

means be provided for enforcing them; and unless the legislature reserve the power to repeal the charter of every bank that violated the conditions imposed. The banker ought to be required to give them assent to what message ever legal provisions may be adopted, and those which refused could be left exposed to the penalties incurred, and be compelled to wind up their affairs, unless on due their broken charter were found too strong for the power and authority of the State.

I have not thought it necessary to go into an examination of the causes which have led to the periodical embarrassments of trade, and to the late suspensions of the banks. These subjects have been so frequently discussed, and have become intimately connected with party questions, that nothing that I could say would change the opinions of the man in relation to the pressures and recesses that are continually taking place in the commercial world. An adverse balance of trade is more variously embarrassing to the banks now than formerly, because small nations, on almost every State, have adopted the place of such silver coin as on account of its weight, is fit for foreign markets. In meeting a foreign demand the banks have no resource in the circulation of the country, and are obliged to furnish the requisite supply of specie out of their own vaults. No measures of the General Government or of the States, can prevent the evils complained of, while so many banks are in operation, while nearly the whole circulating medium consists of paper money, and while the immense issue of State securities are disturbing the operations of trade, and causing money to be in flow according to their rejection or sale in foreign markets.

This is another subject of importance which, next comes annually under consideration, will probably occupy the attention of the Legislature at the present session; I mean the amendment of the constitution. Formed in the midst of a revolutionary war for a country only partially settled, and for a people just emerging from a state of colonial dependence, it was difficult to adapt its provisions to the new character they were about to assume, and impossible to provide for the successive changes which time might produce in their condition. The mode of amending it furnished proof that it was nothing more than a provisional organization of a new government. It has been changed from time to time, till it has become a shapeless mass of inconsistent and contradictory provisions. Some of its great leading principles remain in theory, but have been rendered nugatory by legislative and judicial construction. Some of its restrictions upon popular rights have been repealed, and a new spirit has been breathed into it by the people. But every amendment has been made with reference to some particular object, and has broken the connexion between the provisions that remained; and no one can tell what the constitution is or where it is to be found. But its greatest defect is that the Legislature has power and control over it. A constitution is a limitation of power, and marks out for each branch of the government the extent in which it has to move. Ours is a constitution for the judiciary and the executive, but not for the Legislature. This branch may abolish the other branch, or take away their powers. It ought to have been supposed that an amendment proposed at one session would come under the action of the people before its confirmation at the next; but members are elected and re-elected on account of their general character and influence, and very seldom in reference to any particular measure. The Legislature, on great occasions has been obliged to act in its conventional capacity, because there was no other practicable mode of in-