appealed, as the United States Supreme Court, other courts follow the precedent, and the law falls to the ground. The court does not come into direct conflict with the legislative body ; and, where a decision would be apt to pro­duce such a conflict, the practice has been for the court to regard the matter as a “ political question ” and refuse to consider it.
4. The preamble states that “we, the people of the United States,” establish and ordain the constitution. Events have shown that it was the people of the whole United States that established the constitution, but the people of 1787 seem to have inclined to the belief that it was the people of each State for itself. This belief was never changed in the South ; and in 1861 the people of that section believed that the ordinances of secession were merely a repeal of the enacting clause by the power which had passed it, the people of the State.
5. The original constitution was in seven articles. The first related to the organization and powers of Congress, which consists of a senate and house of representatives. Representatives are to be inhabitants of the State for which they are chosen, to be twenty- five years old at least, and are to serve two years. Each house of representatives thus lasts for two years, and this period is usually known as “ a Congress the fiftieth Congress will expire March 4, 1889, having completed the first century of the constitution. Repre­sentatives are assigned to the States in proportion to population, and this fact forced the provision for a decennial census, the first appearance of such a provision in modern national history. The first census was taken in 1790. Apportionment of representatives from 1883 until 1893 is governed by the census of 1880 ; by Act of Congress the number 154,325 is the divisor into a State’s popula­tion which fixes the number of the State’s representatives, the whole number of representatives being 325, with eight delegates from the Territories, having seats and the right to debate but not to vote. The house elects its speaker and other officers, and has the power of impeachment.

110. The legislature of each State elects two senators, to serve for six years ; and no State can ever be deprived of its equal share of representation except by its own consent. The senators are divided into three classes, the term of one class expiring every two years. Six years are therefore necessary to completely change the composition of the senate, and it is considered a continuous body. Senators are to be at least thirty years old, and must be inhabit­ants of the States from which they are chosen and citizens of the United States for at least nine years previous to their election. The vice-president presides over the senate, having no vote unless in case of an equal division. But the legislative provision (con­tinuing until 1887) that the death or disability of the president and vice-president devolved the office of president on the presiding officer *pro tempore* of the senate made that officer one of great possible importance, and the vice-president regularly retired just before the end of a session, so that a *pro tempore* officer might be selected (§ 117).

111. All officers of the United States are open to impeachment by the house of representatives, the impeachment to be tried by the senate, and the penalty to be no more than removal and dis­qualification to serve further under the United States. When the president is tried, the chief justice of the Supreme Court presides.

1. The members of both houses are privileged from arrest and from being questioned elsewhere for words spoken in debate. Each house passes on the election of its own members ; but an Act of Congress may control the Acts of the State legislature as to time, place, and manner of elections, except as to the place of choosing senators, in which the legislature remains supreme. Congress has exercised the power by passing a general election law. The two houses cannot adjourn to another place, or for more than three days, unless by common consent. Their members are paid by the United States, and must not be office-holders or receive any office created or increased in pay during their term of service in Con­gress.
2. When a bill passes both houses it goes to the president. If he signs it becomes law. If he holds it without signing for ten days (Sundays excepted) it becomes law, unless the final adjournment of Congress comes in the ten days. All bills passed in the last ten days of a Congress are therefore at the mercy of the president : he can prevent them from becoming laws by simply retaining them. If the president decides to veto a bill he returns it, with a statement of his objections, to the house in which it originated. It can then only become law by the vote of two-thirds of both houses.
3. The powers of Congress are fully stated. The first is to “lay and collect taxes, duties, imposts, and excises, [in order] to pay the debts and provide for the common defence and general welfare of the United States.” The words in brackets are not in