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Although the *senate* and *house of representatives* are to be established, and it seems to be the spirit of the proposed plan of government, that they should be considered as the grand *deputation* of America—the great aggregate *body*, to whom shall be delegated the important trust of *representing* the whole nation—the august, puissant *assembly*, in whom shall reside the full majesty of the people: yet, it seems too, these alone shall not be sufficient to exercise the powers of legislation. It is ordained, as a necessary expedient in the *fœderal* government, that a *president* of the United States (who is to hold the supreme *executive* power) should also concur in passing every law.

In monarchy, where the established maxim is, that the king should be respected as a great and transcendent personage, who knows no equal—who in his royal political capacity can commit no *wrong*—to whom no evil can be ascribed—in whom exists the height of perfection—who is supreme above all, and accountable to no earthly being, it is consistent with such a maxim, that the *prince* should form a constituent branch of the legislature, and that his power of rejecting whatever has been passed by the other branches should be distinct, and co-extensive with that of either of those branches in rejecting what has been proposed and consented to by the other. It is necessary that the fundamental laws of the realm should ascribe to the king those high and eminent attributes—that he should possess in himself the sovereignty of the nation; and that the regal dignity should distinguish him, as superior to all his subjects, and in his political character endowed with certain inherent qualities, which cannot be supposed to reside in any other individual within the kingdom: otherwise, that constitutional independence, which the laws meant peculiarly to establish in his person, would not be preserved. To this end the king of England is invested with the sole *executive* authority, and a branch of legislative jurisdiction so far as to pass his *negative* on all proceedings of the other two branches, or to confirm them by his *assent*.

This secures to him the intended superiority in the constitution, and gives him the ascendant in government; else his sovereignty would become a shadow—whilst that doctrine, whereby he is declared to be the *head*, the *beginning* and *end* of the great *body politic*, would prove to be nothing more than mere sound. This two-fold jurisdiction established in the British monarch being founded on maxims extremely different from those, which prevail in the American States, the writer hereof is inclined to hope that he will not be thought singular, if he conceives an impropriety in assimilating the component parts of the American government to those of the

British: and as the reasons, which to the founders of the British constitution were motives superior to all others to induce them thus to give the *executive* a controul over the *legislative*, are so far from existing in this country, that every principle of that kind is generally, if not universally, exploded; so it should appear that the same *public spirit*, which pervades the nation, would proclaim the doctrine of prerogative and other peculiar properties of the royal character, as incompatible with the view of these states when they are settling the *form of a republican* government. Is it not therefore sufficient that every branch in the proposed system be distinct and independent of each other—that no one branch might receive any accession of power (by taking part of another) which would tend to overturn the balance and thereby endanger the very *being* of the constitution? Whilst the king of England enjoys all the *regalia*, which are annexed to his crown—whilst he exercises a transcendent dominion over his subjects, the existence whereof is coeval with the first rudiments of their constitution—let the free citizens of America, consulting their true national happiness, wish for no innovation, but what is regulated according to the scale of equal liberty, or which may not destroy that liberty by too great a share of power being lodged in any particular hands;—let this collateral jurisdiction, which constitutes the *royal negative*, be held by kings alone, since with kings it first originated:—Let this remain in its native soil, as most congenial to it; there it will cumber less, and be more productive,—here it will be an exotick, and may poison the *stock*, in which it may be engrafted.

It will be said, perhaps, that the power, granted the president, of *approving* or *disapproving* the proceedings, which have passed the senate and house of representatives, will not be so decisive in its nature as the king's *negative*. True it is, this power of rejecting does not extend so far as primarily to produce an entire overthrow of any law, which has passed those *two houses*: but it may be expected that in many instances this *negative* will amount to a final and conclusive rejection. For as a law, which has been once disapproved by the president, cannot be re-passed without the agreement of *two-thirds* of *both houses*, there can be no doubt, it will frequently happen that this concurrence of *two thirds* cannot be obtained. The law must then fall: and thus the president, although he has not the power of *resolving* originally and *enacting* any laws, independent of those two houses, hath nevertheless in the legislative scale of government a weight almost equal to that of two thirds of the whole Congress. If the system proposed had been calculated to extend his authority a little farther, he would preponderate against all—he alone would possess the sovereignty of America. For if the whole executive authority and an absolute, entire *negative* on the legislature should become united in one person, these must, with regard to *that person*, destroy every idea of a subject. Thus circumstanced he cannot be the object of any laws; he will be above all law: as none can be enacted without his consent—he will be elevated to the height of supremacy.—

How near will the *president* approach to this consummate degree of power! The portion allotted him may, however, be amply sufficient to give him the ascendant in the constitution. He must continually acquire great accessions of weight in every scale of government, as *chief magistrate* and *generalissimo* of the United States—at the same time possessing so great a share in the legislature, as a revision of all *bills* and other proceedings which shall have passed the senate and house of representatives with a discretionary right of rejecting them—united with the senate in making treaties, appointing all public ministers, judges, and a train of other officers, who will be necessary for carrying on the business of government; thus dispensing honor and

profit throughout America—whilst copious streams of influence must flow from him, as from a source. Can the different departments be duly balanced when all these high powers concenter in one branch? Is it not rather probable that this branch will destroy the balance, and eventually rise to the fulness of dominion?

When the *spirit* of America becomes such, as to ascribe to their president all those extraordinary qualities, which the subjects of kingly governments ascribe to their princes: then, it is presumed, and not till then, he may consistently be invested with a power similar to theirs.

It is remarkable how the president and senate mutually participate in the exercise of a two-fold jurisdiction. How, then, can it be surprising to any one, if some citizens, truly jealous of their liberties, are alarmed with the apprehensions of *aristocracy*? Those, who seriously reflect on the properties of human nature, and who possess republican principles, will suppose they conceive grounds for such apprehensions: those, who have different sentiments, will not care whether there are grounds for such apprehensions, or not.

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